



**PROTOCOL AMENDING THE AGREEMENT  
BETWEEN THE GOVERNMENT OF THE UNITED ARAB EMIRATES  
AND THE GOVERNMENT OF THE REPUBLIC OF BELARUS  
FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE  
PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON  
INCOME AND PROPERTY**

The Government of the United Arab Emirates and the Government of the Republic of Belarus, desiring to conclude a Protocol amending the Agreement between the Government of the Republic of Belarus 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 and on property, signed at Dubai on 27 February, 2000 (hereinafter referred to as the "Agreement"), have agreed as follows:

**Article 1**

In Article 2 of the Agreement:

(I) subparagraph (a) of paragraph 3 shall be replaced by the following:

« (a) in the case of the Republic of Belarus:

- (i) the tax on income;
- (ii) the tax on profits;
- (iii) the income tax on individuals; and
- (iv) the tax on immovable property;

(hereinafter referred to as "Belarusian tax").»;

(II) to add a paragraph:

«5. No provisions of this Agreement 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 exploration, extraction, production of hydrocarbons and its associated products situated in the territory of the respective Contracting State, as the case may be.».



## **Article 2**

Subparagraph (i) of paragraph 3 of Article 3 of the Agreement shall be replaced by the following:

«(1) in the case of Belarus, the Ministry of Taxes and Duties of the Republic of Belarus or its authorized representative;

(2) in the case of the United Arab Emirates, the Ministry of Finance or its authorized representative.».

## **Article 3**

1. Paragraph 1 of Article 4 of the Agreement shall be replaced by the following:

«1. for the purposes of this Agreement the term “resident of a Contracting State” means:

a) in the case of Belarus:  
an individual who is a tax resident of Belarus under the laws of Belarus;

a person other than individual that under the laws of Belarus has a place of location in Belarus, and includes Belarus, government of Belarus and local authorities thereof;

b) in the case of the United Arab Emirates:  
an individual who is a UAE national or an individual who is a resident under the laws of the UAE, a legal entity which is incorporated under the laws of the UAE, local governments and their financial institutions including non-profitable organizations and pension funds.».

2. Paragraph 2 of the Protocol to the Agreement between the Government of the Republic of Belarus 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 and on property which was



signed at Dubai on 27 March, 2000 (hereinafter referred to as the “Protocol”) shall be deleted.

#### **Article 4**

Paragraph 2 of Article 6 of the Agreement shall be replaced by the following:

«2. The term “immovable property” shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. Ships and aircraft shall not be regarded as immovable property. Income derived from immovable property which is taxable in accordance with this Article shall in any case include income derived from the direct use, letting, or use in any other form of property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources.».

#### **Article 5**

Paragraph 3 of the Protocol to the Agreement shall be replaced by the following:

«Notwithstanding the paragraph 1 and 2 of Article 10 of the Agreement, dividends paid by a company which is a resident of a Contracting State shall be taxable only in the other Contracting State if the beneficial owner of the dividends is:

the government of the other Contracting State;  
the Central (National) Bank of the other Contracting State;  
the Development Bank of Belarus;  
Abu Dhabi Investment Authority;  
Dubai Investment Corporation;  
Mubadala Development Company;



any other wholly or mainly owned public companies or funds which shall be agreed from time to time upon by the governments of the Contracting States through exchange of letters via diplomatic channels.».

#### **Article 6**

Paragraph 2 of Article 13 of the Agreement shall be replaced by the following:

«2. Gains derived by a resident of a Contracting State from the alienation of shares in a company deriving more than 50 per cent of its asset value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other Contracting State. However, this paragraph does not apply to gains derived from the alienation of shares quoted on the Stock Exchange of Abu Dhabi Global market, the Abu Dhabi Securities Exchange, the Dubai Financial Market, the Dubai Gold and Commodities Exchange, Nasdaq Dubai, JSC Belarusian Currency and Stock Exchange or any other stock exchanges which shall be agreed between the competent authorities of the Contracting States through exchange of letters via diplomatic channels.».

#### **Article 7**

Article 26 of the Agreement shall be 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 Convention or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, insofar as the taxation thereunder is not contrary to the



Convention. 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.

Notwithstanding the foregoing, information received by a Contracting State may be used for other purposes when such information may be used for such other purposes under the laws of both States and the competent authority of the supplying State authorizes such use. The exchange of information for non-tax purposes can be carried out if the following conditions are cumulatively met:

(i) the “other purposes” shall accord with an existing international agreement on mutual legal assistance to which both Contracting States are parties;

(ii) in order to be authorized by the competent authority of the supplying State, the requesting State shall specify the other non-tax purposes for which it wishes to use the information;

(iii) the requesting State shall identify the law enforcement agencies or judicial authorities with whom it will share the information;

(iv) it will be necessary to obtain the prior consent of the competent authority of the supplying State which signed the agreement or protocol in accordance with which the information will be used.

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.

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 8**

1. The Contracting States shall notify each other via diplomatic channels that all legal procedures for the entry into force of the Protocol have been completed.

2. The Protocol, which shall form an integral part of the Agreement, shall enter into force on the first day of the second month next following the date of the receipt of the latter of the notifications referred to above.

3. The provisions of the Protocol shall have effect with regard to tax periods beginning on or after 1 January of the calendar year next following the year in which the Protocol enters into force.



4. The 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 duly authorized representatives of the Contracting States, have signed this Protocol.

DONE in duplicate at ~~Minsk~~ <sup>29</sup> on ...~~15~~...day of ~~March~~ 2019 in the Belarusian, Arabic and English languages, all the texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

