

SECOND PROTOCOL AMENDING THE AGREEMENT BETWEEN

THE GOVERNMENT OF THE UNITED ARAB EMIRATES AND

THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE

FOR THE AVOIDANCE OF DOUBLE TAXATION AND

THE PREVENTION OF FISCAL EVASION

WITH RESPECT TO TAXES ON INCOME

The Government of the United Arab Emirates and the Government of the Republic of Singapore,

Desiring to conclude a Protocol to amend the Agreement between the Government of the United Arab Emirates and the Government of the Republic of Singapore for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, with Protocol, signed at Singapore on 1 December 1995 (hereinafter referred to as "the Agreement"),

Have agreed as follows:

ARTICLE I

With respect to Article 3 (General Definitions) of the Agreement:

1. Paragraph 1(a) shall be deleted and replaced by the following:

"(a) the term "United Arab Emirates" or "U.A.E." means the United Arab Emirates and, 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 waters, airspace and submarine areas over which the United Arab Emirates exercises sovereign and jurisdictional rights in respect of any activity carried on in its waters, sea-bed and subsoil for the purposes of exploring and exploiting natural resources by virtue of its law and international law;".



2. Paragraph 1(b) shall be deleted and replaced by the following:

"(b) the term "Singapore" means the Republic of Singapore and, when used in a geographical sense, includes its land territory, internal waters and territorial sea, as well as any maritime area situated beyond the territorial sea which has been or might in the future be designated under its national law, in accordance with international law, as an area within which Singapore may exercise sovereign rights or jurisdiction with regards to the sea, the sea-bed, the subsoil and the natural resources;".

ARTICLE II

With respect to Article 4 (Resident) of the Agreement:

1. In respect of paragraph 2(a), sub-paragraphs (iii) and (iv) shall be deleted and replaced by the following:

"(iii) the U.A.E. Central Bank, Abu Dhabi Investment Authority, Investment Corporation of Dubai, Mubadala Development Company and Emirates Investment Authority;

(iv) any other statutory body, institution or entity which is a resident of the United Arab Emirates."

2. In respect of paragraph 2(b), sub-paragraphs (ii) and (iii) shall be deleted and replaced by the following:

"(ii) the Monetary Authority of Singapore and GIC Private Limited;

(iii) any other statutory body, institution or entity which is a resident of Singapore."

ARTICLE III

With respect to Article 5 (Permanent Establishment) of the Agreement:

1. In respect of paragraph 3(a), the term "9 months" shall be deleted and replaced by "12 months".

2. In respect of paragraph 3(b), the term "6 months in any calendar year" shall be deleted and replaced by "300 days in a calendar year concerned".



3. A new sub-paragraph (f) shall be inserted after paragraph 4(e) as follows:

"(f) the maintenance of a fixed place of business solely for any combination of activities mentioned in sub-paragraphs (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.".

4. Paragraph 5 shall be deleted and replaced by the following:

"5. Notwithstanding the provisions of paragraphs 1 and 2, where a person – other than an agent of an independent status to whom paragraph 6 applies - is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 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.".

ARTICLE IV

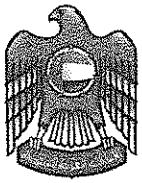
With respect to Article 9 (Associated Enterprises) of the Agreement:

1. A new paragraph shall be inserted after the existing paragraph as follows:

Where a Contracting State includes in the profits of an enterprise of that State - and taxes accordingly - profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting States shall if necessary consult each other.".

ARTICLE V

With respect to Article 10 (Dividends) of the Agreement:



1. Paragraphs 1, 2, 3 and 4 shall be deleted and replaced by the following:

"1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State shall be taxable only in that other State. This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid."

2. The existing paragraphs 5, 6 and 7 shall be renumbered as paragraphs 2, 3 and 4 respectively and the existing paragraph 8 shall be deleted.

3. In respect of the renumbered paragraph 3, the term "paragraphs 1 and 2" shall be deleted and replaced by "paragraph 1".

ARTICLE VI

With respect to Article 11 (Interest) of the Agreement:

1. Paragraphs 1, 2, 3 and 4 shall be deleted and replaced by the following:

"1. Interest arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State.".

2. The existing paragraphs 5, 6, 7 and 8 shall be renumbered as paragraphs 2, 3, 4 and 5 respectively.

3. In respect of the renumbered paragraph 3, the term "paragraphs 1 and 2" shall be deleted and replaced by "paragraph 1".

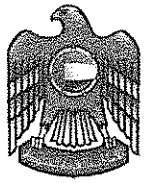
ARTICLE VII

With respect to Article 12 (Royalties) of the Agreement:

1. In respect of paragraph 4, the term "or for the use of, or the right to use, industrial, commercial or scientific equipment," shall be deleted.

ARTICLE VIII

With respect to Article 13 (Independent Personal Services) of the Agreement:



1. In respect of paragraph 1(b), the term "183 days in the relevant calendar year" shall be deleted and replaced by "300 days in a calendar year concerned".

ARTICLE IX

Article 22 (Limitation of Relief) of the Agreement shall be deleted and the subsequent Articles shall not be renumbered.

ARTICLE X

Article 26 (Exchange of Information) of the Agreement shall be deleted and replaced by the following:

"ARTICLE 26 - EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

(a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;



(b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

(c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy (ordre public).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.".

ARTICLE XI

1. This Protocol shall be approved by Singapore and the United Arab Emirates in accordance with their respective legal procedures. The Governments of Singapore and the United Arab Emirates shall notify each other that these procedures have been complied with.

2. This Protocol shall enter into force thirty days after the date of the later of the notifications referred to in paragraph 1 of this Article and its provisions shall have effect in Singapore and the United Arab Emirates as follows:

(i) in respect of taxes withheld at source, on amounts liable to be paid, deemed paid or paid (whichever is the earliest) on or after 1 January of the calendar year next following the year in which the Protocol enters into force;



(ii) in respect of tax chargeable (other than taxes withheld at source) for any year of assessment beginning on or after 1 January in the second calendar year following the year in which the Protocol enters into force; and

(iii) in respect of Article 26 (Exchange of Information), for requests made on or after the date of entry into force concerning information for taxes relating to taxable periods beginning on or after 1 January of the calendar year next following the year in which the Protocol enters into force; or where there is no taxable period, for all charges to tax arising on or after 1 January of the calendar year next following the year in which the Protocol enters into force.

ARTICLE XII

This Protocol, which shall form an integral part of the Agreement, shall remain in force as long as the Agreement remains in force and shall apply as long as the Agreement itself is applicable.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Protocol.

DONE at Singapore in duplicate, this Friday corresponding 31 October 2014 to in the Arabic and English languages, both texts being equally authentic. In case of divergence, the English text shall prevail.

For the Government of the United Arab Emirates	**For the Government of the Republic of Singapore**