

No. 50138

**Mexico
and
United Kingdom of Great Britain and Northern Ireland
(in respect of the Isle of Man)**

Agreement between the Government of the United Mexican States and the Government of the Isle of Man for the exchange of information relating to tax matters. Mexico City, 18 March 2011, and Douglas, 11 April 2011

Entry into force: *4 March 2012, in accordance with article 13*

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 de l'Île de Man)**

Accord entre le Gouvernement des États-Unis du Mexique et le Gouvernement de l'Île de Man pour l'échange de renseignements en matière fiscale. Mexico, 18 mars 2011, et Douglas, 11 avril 2011

Entrée en vigueur : *4 mars 2012, conformément à l'article 13*

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 ISLE OF MAN FOR THE
EXCHANGE OF INFORMATION RELATING TO TAX MATTERS**

Whereas it is acknowledged that the Isle of Man under the terms of its Entrustment from the United Kingdom has the right to negotiate, conclude, perform and, subject to the terms of this Agreement, terminate a tax information exchange agreement with Mexico;

Whereas the Isle of Man on the 13th December 2000 entered into a political commitment to the OECD's principles of effective exchange of information and actively participated in the drafting of the OECD Model Agreement on Exchange of Information in Tax Matters;

Whereas the Parties wish to enhance and facilitate the terms and conditions governing the exchange of information with respect to taxes;

Now, therefore, the Parties have agreed to conclude the following Agreement, which contains obligations on the part of the Parties only:

ARTICLE 1

Object and Scope of this Agreement

The competent authorities of the Parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Parties concerning taxes covered by this Agreement. Such information shall include information that is foreseeably relevant to the determination, assessment, enforcement, recovery or collection of such taxes, with respect to persons liable to such taxes, or to the investigation or prosecution of tax matters in relation to such persons. 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 of or obtainable by persons who are within its jurisdiction.

ARTICLE 3

Taxes Covered

1 The taxes which are the subject of this Agreement are:

(a) in the Isle of Man, taxes on income or profit; and

(b) in Mexico:

(i) federal income tax,

(ii) business flat rate tax, and

(iii) value added tax.

2 This Agreement shall also apply to any identical or substantially similar taxes imposed after the date of signature of this Agreement in addition to, or in place of, the existing taxes. Furthermore, the taxes covered may be expanded or modified by mutual agreement of the Parties in the form of an exchange of letters. The competent authorities of the Parties shall notify each other of any substantial changes to the taxation and related information gathering measures covered by this Agreement.

ARTICLE 4

Definitions

1 For the purposes of this Agreement, unless otherwise defined:

- (a) the term "Isle of Man" means the island of the Isle of Man (referred to as "Isla del Hombre" under the law of the United Mexican States and in particular in sub-paragraph XII of the Third Article of the Transitory Provisions of the Income Tax Law), including its territorial sea, in accordance with international law;
- (b) 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 the 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;
- (c) 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 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;
- (d) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
- (e) the term "competent authority" means, in the case of Mexico, the Ministry of Finance and Public Credit and, in the case of the Isle of Man, the Assessor of Income Tax or his or her delegate;
- (f) 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;
- (g) the term "criminal tax matters" means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the Requesting Party;
- (h) the term "information" means any fact, statement or record in any form whatever;

- (i) the term “information gathering measures” means laws and administrative or judicial procedures that enable a Party to obtain and provide the requested information;
- (j) the term “legal privilege” means:
 - (i) communications between a professional legal advisor and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (ii) communications between a professional legal advisor and his client or any person representing his client or between such an advisor or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and
 - (iii) items enclosed with or referred to in such communications and made:
 - a) in connection with the giving of legal advice; or
 - b) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings, when they are in the possession of a person who is entitled to possession of them.

Items held with the intention of furthering a criminal purpose are not subject to legal privilege;
- (k) the term “Party” means Mexico or the Isle of Man as the context requires;
- (l) the term “person” includes an individual, a company and any other body of persons;
- (m) 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;
- (n) 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;