



- b) In respect of other taxes, for taxable periods beginning on or after the first day of January of the year in which this Agreement is signed.

Article 32
Duration

The Agreement shall remain in force for a period of five years and shall continue in force thereafter for a similar period or periods.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

Done at Abu Dhabi on 02/09/2012, in two originals Arabic and the English language, in case of any divergence between the two texts the English text shall prevail.

For the Government of
The Republic of Fiji

For the Government of
The United Arab Emirates

Filimone Waqabaca
Permanent Secretary for Finance
Ministry of Finance

Younis Haji Al Khoori
Undersecretary
Ministry of Finance



مادة: (32)

الإنهاء

تظل هذه الاتفاقية سارية النفاذ لفترة خمس سنوات و تظل سارية المفعول بعدها لفترة أو فترات مماثلة .
وإشهادا على ذلك قام الموقعون أدناه المفوضين تفويضا كاملا من حكوماتهم بالتوقيع على هذه الاتفاقية .
وقعت في ابوظبي بتاريخ 2012/09/02 من نسختين أصليتين باللغات العربية، و الانجليزية، وجميع النصوص
متساوية في الحجية، في حالة الاختلاف في تفسير نصوص هذه الاتفاقية يسود النص الانجليزي .

عن حكومة الإمارات العربية المتحدة

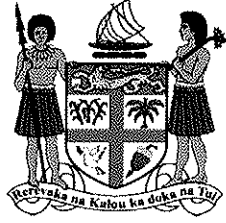
عن حكومة جمهورية فيجي

يونس حاجي الخوري

وكيل وزارة المالية

فيليمون وكاباكا

السكرتير الدائم بوزارة المالية



AGREEMENT
BETWEEN
THE GOVERNMENT OF REPUBLIC of FIJI
AND
THE GOVERNMENT OF THE UNITED ARAB EMIRATES
FOR THE AVOIDANCE OF DOUBLE TAXATION
AND THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME

The Government Republic of Fiji of and the Government of the United Arab Emirates

Desiring to promote their mutual economic relations through the conclusion between them of an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income

Have agreed as follows:

Article 1
Personal Scope

1. This Agreement shall apply to persons who are residents of one or both of the Contracting States

Article 2
Taxes Covered

1. This Agreement shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.
2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property, taxes on the total amounts of wages or salaries paid by enterprises.
3. The existing taxes to which this Agreement shall apply are, in particular:
 - a) In the case of Republic of Fiji,(including normal income tax, nonresident dividend withholding tax, royalties withholding tax,



interest withholding tax, dividend tax) and capital gains tax (hereinafter referred to as "Fiji tax")

- b) In the case of UAE :
- (1) the income tax;
 - (2) the corporate tax
(Hereinafter referred to as "UAE tax");

4. This Agreement shall apply also to any identical or substantially similar taxes, which are imposed under the laws of a Contracting State after the date of signature of this Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any substantial changes, which have been made in their respective taxation laws.

Article 3 **Income from Hydrocarbons**

Notwithstanding any other provision of this convention nothing shall affect the right of either one of the Contracting States, or of any of their local Governments or local authorities thereof to apply their domestic laws and regulations related to the taxation of income and profits derived from hydrocarbons and its associated activities situated in the territory of the respective Contracting State, as the case may be.

Article 4 **General definition**

1. For the purposes of this Agreement, unless the context otherwise requires:
 - a) The terms " a Contracting State" and " the other Contracting State" mean United Arab Emirates or the Republic of Fiji, as the context requires;
 - b) The term " United Arab Emirates" when used in a geographical sense , means the territory of the United Arab Emirates which is under its sovereignty as well as the area outside the territorial water, airspace and submarine areas over which the United Arab Emirates exercises, sovereign and jurisdictional rights in respect of any activity carried on in its water, sea bed, sup soil, in connection with the exploration for or the exploitation of natural resources by virtue of its law and international law;



- c) The term “ Republic of Fiji”, means the territory the Republic of Fiji and its dependencies including airspace above them and all adjacent areas which is consistent with international law, have been, or may hereafter be designated under the laws of Fiji as areas over which Fiji may exercise sovereign rights or jurisdiction
- d) The term “person” includes an individual, a State, a trust, a partnership, a company and any other body of persons;
- e) The term “national” means:
 - (1) any individual possessing the nationality of a contracting State;
 - (2) any legal person, partnership or association or other entity deriving its status as such from the laws in force in a Contracting State or of a political subdivision or a local government thereof ;
- f) The term “company” means anybody corporate or any entity that is treated as a body corporate for tax purposes;
- g) A pension scheme means any plan , scheme, fund, trust, or other arrangement established in a Contracting State, which is generally exempt from tax in that State and operated principally either to administer or provide pension or retirement benefit or to earn income for the benefit of one or more such arrangements ;
- h) The terms “enterprise of a Contracting State” and “enterprise of the other Contracting State” mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;
- i) The term “international traffic” means any transport by a ship or aircraft operated by an enterprise of a contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- j) The term "business" includes the performance of professional services and of other activities of an independent character.
- k) The term "qualified government entity" means, Central Bank of a Contracting State and any person , agency , institution ,

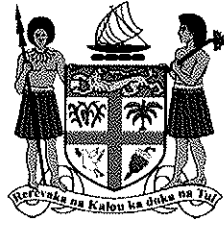


authority, fund , enterprise , organization, or other entity owned or controlled directly or indirectly by a contracting State or any political subdivision or local government thereof.

- l) the term “tax” means Republic of Fiji tax or UAE tax, as the context requires;
 - m) the term “competent authority” means:
 - (1) in the case of the Republic of Fiji: Commissioner of Inland Revenue or his authorized representative
 - (2) in the case of the UAE: the Minister of Finance or an authorized representative of the Minister of Finance ;
 - n) the term “fiscal year” means: the calendar year beginning on the first day of January.
2. As regards the application of the Agreement at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Contracting State for the purposes of the taxes to which the Agreement applies any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

Article 5 **Resident**

1. For the purposes of this Agreement , the term “resident of a Contracting State” means:
- a) in the case of the Republic of Fiji:
 - i) an individual who under the laws of the Republic of Fiji or anybody nominated by the government thereof is a national
 - ii) any person other than an individual that is incorporated or otherwise recognized under the laws of the Republic of Fiji or Fiji or anybody nominated by the government
 - b) in the case of the UAE :
 - i) an individual who under the laws of the UAE or of any political subdivision or local government thereof is a national



ii) any person other than an individual that is incorporated or otherwise recognized under the laws of the UAE or any political subdivision or local government thereof

2. For the purposes of paragraph 1, a resident of a Contracting State includes:

- a) the Government of that Contracting State and any political subdivision or local Government or local authority thereof;
- b) any person other than an individual owned or controlled directly or indirectly by that State or any political subdivision or local government or local authority thereof;
- c) a qualified government entity
- d) a pension fund
- e) charities or religious, educational and cultural organizations

3. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

- (a) he shall be deemed to be a resident only of the contracting State in which he has a permanent home available to him; if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident only of the contracting State with which his personal and economic relations are closer (center of vital interests);
- (b) if the Contracting State in which he has his center of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident only of the Contracting State in which he has an habitual abode;
- (c) If he has a habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident only of the contracting State of which he is a national;
- (c) If his status cannot be determined under the provisions of subparagraph c), the competent authorities of the Contracting States shall settle the question by mutual agreement.



4. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the Contracting State where it was incorporate

Article 6 **Permanent Establishment**

1. For the purposes of this Agreement, the term “permanent establishment” means a fixed place of business through which the business of an enterprise is wholly or partly carried on.
2. The term “ permanent establishment’ includes especially:
 - a) a place of management;
 - b) a branch;
 - c) an office;
 - d) a factory;
 - e) a workshop;
 - f) A mine, an oil or gas well, a quarry or any other place of exploration extraction exploitation of natural resources or any activities related thereof including an offshore drilling site.
3. A building site, a construction, assemble or installation project or supervisory activities in connection therewith or drilling rig or ship used for the exploring or exploiting of natural resources constitute a permanent establishment . only if such site, project or activities continue for a period of more than 6 months within a 12 months period.
4. The furnishing of services, including consultancy or managerial services, by an enterprise of a Contracting State through employees or other personnel engaged by the enterprise for such purpose, in the other Contracting State constitutes a permanent establishment only if activities of that nature continue for a period or periods aggregating more than 6 months within a 12 months period.
5. An enterprise of a Contracting State shall be deemed to have a permanent establishment in the other Contracting State if substantial, mechanical or scientific equipment or machinery is used for more than 6 months within a 12 months period or installed, in that other contracting State by, for or under contract with the enterprise.
6. Notwithstanding the preceding provisions of this Article, the term “permanent establishment” shall be deemed not to include:



- a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
 - b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
 - c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
 - d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;
 - e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise any other activity of a preparatory or auxiliary character;
 - f) The maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs a) to e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.
7. Notwithstanding the provisions of paragraphs 1 and 2 , where a person-other than an agent of an independent status to whom paragraph 9 applies – is acting in a Contracting State on behalf of an enterprise of the other Contracting State, that enterprise shall be deemed to have a permanent establishment in the first-mentioned Contracting State in respect of any activities which that person undertakes for the enterprise, if such a person:
- a) Has, and habitually exercises in the first-mentioned Contracting State, an authority to conclude contracts in the name of such enterprise, unless the activities of such person are limited to those mentioned in paragraph 6 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph;
 - b) Has no such authority, but habitually maintains in the first-mentioned Contracting State a stock of goods or merchandise belonging to such enterprise from which he regularly delivers goods or merchandise on behalf of such enterprise;
 - c) Habitually secures orders in the first-mentioned Contracting State, exclusively or almost exclusively for the enterprise itself or for such enterprise and other enterprises, which are controlled by it or have a controlling interest in it.



- d) In so acting, he manufactures or processes in that Contracting State for the enterprise goods or merchandise belonging to the enterprise.
8. Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 9 applies.
9. An enterprise of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other Contracting State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business. However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise and other enterprises, which are controlled by it or have a controlling interest in it, he will not be considered an agent of an independent status within the meaning of this paragraph.
10. Notwithstanding the provision of paragraph 9 of this Article, insurance companies that owned or controlled by a contracting State or its Local Governments or local authorities shall be treated differently for tax purposes and shall be subject to tax only in the state of residence.
11. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other Contracting State (whether through a permanent establishment or otherwise), shall not of itself constitute either a company or a permanent establishment of the other.

Article 7

Income from Immovable Property

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other Contracting State, but the tax so charged shall be reduced to 50% if the beneficial owner of the income derived from immovable property is the State itself or local authorities, political subdivision, local Governments or local financial institutions are belonging to the Contracting State.
2. The term "immovable property" shall have the meaning, which it has under the national laws of the Contracting State in which the property in question is situated.



The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general laws respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right of work, mineral deposits, sources and other natural resources Ships and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 of this Article shall apply to income derived from the direct use, letting, or use in any other term of immovable property.
4. The provisions of paragraphs 1 and 3 of this Article shall also apply to income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.
5. The provisions of paragraphs 3 shall not apply if the beneficial owner of the income is the State itself or local authorities, political subdivision, local Governments or their financial institution.

Article 8 **Business Profits**

1. The profits of an enterprise of a Contracting State shall be taxable only in that Contracting State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated in that other Contracting State. If the enterprise carries on or has carried on business in that manner, the profits of the enterprise may be taxed in the other Contracting State but only so much of them as is attributable to That permanent establishment.
2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.
3. In determining the profits of a permanent establishment, there shall be allowed as deductions those deductible expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the Contracting State in which the permanent establishment is situated or elsewhere, taking into consideration any applicable law or regulations in the concerned Contracting State. However , no such