

No. 50137

**Mexico
and
United Kingdom of Great Britain and Northern Ireland
(in respect of the Cayman Islands)**

Agreement between the Government of the United Mexican States and the Government of the Cayman Islands with the authorisation of the Government of the United Kingdom of Great Britain and Northern Ireland on exchange of information on tax matters. Mexico City, 17 August 2010, and Grand Cayman, 28 August 2010

Entry into force: *9 March 2012, in accordance with article 12*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *Mexico, 1 October 2012*

**Mexique
et
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
(à l'égard des îles Caïmanes)**

Accord entre le Gouvernement des États-Unis du Mexique et le Gouvernement des Îles Caïmanes avec l'autorisation du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord sur l'échange de renseignements en matière fiscale. Mexico, 17 août 2010, et Grand Cayman, 28 août 2010

Entrée en vigueur : *9 mars 2012, conformément à l'article 12*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Mexique, 1^{er} octobre 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES
AND THE GOVERNMENT OF THE CAYMAN ISLANDS WITH THE AUTHORISATION
OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND ON EXCHANGE OF INFORMATION ON TAX MATTERS**

The Government of the United Mexican States and the Government of the
Cayman Islands,

DESIRING to conclude an Agreement on exchange of information on tax
matters,

Have agreed as follows:

ARTICLE 1
Object and Scope of the Agreement

The competent authorities of the Contracting Parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Contracting Parties concerning taxes covered by this Agreement. Such information shall include information that is foreseeably relevant to the determination, assessment and collection of such taxes, the recovery and enforcement of tax claims, or the investigation or prosecution of tax matters. Information shall be exchanged in accordance with the provisions of this Agreement and shall be treated as confidential in the manner provided in Article 8. The rights and safeguards secured to persons by the laws or administrative practice of the requested Party remain applicable to the extent that they do not unduly prevent or delay effective exchange of information.

ARTICLE 2
Jurisdiction

A requested Party is not obligated to provide information which is neither held by its authorities nor in the possession or control of persons who are within its territorial jurisdiction.

ARTICLE 3
Taxes Covered

1. This Agreement shall apply to the following taxes:
 - a) in the Cayman Islands, any tax imposed by the Cayman Islands which is substantially similar to existing taxes of Mexico to which this Agreement applies.
 - b) in Mexico:
 - (i) income tax;
 - (ii) business flat rate tax; and
 - (iii) value added tax.

2. This Agreement shall also apply to any identical or any substantially similar taxes imposed after the date of signature of the Agreement in addition to or in place of the existing taxes. The Agreement shall also apply to other taxes as may be agreed in an exchange of letters between the Contracting Parties. The competent authorities of the Contracting Parties shall notify each other of any substantial changes to the taxation and related information gathering measures covered by the Agreement.

ARTICLE 4
Definitions

1. For the purposes of this Agreement, unless otherwise defined:
 - a) the term "Contracting Party" means Mexico or the Cayman Islands as the context requires;
 - b) the term "the Cayman Islands" means the territory of the Cayman Islands and includes the territorial sea, areas within the maritime boundaries of the Cayman Islands and any area within which in accordance with international law the rights of the Cayman Islands with respect to the seabed and sub-soil and their natural resources may be exercised;

- c) the term "Mexico" means the United Mexican States, when used in a geographical sense it includes the territory of the United Mexican States, as well as the integrated parts of the Federation, the islands, including the reefs and cays in the adjacent waters, the islands of Guadalupe and Revillagigedo, the continental shelf and the seabed and sub-soil of the islands, cays and reefs, the waters of the territorial seas and the inland waters and beyond them the areas over which, in accordance with international law, Mexico may exercise its sovereign rights of exploration and exploitation of the natural resources of the seabed, sub-soil and the suprajacent waters, and the air space of the national territory to the extent and under conditions established by international law;
- d) the term "competent authority" means:
 - (i) in the Cayman Islands, the Tax Information Authority or a person or authority designated by it;
 - (ii) in Mexico, the Ministry of Finance and Public Credit;
- e) the term "person" includes an individual, a company and any other body of persons;
- f) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
- g) the term "publicly traded company" means any company whose principal class of shares is listed on a recognised stock exchange provided its listed shares can be readily purchased or sold by the public. Shares can be purchased or sold "by the public" if the purchase or sale of shares is not implicitly or explicitly restricted to a limited group of investors;
- h) the term "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of the company;
- i) the term "recognised stock exchange" means any stock exchange agreed upon by the competent authorities of the Contracting Parties;
- j) the term "collective investment fund or scheme" means any pooled investment vehicle, irrespective of legal form. The term "public collective investment fund or scheme" means any collective investment fund or scheme provided the units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed by the public. Units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed "by the public" if the purchase, sale or redemption is not implicitly or explicitly restricted to a limited group of investors;

- k) the term "tax" means any tax to which the Agreement applies;
- l) the term "applicant Party" means the Contracting Party requesting information;
- m) the term "requested Party" means the Contracting Party requested to provide information;
- n) the term "information gathering measures" means laws and administrative or judicial procedures that enable a Contracting Party to obtain and provide the requested information;
- o) the term "information" means any fact, statement or record in any form whatever;
- p) the term "criminal tax matters" means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the applicant Party;
- q) the term "criminal laws" means all criminal laws designated as such under domestic law irrespective of whether contained in the tax laws, the criminal code or other statutes.

2. As regards the application of this Agreement at any time by a Contracting Party, 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 Party, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

ARTICLE 5

Exchange of Information Upon Request

1. The competent authority of the requested Party shall provide upon request information for the purposes referred to in Article 1. Such information shall be exchanged without regard to whether the conduct being investigated would constitute a crime under the laws of the requested Party if such conduct occurred in the requested Party.

2. If the information in the possession of the competent authority of the requested Party is not sufficient to enable it to comply with the request for information, that Party shall use all relevant information gathering measures to provide the applicant Party with the information requested, notwithstanding that the requested Party may not need such information for its own tax purposes.