

## List of Non-Reporting Financial Institutions

The following entities are treated as Non-Reporting Financial Institutions for CRS purposes:

### A. **Governmental Entity**

The Government of Mauritius, any political subdivision of Mauritius (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of Mauritius or any one or more of the foregoing (each, a “Mauritius Governmental Entity”). This category is comprised of the integral parts, controlled entities, and political subdivisions of Mauritius.

- (i) An integral part of Mauritius means any person, organization, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of Mauritius. The net earnings of the governing authority must be credited to its own account or to other accounts of Mauritius, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity.
- (ii) A controlled entity means an Entity that is separate in form from Mauritius or that otherwise constitutes a separate juridical entity, provided that:
  - (i) The Entity is wholly owned and controlled by one or more Mauritius Governmental Entities directly or through one or more controlled entities;
  - (ii) The Entity’s net earnings are credited to its own account or to the accounts of one or more Mauritius Governmental Entities, with no portion of its income inuring to the benefit of any private person; and

- (iii) The Entity's assets vest in one or more Mauritius Governmental Entities upon dissolution.
  
- (iii) Income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental program, and the program activities are performed for the general public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a governmental entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons.

## **B. International Organization**

Any international organization or wholly owned agency or instrumentality thereof will be treated as a Non-Reporting Financial Institution. This category will include any intergovernmental organization (including a supranational organization) –

- (i) that is comprised primarily of governments;
- (ii) that has in effect a headquarters agreement or substantially similar agreement with Mauritius; and
- (iii) the income of which does not inure to the benefit of private persons.

## **C. Central Bank**

An institution that is by law or government sanction the principal authority, other than the government of Mauritius itself, issuing instruments intended to circulate as currency. Such an institution may include an instrumentality that is separate

from the Government of Mauritius, whether or not owned in whole or in part by Mauritius.

#### **D. Qualified Credit Card Issuer**

A qualified credit card issuer is an entity that satisfies the following requirements:

- (i) the Financial Institution is an FI solely because it is an issuer of credit cards that accepts deposits only when a customer makes a payment in excess of a balance due with respect to the card and the overpayment is not immediately returned to the customer; and
- (ii) beginning on or before 1 January 2017, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of USD 50 000, or to ensure that any customer overpayment in excess of USD 50 000 is refunded to the customer within 60 days, in each case applying the rules set forth for account aggregation and currency translation. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns.

#### **E. Low-risk Non-Reporting Financial Institutions**

A Financial Institution can also be a Non-Reporting Financial Institution, provided that:

- (i) the Financial Institution presents a low risk of being used to evade tax, the low risk factors being:
  - (a) the Financial Institution is subject to regulation.
  - (b) information reporting by the Financial Institution to the tax authorities is required.

- (ii) the Financial Institution has substantially similar characteristics to any of the Financial Institutions described in A above;
- (iii) the Financial Institution is defined in domestic law as a Non-Reporting Financial Institution; and
- (iv) the status of the Financial Institution as a Non-Reporting Financial Institution does not frustrate the purposes of the Common Reporting Standard.

#### **F. Exempt Collective Investment Vehicle**

An Exempt Collective Investment Vehicle is an Investment Entity that is regulated as a collective investment vehicle, provided that all of the interests in the collective investment vehicle are held by or through individuals or Entities that are not Reportable Persons, except a Passive NFE with Controlling Persons who are Reportable Persons.

#### **G. Trustee-Documented Trust**

A trust resident in Mauritius that is a Financial Institution is a Non-Reporting FI to the extent that the trustee of the trust is a Reporting Mauritius Financial Institution and reports all information required to be reported pursuant to the Standard with respect to all Reportable Accounts of the trust.

#### **H. Broad Participation Retirement Fund**

The term ‘Broad Participation Retirement Fund’ means a fund established in Mauritius to provide retirement, disability, or death benefits, or any combination thereof, to beneficiaries that are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that the fund:

- (i) does not have a single beneficiary with a right to more than five percent of the fund’s assets;

- (ii) is subject to regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in Mauritius; and
- (iii) satisfies at least one of the following requirements:
  - (a) the fund is generally exempt from tax in Mauritius on investment income under the laws of Mauritius due to its status as a retirement or pension plan;
  - (b) the fund receives at least 50 percent of its total contributions from the sponsoring employers;
  - (c) distributions or withdrawals from the fund are allowed only upon the occurrence of specified events related to retirement, disability, or death, or penalties apply to distributions or withdrawals made before such specified events; or
  - (d) contributions (other than certain permitted make-up contributions) by employees to the fund are limited by reference to earned income of the employee or may not exceed \$50,000 annually, applying the rules for account aggregation and currency translation.

#### **I. Narrow Participation Retirement Fund**

The term 'Narrow Participation Retirement Fund' means a fund established in Mauritius to provide retirement, disability, or death benefits to beneficiaries that are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that:

- (i) the fund has fewer than 50 participants;
- (ii) the fund is sponsored by one or more employers that are not Investment Entities or Passive NFEs;

- (iii) the employee and employer contributions to the fund are limited by reference to earned income and compensation of the employee, respectively;
- (iv) participants that are not residents of Mauritius are not entitled to more than 20 percent of the fund's assets; and
- (v) the fund is subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in Mauritius.

#### **J. Pension Fund of Non-Reporting Financial Institutions**

A pension fund of Non-Reporting Financial Institutions is a fund established in Mauritius by a Government Entity, International Organisation or Central Bank to provide retirement, disability, or death benefits to beneficiaries or participants that are current or former employees (or persons designated by such employees), or that are not current or former employees, if the benefits provided to such beneficiaries or participants are in consideration of personal services performed for the Government Entity, International Organisation or Central Bank.

#### **K. Investment Advisers and Investment Managers**

Under the terms of the Standard, Investment Advisers and Investment Managers may be an FI solely because they render investment advice to, or on behalf of a customer for the purposes of investing, managing or administering funds deposited in the name of the customer.

An Investment Entity established in Mauritius that is an FI solely because it;

1. renders investment advice to, and acts on behalf of, or
2. manages portfolios for, and acts on behalf of,

a customer for the purposes of investing, managing, or administering funds deposited in the name of the customer with an FI, other than a Non-Participating Financial Institution, will be regarded as a non-reporting Financial Institution.

Investment advisers, who solely render investment advice to customers and do not otherwise undertake investment services or maintain financial accounts, are likely to be NFEs as they are service providers and will not meet the “financial assets” test.

## List of Excluded Accounts

The CRS allows for various categories of accounts to be excluded from being Reportable Financial Accounts. These are excluded because they have been identified as carrying a low risk of use for tax evasion, generally because of the regulatory regimes under which they function.

### 1. Retirement & Pension Accounts

A retirement or pension account can be an Excluded Account, provided that it satisfies all the requirements listed in Section VIII subparagraph C(17)(a) of the CRS.

Those requirements must be satisfied under the laws of the jurisdiction where the account is maintained. In summary, it is required that:

- a) the account is subject to regulation;
- b) the account is tax-favoured;
- c) information reporting is required to the tax authorities with respect to the account;
- d) withdrawals are conditioned on reaching a specified retirement age, disability, or death, or penalties apply to withdrawals made before such specified events; and
- e) either:
  - (i) annual contributions are limited to USD 50 000 or less, or
  - (ii) there is a maximum lifetime contribution limit to the account of USD 1 000 000 or less, excluding rollovers.

### 2. Estate Accounts

An account that is held solely by the estate of a deceased person will not be a Financial Account where the FI that maintains the account is in possession of a formal notification of the Account Holder's death. The formal notification would include a copy of the deceased's death certificate or a copy of the deceased's will. The account must be treated as having the same status as prior to the Account Holder's death until such documentation has been provided.

Once the documentation has been provided, the account is not reportable in the year of the Account Holder's death or any subsequent year.



### **3. Escrow Accounts**

An escrow account is an account held by a third party on behalf of the beneficial owner of the money in the account. Such accounts are Excluded Accounts where they are established in connection with any of the following:

- (a) a court order, judgement or other legal matter on which the third party is acting on behalf of the underlying beneficial owner, for example, an account held by an individual or an entity appointed by the Court of Protection to look after the affairs of a vulnerable person.
- (b) a sale, exchange, or lease of real or personal property where it also meets the following conditions:
  - (i) The account holds only the monies appropriate to secure an obligation of one of the parties directly related to the transaction, or a similar payment, or with a Financial Asset that is deposited in the account in connection with the transaction.
  - (ii) The account is established and used solely to secure the obligation of the parties to the transaction.
  - (iii) The assets of the account, including the income earned thereon, will be paid or otherwise distributed for the benefit of the parties when the transaction is completed.
  - (iv) The account is not a margin or similar account established in connection with a sale or exchange of a Financial Asset; and
  - (v) The account is not associated with a credit card account.

- (c) An obligation of an FI servicing a loan secured by real property to set aside a portion of a payment solely to facilitate the payment of taxes or insurance related to the real property at a later time.
- (d) An obligation of an FI solely to facilitate the payment of taxes at a later time.

Accounts provided by a non-financial intermediary acting in that capacity (such as non-legal escrow type accounts) that meet the conditions above will also be Excluded Accounts.

Periodic payment orders in connection with an escrow account are not considered to be reportable Annuity Contracts.

#### **4. Low Value Dormant Accounts**

Excluded Accounts also include dormant accounts with less than an amount equivalent to US \$1,000. They do not need to be subjected to any due diligence procedures until they are reactivated in some way.

Dormant Accounts are those where there has been no activity on the account for three years and no contact from the customer for six years.