

1966 Income and Inheritance Tax Agreement, Final Protocol, and Notes, as Amended (English Translation)

Signed date: April 6, 1966

In force date:

Effective date:

Status: In Force

This agreement, signed April 6, 1966, has been amended by protocols signed February 25, 1985 and October 19, 1993.

AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF THE IVORY COAST

The Government of the French Republic and the Government of the Republic of the Ivory Coast, desiring to eliminate double taxation and to establish rules for reciprocal assistance with respect to taxes on income and capital, inheritance taxes, recording duties and stamp duties, have agreed on the following provisions for this purpose:

Title I

General Provisions

Article 1

For the purposes of this Agreement:

1. The term "person" means:

- (a) Any individual;
- (b) Any body corporate;
- (c) Any unincorporated group of individuals.

2. The term "France" means the European and overseas department of the French Republic, including the territorial waters and, in addition to such waters, the zones over which, in accordance with international law, the French Republic has sovereign rights for the purposes of the exploration and exploitation of the resources of the sea bottom and underground and the overlying waters.

The term "Ivory Coast" means the national territory as well as the ocean zones under the national jurisdiction of the Republic of the Ivory Coast, including any region situated outside the territorial waters of the Ivory Coast which, in accordance with international law, has been, or may subsequently be, designated under the laws of the Ivory Coast concerning the continental plateau, as a region within which the rights of the Ivory Coast with respect to the ocean bed and underground and their natural resources may be exercised.

Article 2

1. For the purposes of this Agreement, an individual shall be deemed to be domiciled in the place in which he has his "permanent home", the latter expression being understood to mean the centre of vital interests--i.e., the place with which his personal relations are closest.

Where the domicile of an individual cannot be determined on the basis of the foregoing subparagraph, he shall be deemed to be domiciled in that one of the Contracting States in which he principally resides. If he resides for equal periods in each of the two States, he shall be deemed to have his domicile in the Contracting State of which he is a national. If he is a national of neither Contracting State, the competent authorities of the Contracting State shall determine the question by agreement.

2. For the purposes of this Convention, the residence of legal entities and groups of individuals which are not legal entities shall be at the place of their effective management.

Article 3

The term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

(a) The following shall in particular be deemed to be permanent establishments:

- (aa) A place of management;
- (bb) A branch;
- (cc) An office;
- (dd) A factory;
- (ee) A workshop;

- (ff) A mine, quarry or other place of extraction of natural resources;
 - (gg) A building site or construction or assembly project;
 - (hh) A fixed place of business used for the purpose of storage, display and delivery of goods or merchandise belonging to the enterprise;
 - (ii) A stock of goods or merchandise belonging to the enterprise maintained for the purpose of storage, display and delivery;
 - (jj) A fixed place of business used for the purpose of purchasing goods or merchandise, or for collecting information which is the actual object of the business of the enterprise;
 - (kk) A fixed place of business used for the purpose of advertising.
- (b) The term "permanent establishment" shall not be deemed to include:
- (aa) The maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
 - (bb) The maintenance of a fixed place of business solely for the purpose of the supply of information, for scientific research or for similar activities which, so far as the enterprise is concerned, are preparatory in character.
 - (c) A person acting in a Contracting State on behalf of an enterprise of the other Contracting State--other than an agent of independent status within the meaning of sub-paragraph (e) below--shall be deemed to constitute a "permanent establishment" in the first-mentioned State if he has, and habitually exercises in that State, an authority to conclude contracts in the name of the enterprise. Such authority shall, in particular, be deemed to be exercised by an agent who habitually has available to him in the first-mentioned Contracting State a stock of goods or merchandise, belonging to the enterprise, from which he regularly fills orders received by him on behalf of the enterprise.
 - (d) An insurance enterprise of a Contracting State shall be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that State or insures risks situated therein through a representative who is not an agent within the meaning of sub-paragraph (e) below.
 - (e) An enterprise of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker, general commission agent or any other agent of independent status, where such persons are acting in the ordinary course of their business. However, where the agent whose services are used has available to him a stock of goods or merchandise on consignment from which the sales and deliveries are made, such stock shall be deemed to imply the existence of a permanent establishment of the enterprise.
 - (f) The fact that a company which is domiciled in a Contracting State controls or is controlled by a company which is domiciled in the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

Article 4

For the purposes of this Agreement, rights which are governed by the taxation laws relating to real property, and rights of usufruct in immovable property, with the exception of claims of any kind secured by pledge of immovables, shall be deemed to be immovable property.

The question whether a property or a right is an immovable property or a right in respect of immovable property or can be considered to be an accessory to real property shall be decided in accordance with the laws of the State in which the property in question or the property to which the right in question relates is situated.

Article 5

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances are or may be subjected. This provision shall also apply to persons who are not residents of one or both of the Contracting States.
2. The term "national" means:
 - a) any individual possessing the nationality of a Contracting State;
 - b) any legal entity, partnership or association deriving its status as such from the laws in force in a Contracting State;
3. Stateless persons who are residing in a Contracting State shall not be subjected in either of the Contracting States to any taxation or any requirement connected therewith, which is other or more

burdensome than the taxation and connected requirements to which nationals of the State concerned in the same circumstances are or may be subjected.

4. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favorably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

5. Except where the provisions of paragraph 1 of Article 11, paragraph 7 of Article 14, or paragraph 8 of Article 20 apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a person domiciled in the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to person domiciled in the first-mentioned State.

6. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

7. The provisions of this Article shall, notwithstanding the provisions of Article 8, apply to taxes of every kind and description.

Article 6

In the application of the provisions of this Agreement, the term "competent authorities" means:

In the case of the Ivory Coast, the Minister of Economic and Financial Affairs of his duly authorized representative;

In the case of France, the Minister of Economic Affairs and Finance or his duly authorized representative.

Article 7

In the application of this Agreement by one of the Contracting States, any term not defined in this Agreement shall unless the context otherwise requires have the meaning which it has under the laws in force in that State with respect to the taxes referred to in this Agreement.

Title II

Double Taxation

Chapter I. Income Taxes

Article 8

1. This chapter shall apply to taxes on income levied in whatsoever manner on behalf of either Contracting State or of its local authorities.

The expression "taxes on income" shall be deemed to mean taxes levied on total income or on elements of income (including capital appreciation).

2. The object of the provisions of this chapter is to avoid double taxation such as might result, for persons (as defined in article 1) having their fiscal domicile, determined in accordance with article 2, in one of the Contracting States, from the simultaneous or successive collection in that State and the other Contracting State of the taxes referred to in paragraph 1 above.

3. The existing taxes to which this chapter shall apply are:

In the case of the Ivory Coast:

(a) The tax on industrial and commercial profits and on profits from agricultural enterprises (l'impôt sur les bénéfices industriels et commerciaux et sur les bénéfices des exploitations agricoles);

(b) The tax on profits from non-commercial professions (l'impôt sur les bénéfices des professions non commerciales);

(c) The tax on public and private salaries, on remunerations and emoluments and on wages (l'impôt sur les traitements publics et privés, les indemnités et emoluments et les salaires);

(d) The tax on income from movable capital (l'impôt sur le revenu des capitaux mobiliers);

(e) The general income tax (l'impôt général sur le revenu).

In the case of France:

a) The income tax;

b) The company tax;

including all withholding, all prepayments and installments on the taxes cited hereinabove.

4. The Agreement shall also apply to any identical or similar taxes which may subsequently be added to or substituted for the existing taxes. The competent authorities of either Contracting State shall

notify the competent authorities of the other Contracting State of any changes made in their taxation laws as soon as such changes are promulgated.

5. If, owing to changes in the taxation laws of either of the Contracting States, it appears expedient to adapt certain articles of the Agreement without affecting its general principles, the necessary adjustments may be made, by agreement, through an exchange of diplomatic notes.

Article 9

Income from immovable property, including profits from agricultural and forestry enterprises, shall be taxable only in the State in which the property is situated.

Article 10

1. Income from industrial, mining, commercial or financial enterprises shall be taxable only in the State in which a permanent establishment is situated.
2. Where an enterprise maintains permanent establishments in both Contracting States, each State may tax only the income derived from the operations of the permanent establishments situated in its territory.
3. Such taxable income may not exceed the amount of the industrial, mining, commercial or financial profits realized by the permanent establishment, including, where appropriate, any profits or advantages derived indirectly from that establishment or allotted or granted to third parties either by increasing or decreasing purchase or selling prices or by any other means. Part of the overhead expenses of the head office of the enterprise shall be charged against the earnings of the various permanent establishments in proportion to their turnover.
4. Where taxpayers with business in both Contracting States do not keep regular accounts showing separately and exactly the profits accruing to the permanent establishments situated in each State, the amount of profit taxable by each State may be determined by apportioning the total earnings between the two States in proportion to the turnover realized in their respective territories.
5. If one of the establishments situated in either Contracting State realizes no turnover, or if the business carried on in the two States is not comparable, the competent authorities of the two States shall consult together to establish the manner in which paragraph 3 and 4 above are to be applied.

Article 11

1. Where an enterprise of one of the Contracting States, by virtue of its participation in the management or the capital of an enterprise of the other Contracting State, makes or imposes upon that enterprise, in their commercial or financial relations, conditions differing from those which it would make with any other enterprise, all profits which would normally have appeared in the accounts of one of the enterprises but which have in this manner been transferred to the other enterprise may be incorporated in the taxable profits of the first enterprise.
2. An enterprise shall in particular be deemed to participate in the management or the capital of another enterprise when the same persons participate directly or indirectly in the management or the capital of both enterprises.

Article 12

Income derived from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the enterprise has its fiscal domicile.

Article 13

1. Dividends paid by a company which is domiciled in a Contracting State to a person domiciled in the other Contracting State may be taxed in that other State.
2. However, such dividends may be taxed in the State in which the company paying the dividends is domiciled, and according to the laws of that State; but if the recipient is the beneficial owner of the dividends, the tax so charged shall not exceed:
 - 18 percent of the gross amount of the dividends when such dividends are paid by a company which is a person domiciled in the Ivory Coast and is exempt from the tax on profits or pays such tax at a rate that is lower than the common law rate;
 - 15 percent of the gross amount of the dividends in all other cases.The provisions of this paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.
- 3.a) A person who is domiciled in the Ivory Coast, and receives from a company which is domiciled in France dividends which would give the right to a tax credit ("avoir fiscal") if they were received by a person domiciled in France, has the right to a payment from the French Treasury of an amount equal to this tax credit ("avoir fiscal"), subject to the deduction of the tax described in paragraph 2.
- b) The provisions of sub-paragraph a) shall apply only to a person domiciled in the Ivory Coast who is:
 - i) an individual, or

- ii) a company which holds directly or indirectly less than 10 percent of the capital of the French company paying the dividends.
 - c) The provisions of sub-paragraph a) shall not apply if the recipient of the payment from the French Treasury cited in this paragraph is not liable for the tax in the Ivory Coast in respect of this payment.
 - d) The payments from the French Treasury cited in sub-paragraph a) shall be considered to be dividends for the application of this Convention.
4. A person domiciled in the Ivory Coast who receives dividends paid by a company which is domiciled in France and who does not have a right to the payment from the French Treasury described in paragraph 3 may obtain reimbursement of the withholding when such withholding in respect of such dividends has actually been paid by the company.
- The gross amount of the withholding reimbursed shall be considered to be a dividend for the purposes of the Convention. It shall be taxed in France in accordance with the provisions of paragraph 2.
5. The term "dividends" as used in this Article means income from shares, "jouissance" shares or coupons, mining shares, founders' shares or other rights not being debt claims, as well as the income which is subjected to the tax treatment for distributions by the laws of the State in which the company making the distribution is domiciled.
6. The provisions of paragraphs 1, 2 and 4 shall not apply if the beneficial owner of the dividends, being a person domiciled in a Contracting State, carries on in the other Contracting State in which the company paying the dividends is domiciled, a trade or business through a permanent establishment situated therein, or performs in that other State independent professional services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 10 or Article 23, as the case may be, shall apply.
7. Where a company which is domiciled in a Contracting State derives profits or income from the other Contracting State, the other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a person domiciled in that other State or insofar as the holding in respect of which the dividends are paid effectively arises from a permanent establishment or fixed base in that other State, nor subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.
8. In accordance with the provisions of paragraph 7, where a company which is a person domiciled in a Contracting State carries on in the other Contracting State a trade or business through a permanent establishment situated therein, the profits from such permanent establishment may not, after having been taxed on its profits, be subjected to the French tax covered in Article 115 e of the general tax code when the establishment is situated in France nor to the Ivory Coast tax on income from moveable assets when the permanent establishment is situated in the Ivory Coast.

Article 14

1. Interest arising in a Contracting State and paid to a person domiciled in the other Contracting State may be taxed in that other State.
2. However, such interest may also be taxed in the Contracting State in which it arises according to the laws of that State but, if the recipient of the interest is the beneficial owner thereof, the tax so charged may not exceed 15 percent of the gross amount of the interest.
3. Notwithstanding the provisions of paragraph 2, the interest covered in paragraph 1 shall be taxable only in the Contracting State in which the recipient of the interest is domiciled, if said person is the beneficial owner of such interest and if one of the following conditions is met:
 - a) Such person is one of the Contracting States, a local authority thereof, or one of their public bodies corporate; or
 - b) The interest is paid by a person described in sub-paragraph a) hereinabove;
 - c) The interest is paid in respect of the credit sale of industrial, commercial or scientific equipment or in respect of the credit sale of merchandise or the provision of services by an enterprise of a Contracting State to an enterprise of the other Contracting State.
4. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.
5. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a person domiciled in a Contracting State, carries on a trade or business in the other Contracting State in which the interest arises, through a permanent establishment situated therein, or performs in that

other State independent personal services from a fixed base situated therein, and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 10 or Article 23, as the case may be, shall apply.

6. Interest shall be deemed to arise in a Contracting State when the debtor is that State itself, a local authority or a person domiciled in that State. However, when the debtor of the interest, whether or not he is domiciled in a Contracting State, has in a Contracting State a permanent establishment or fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

Article 15

1. Gains derived by a person domiciled in a Contracting State from the alienation of immovable property referred to in Article 4 may be taxed in the Contracting State in which such property is situated.
2. Gains from the alienation of stocks, shares or other rights in a company or another body corporate which owns immovable property situated in a Contracting State may be taxed in that State when they are subject, under the laws of that State, to the same fiscal treatment as gains from the alienation of immovable assets.
3. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a person domiciled in a Contracting State in the other Contracting State, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such fixed base, may be taxed in that other State.
4. Gains derived from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft shall be taxable only in the Contracting State in which the place of effective management is situated.
5. Gains from the alienation of any property other than that referred to in paragraphs 1, 2, 3 and 4 shall be taxable only in the Contracting State in which the alienator is domiciled.

Article 16

1. Notwithstanding the provisions of Articles 22 and 23, income derived by a person domiciled in a Contracting State as an entertainer, such as a theater, motion picture, radio or television artiste, or a musician, or as an athlete, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.
Where an entertainer or an athlete residing in a Contracting State derives from the other Contracting State income in respect of activities that are related to his professional fame, such income may be taxed in that other State.
2. Where the income described in paragraph 1 accrues not to the entertainer or athlete himself but to another person, that income may, notwithstanding the provisions of Articles 10, 22 and 23, be taxed in the Contracting State in which the activities of the entertainer or athlete are exercised.
3. Notwithstanding the provisions of paragraph 1, the income derived by an entertainer or athlete, being a person domiciled in a Contracting State, from his personal activities exercised in the other Contracting State and, as such, may be taxed only in the first-mentioned State when such activities in the other State are more than half financed by public funds of the first-mentioned State, a local authority thereof, or one of the public bodies corporate of that State.
4. Notwithstanding the provisions of paragraph 2, when the income from activities which an entertainer or an athlete, being a person domiciled in a Contracting State, exercises personally as such in the other Contracting State, accrue not to the entertainer or athlete himself, but to another person, that income may, notwithstanding the provisions of Articles 10, 22 and 23, be taxed only in the first State when that other person is financed more than half by public funds of that State, a local authority thereof, or one of the public bodies corporate of that State.

Article 17

1. Notwithstanding the provisions of Articles 21 and 22, remuneration and pensions paid to an individual by a Contracting State, or a local authority thereof, or one of their public bodies corporate, either directly or by withdrawal from funds they have constituted, to an individual for services rendered to that State, or local authority, or public institution shall be taxable only in that State. However, such pensions may be taxed only in the other Contracting State if the individual is domiciled in that State and is a national thereof.
2. The provisions of Articles 18, 21 and 22 shall apply to remuneration and pensions paid in respect of services rendered in connection with a trade or business carried on by a Contracting State, a local authority thereof, or one of its public bodies corporate.

Article 18

Directors' percentages, attendance fees and other emoluments received by members of the boards of directors or supervisory boards of joint-stock companies, limited share partnerships (*societes en commandite par actions*) or co-operative societies in their capacities as such shall be taxable in the Contracting State in which the company has its fiscal domicile, subject to the application of articles 22 and 23 below in respect of remuneration received by them in any other effective capacity.

Article 19

1. The provisions of this Convention shall not affect the fiscal privileges of members of diplomatic missions and their private domestics, the members of consular posts, as well as the members of permanent delegations to international organizations under the general rules of international law or under the provisions of special agreements.
2. Notwithstanding the provisions of Article 2, any individual who is a member of a diplomatic mission, a consular post or a permanent delegation of a Contracting State which is situated in the other Contracting State or in a third State, shall be considered, for the purposes of the Convention, to be a person residing in the accrediting State if:
 - a) In accordance with international law, said person is not liable for tax in the accrediting State for income from sources outside that State; and if
 - b) He is subject in the accrediting State to the same obligations with respect to taxes on all his income as the residents of that State.
3. The Convention shall not apply to international organizations, their bodies or their officials, nor to persons who are members of a diplomatic mission, a consular post, or a permanent delegation of a third State when they are on the territory of a Contracting State and are not treated as residents of either of the Contracting States with respect to taxes on income.

Article 20

1. Royalties paid for the use of immovable property or for the working of mines, oil or gas wells, quarries or other natural resources shall be taxable only in the State in which such property, mines, wells, quarries or other natural resources are situated.
2. Other royalties arising in one State and paid by a person domiciled in that State to a person domiciled in the other State shall be taxable in that other State.
3. However, such royalties shall also be taxable in the State in which they arise and according to the laws of that State. The tax so charged may not exceed 10 per cent of the gross amount of the royalties if the recipient is the beneficial owner of the royalties.
4. The term "royalties" as used in paragraph 2 of this article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work, cinematograph films or any other sound or visual recordings.
It also means payments for the use of any patent, trademark, design or model, plan, secret formula or process, or for the use of, or the right to use, agricultural, industrial, commercial or scientific equipment, or for information concerning agricultural, industrial, commercial or scientific experience. Payments for scientific, geological or technical studies or for engineering work and related plans are treated as royalties.
5. Notwithstanding the provisions of paragraph 3, payments of any kind received as a consideration for the use of, or the right to use, any copyright of a work recorded for radio or television broadcasting shall not be taxable in the State in which they arise if the holder of such copyright is the other State or a radio or television corporation in the public sector of that other State.
6. The provisions of paragraphs 2 and 3 shall not apply if the beneficial owner of the royalties, being domiciled in one State, carries on business in the other State in which the royalties arise, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the royalties

are paid is effectively connected therewith. In such cases the provisions of article 10 or article 23, as the case may be, shall apply.

7. Royalties shall be deemed to arise in a State when the payer is that State itself, a local authority, a public corporation or a person domiciled in that State. Where, however, the person paying the royalties, whether he is a person domiciled in one of the States or not, has in a State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

8. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this article shall apply to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each State, due regard being had to the other provisions of this Convention.

Article 21

Pensions and annuities shall be taxable only in the Contracting State in which the recipient has his fiscal domicile.

Article 22

1. Failing specific agreements providing for special treatment in the matter, wages, salaries and other similar remuneration received by a person domiciled in one of the two Contracting States in respect of gainful employment shall be taxable only in that State, unless the employment is exercised in the other Contracting State. If the employment is exercised in the other Contracting State, the remuneration derived from it shall be taxable in the latter State.

2. Notwithstanding the provisions of paragraph 1 above, remuneration received by a person domiciled in a Contracting State in respect of gainful employment in the other Contracting State shall be taxable only in the first-mentioned State if:

(a) the recipient is present in the other State for a period or periods--including the duration of the normal interruptions in the work--not exceeding in the aggregate 183 days during a total period of twelve months.

(b) The remuneration is paid by or on behalf of an employer who is not domiciled in the other State;

(c) The remuneration is not deducted from the profits of a permanent establishment or fixed base maintained by the employer in the other State.

3) For the purposes of paragraph 2, sub-paragraph a), of this Article, the expression "normal interruption of the work" means any period during which the recipient is momentarily absent from the other State during the twelve-month period in question, for reasons related to the exercise of his activity in that other State and, in particular, for vacations taken in this activity, at the end of which the recipient resumes his duties in that other State.

4) Notwithstanding the preceding provisions of this article, remuneration for work done on board a ship or aircraft in international traffic shall be taxable only in the Contracting State in which the enterprise is domiciled.

Article 23

1. Income derived by a person domiciled in a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State; however, such income may also be taxed in the other Contracting State in the following cases:

a) If that person has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other State but only so much of it as is attributable to that fixed base; or

b) If his stay in the other Contracting State extends over a period or periods equal to or greater than an aggregate of 183 days during the fiscal year in question; in this case, only the fraction of the income derived from the activities performed in that other State may be taxed in that other State.

2. For the purposes of this article, professions shall be deemed to include scientific, artistic, literary, educational or teaching activities and the activities of medical practitioners, lawyers, architects or engineers.

Article 24

Payments which a student or trainee from one of the Contracting States who is present in the other Contracting State solely for the purpose of his education or training receives for his maintenance,

education or training shall not be taxed in that other State, provided that such payments are made to him from sources outside that other State.

Article 25

Income not mentioned in the foregoing articles shall be taxable only in the Contracting State in which the recipient has his fiscal domicile, unless such income is connected with the activity of a permanent establishment maintained by the recipient in the other Contracting State.

Article 26

1. The income described in Articles 13, 14 and 18 which is derived from the Ivory Coast and received by persons domiciled in France may be taxed in the Ivory Coast only for the tax on income from moveable assets.

Reciprocally, income of the same type derived from France and received by persons domiciled in the Ivory Coast may be taxed in France only through withholding or the obligatory withholding on income from moveable assets.

2. The income described in Articles 13, 14 and 18 derived from France and received by persons domiciled in the Ivory Coast may be subject in that State only to the general income tax.

3. Subject to the provisions of paragraphs 1 and 2, where a person domiciled in a Contracting State receives profits and other positive income which, in accordance with the provisions of this Convention, may be taxed in the other Contracting State, the first-mentioned State may also tax such income. The tax withheld in the other State is not deductible for the computation of the taxable income in the first-mentioned State. However, that person has the right to a tax credit attributable to the tax of the first-mentioned State in the basis of which such income is included. This tax credit is equal to:

- for the income described in Articles 13, 14, paragraph 2 of Article 15, Articles 16, 18 and 20, paragraphs 2 and 3, the amount of the tax withheld in the other State in accordance with the provisions of these Articles. It may not, however, exceed the amount of the tax of the first State in respect of such income;

for the other income, the amount of the tax of the first-mentioned State appropriate to such income. This provision shall also apply to the income described in Articles 9, 10 and 15, paragraph 4, 17 and 20, paragraph 1.

Chapter II. Taxation of Capital

Article 26A

This chapter shall apply:

- in the case of France, to the wealth tax;
- with respect to the two Contracting States, to any identical or substantially similar taxes which are created (in the case of the Ivory Coast) or imposed in addition to, or in place of, the existing taxes (in the case of France).

Article 26 B

1. Capital represented by immovable property referred to in Article 4, owned by a person domiciled in a Contracting State and situated in the other Contracting State, may be taxed in that other State.

The provisions of this paragraph shall also apply to capital constituted by stock, shares or equivalent rights described in paragraph 2 of Article 15.

2. Capital represented by furnishings may be taxed in the State in which the residence to which such furnishings are assigned is situated.

3. Capital represented by stock or shares other than those described in the second sub-paragraph of paragraph 1 and which is part of a substantial interest in the capital of a company which is a person domiciled in a Contracting State may be taxed in that State. A substantial interest shall be considered to exist where a person, alone or with related persons, owns directly or indirectly at least 25 percent of the capital of the company.

4. Capital represented by movable property forming part of the business property of a permanent establishment which an enterprise of one State has in another State, or by movable property pertaining to a fixed base available to a person residing in a Contracting State in the other Contracting State for the purpose of performing independent personal services, may be taxed in that other State.

5. Capital represented by ships and aircraft operated in international traffic, and by movable property assigned to their use, may be taxed in the Contracting State in which the place of effective management of the enterprise is situated.

6. All other elements of capital of a person domiciled in a Contracting State shall be taxable only in that State.

Article 26C

Where a person domiciled in a Contracting State owns capital that is taxable in the other Contracting State, in accordance with paragraphs 1 to 5 of Article 26B, such person may also be taxed in the first-mentioned State in respect of such capital. The tax of the first-mentioned State is computed with a deduction of a tax credit equal to the amount of the tax paid in the other State. This tax credit may not, however, exceed the tax of the first-mentioned State appropriate to the capital taxable in the other State.

Chapter III. Succession Duties

Article 27

1. This chapter shall apply to succession duties levied on behalf of either Contracting State. The term "succession duties" shall be understood to mean taxes levied at death in the form of estate duties, inheritance taxes, death-duties or taxes on gifts mortis causa.

2. The existing duties to which this chapter shall apply are:

In the case of the Ivory Coast: death-duties;

In the case of France: the succession duty.

Article 28

Immovable property (including accessories) shall be taxable only in the Contracting State in which it is situated; equipment or livestock of agricultural or forestry enterprises shall be taxable only in the Contracting State in which the enterprise is situated.

Article 29

Tangible or intangible movable property left by a deceased person who at the time of his death was domiciled in one of the Contracting States and invested in a commercial, industrial or handicraft enterprise of any kind shall be taxable in accordance with the following rule:

(a) If the enterprise has a permanent establishment in only one of the two Contracting States, the property shall be liable to duty only in that State; this provision shall apply even where the enterprise extends its operations to the territory of the other Contracting State, without maintaining a permanent establishment there;

(b) If the enterprise has a permanent establishment in each of the two Contracting States, the property shall be liable to duty in each State to the extent that it is used for a permanent establishment situated in the territory of that State.

However, the provisions of this article shall not apply to investments made by the deceased in joint-stock companies (limited companies, limited share partnerships (societes en commandite par actions), private limited companies (societes a responsabilite limitee), co-operative societies, civil companies subject to the tax regulations governing joint-stock companies) or--in the form of commandite interests--in simple limited partnerships (societes en commandite simple).

Article 30

Tangible or intangible movable property connected with a fixed place of business and used in the practice of a profession in one of the Contracting States shall be taxable only in the Contracting State in which such place of business is situated.

Article 31

Tangible movable property other than the movables referred to in articles 29 and 30, including furniture, linen and household goods and art objects and collections, shall be taxable only in the Contracting State in which it is actually situated at the date of death.

However, ships and aircraft shall be taxable only in the Contracting State in which they were registered.

Article 32

Property of a deceased person's estate to which articles 28 to 31 do not apply shall be taxable only in the Contracting State in which the deceased was domiciled at the time of his death.

Article 33

1. Debts pertaining to enterprises of the kinds referred to in articles 29 and 30 shall be charged against the property of those enterprises. If the enterprise has a permanent establishment or fixed place of business, as the case may be, in both Contracting States, the debts shall be charged against the property of the establishment or place of business to which they pertain.

2. Debts secured on immovable property or on rights in immovable property, or on ships or aircraft as referred to in article 31, or on property used in the practice of a profession as provided for in article 30, or on the property of an enterprise of the kind referred to in article 29, shall be charged against such property. If a debt is secured at the same time on property situated in both States, it shall be charged against the property situated in each of them in proportion to the taxable value thereof.

This provision shall apply to the debts referred to in paragraph 1 only to the extent to which they are not covered in the manner provided for in that paragraph.

3. Debts not provided for in paragraphs 1 and 2 shall be charged against property covered by the provisions of article 32.

4. If, after the procedure provided for in the three preceding paragraphs, there remains an outstanding balance in one of the Contracting States, such balance shall be deducted from the value of any other property liable to succession duty in the same State. If there is no other property subject to duty in that State or if after such deduction a balance still remains, such a balance shall be charged against the property subject to duty in the other Contracting State.

Article 34

Notwithstanding the provisions of articles 28 to 33, each Contracting State shall retain the right to assess the duty on inherited property which it has the exclusive right to tax at the average rate applicable to the sum of the property which would be liable to duty under its internal legislation.

Article 34A

1. Each Contracting State shall exempt the other Contracting State or the local authorities thereof in respect of legacies granted to them.

2. Public establishments, establishments of public utility as well as not for profit organizations, associations, institutions and foundations created or organized in a Contracting State may benefit in the other Contracting State, in respect of legacies granted to them, from the exemptions stipulated by the domestic laws of that other State in favor of similar entities created or organized in that other State.

Such exemptions shall be granted:

- if the beneficiaries of the legacies may be deemed to be the entities which are exempted by the domestic laws of the other Contracting State; and
- if they are exempted by the domestic laws of the first-mentioned Contracting State in respect of legacies given to them.

The competent authorities of both Contracting States shall verify that these conditions are satisfied.

Chapter IV. Registration Taxes Other Than Succession Duties. Stamp Taxes

Article 35

Where an instrument or judgment drawn up in one of the Contracting States is presented for registration in the other Contracting State, the taxes applicable in the latter State shall be determined in accordance with the provisions of its internal legislation, provided that the taxes due in that State shall where appropriate be reduced by the amount of the registration taxes already levied in the first-mentioned State.

However, instruments or judgements transferring the ownership or usufruct of an immovable or a business or the use of an immovable, and instruments or judgments registering the sale of a right to lease or to benefit by an option to lease all or part of an immovable, may be charged with a transfer tax only in the Contracting State in whose territory the immovable or business is situated.

The provisions of the first paragraph of this article shall not apply to company articles of association or amendments thereto. Such documents shall be liable to the ad valorem capital contribution tax (droit proportionnel d'apport) only in the State in which the company has its registered offices. In cases of mergers or similar operations, the tax shall be levied in the State in which the new or absorbing company has its registered offices.

Article 36

Instruments of bills (effets) drawn up in one Contracting State shall not be subject to stamp tax in the other Contracting State if they have actually been charged with such tax at the rate applicable in the first-mentioned State or if they are legally exempt from such tax in the first-mentioned State.

Title III

Administrative Assistance

Article 37

1. The taxation authorities of each of the Contracting States shall communicate to the taxation authorities of the other Contracting State any fiscal information available to them and useful to the latter authorities to ensure the proper assessment and collection of the taxes to which this Agreement relates and the enforcement with respect to such taxes of the statutory provisions concerning the prevention of tax fraud.

2. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes to which this Agreement relates. No information shall be exchanged which would reveal a commercial, industrial or professional

secret. Assistance may be withheld where the requested State considers that it would be likely to endanger its sovereignty or security or to prejudice its general interests.

3. Information shall be exchanged as a matter of routine or on request in connexion with particular cases. The competent authorities of the two Contracting States shall agree on the list of classes of information to be furnished as a matter of routine.

Article 38

1. The Contracting States agree to lend each other assistance and support with a view to the collection, in accordance with the rules of their respective laws or regulations, of the taxes to which this Agreement relates and of any tax increases, surcharges, overdue payment penalties, interest and costs pertaining to the said taxes, where such sums are finally due under the laws or regulations of the requesting State.

2. Requests for assistance shall be accompanied by such documents as are required under the laws or regulations of the requesting State as evidence that the sums to be collected are finally due.

3. On receipt of the said document, writs shall be served and measures of recovery and collection taken in the requested State in accordance with the laws or regulations governing the recovery and collection of its own taxes.

4. Tax debts to be recovered shall enjoy the same safeguards and privileges as similar tax debts in the requested State.

Article 39

In the case of tax debts still subject to appeal, the taxation authorities of the creditor State may, in order to safeguard the latter's rights, request the competent taxation authorities of the other Contracting State to take such interim measures as its laws or regulations permit.

Article 40

The measures of assistance specified in articles 38 and 39 shall also apply to the recovery of any taxes and duties other than those to which this Agreement relates, and, in general, to all debt-claims of whatsoever nature of Contracting States.

Title IV

Miscellaneous Provisions

Article 41

1. Where a taxpayer shows proof that as a result of measures taken by the taxation authorities of the Contracting States he has suffered double taxation in respect of the taxes to which this Agreement relates, he may make application to the competent authorities of the State in the territory of which he has his fiscal domicile or to those of the other State.

If the application is upheld, the competent authorities of the two States shall reach agreement with a view to the equitable avoidance of double taxation.

2. The competent authorities of the Contracting States may also reach agreement with a view to the prevention of double taxation in cases not provided for in this Agreement, and in cases where the application of this Agreement gives rise to difficulties.

3. If it appears that agreement would be facilitated by negotiations, the matter shall be referred to a mixed commission composed of an equal number of representatives of each Contracting State. The commission shall be presided over alternately by a member of each delegation.

Article 42

The competent authorities of the two Contracting States shall consult together to determine, by agreement and so far as may be necessary, the procedure for the application of this Agreement.

Article 43

1. This Agreement shall be approved in accordance with the constitutional provisions in force in each of the two States.

It shall enter into force on the first day of the month following the exchange of notes indicating that both Parties have complied with these provisions, it being understood that it shall apply for the first time:

In respect of taxes on income, to the taxation of income relating to the calendar year 1964 or to fiscal years ended in the course of that year. However, in the case of income the taxation of which is governed by articles 15 to 18, the Agreement shall apply to distributions taking place after the entry into force of the Agreement;

In respect of succession duties, to the estates of persons deceased on or after the day of entry into force of the Agreement;

In respect of other registration taxes and of stamp taxes, to instruments and judgements drawn up after the entry into force of the Agreement.

2. The provisions of the Agreement concluded on 31 January and 20 March 1956 between the French Government and the Government General of French West Africa for the Avoidance of Double Taxation and the Establishment of Rules of Reciprocal Administration Assistance with respect to Taxes on Income from Movable Capital shall be abrogated with effect from the entry in force of the present Agreement.

Article 44

This Agreement shall remain in force indefinitely.

However, on or after 1 January 1972 either of the Contracting States may give notice to the other of its intention to terminate this Agreement, such notice to be given before the thirtieth day of June of any year. In that event the Agreement shall cease to apply as from the first day of January of the year following the year in which the notice was given, it being understood that its effects shall be limited: In respect of taxes on income, to income acquired or paid during the year in which notice of termination was given;

In respect of succession duties, to the estates of persons deceased not later than the thirty-first day of December of that year;

In respect of other registration taxes and of stamp taxes, to instruments and judgments dated not later than the thirty-first day of December of that year.

In witness whereof the undersigned, being duly authorized thereto, have signed this Agreement, drawn up in two original copies.

Done at Abidjan, on 6 April 1966.

FOR THE GOVERNMENT OF THE FRENCH REPUBLIC:

Jacques Raphael-Leygues

FOR THE GOVERNMENT OF THE REPUBLIC OF THE IVORY COAST:

H. Konan Bedie

PROTOCOL

On signing the Agreement between the Government of France and the Government of the Ivory Coast for the avoidance of double taxation and the establishment of rules of reciprocal administrative assistance with respect to taxation, the signatories have agreed upon the following declarations, which shall form an integral part of the Agreement:

I. The national tax (contribution nationale) levied in the Ivory Coast shall be subject to the provisions of the Agreement and shall accordingly be deemed, for the purposes of the Agreement, to be one of the taxes referred to in article 8, paragraph 3 (last sub-paragraph).

II. It is expressly stipulated that enterprises of one of the Contracting States may in no case invoke the provisions of article 10 of the Agreement with a view to evading the obligations to which they are subject under the regulations of that State with respect to the keeping of their accounts.

III - Where the rules established in Article 26 of the Convention do not allow a person who is domiciled in a Contracting State to set off from the tax for which he is liable in that State the entire withholding taken in the other Contracting State in accordance with Articles 14 and 20, that person may present a request to the competent authorities under the amicable procedure stipulated in Article 41. In such case, the competent authorities may allow setting off in particular the withholding within the limits of the tax corresponding to income from a foreign source other than the income on which the withholding was taken.

IV. In the application of article 40 of the Agreement, the provisions of the Convention of 31 December 1959 concerning relations between the French Treasury and the Ivory Coast Treasury which relate to the recovery of debt-claims of the Contracting States shall be deemed to be an agreement within the meaning of article 42.

FOR THE GOVERNMENT OF THE FRENCH REPUBLIC:

Jacques Raphael-Leygues

FOR THE GOVERNMENT OF THE REPUBLIC OF THE IVORY COAST:

H. Konan Bedie

EXCHANGE OF NOTES

Embassy of France to the Ivory Coast

Abidjan, 6 April 1966

Sir,

As you are aware, articles 38 to 40 of the Agreement between the Government of the French Republic and the Government of the Republic of the Ivory Coast, signed at Abidjan on 6 April 1966, provide for measures of reciprocal assistance with a view to the collection of the taxes to which the Agreement

relates, of all other taxes and duties and, in general, of all debt-claims of whatsoever nature of the Contracting States.

In order that the application of the above provision may not give rise, in certain cases, to difficulties of procedure and in order to preserve the atmosphere of confidence which exists between the Governments of our two countries, I have the honour to propose that, where, in application of the provisions of the above-mentioned articles 38 to 40, proceedings are instituted against a taxpayer in one of our two States for the recovery of taxes or debts owed in the other State, the taxpayer shall be entitled to request the competent authorities of the first-mentioned State to stay such proceedings if he is able to establish title to property situated in the State in which the tax in question was assessed or to establish a claim on a public or quasi-public authority of the said State.

If the request, which must be supported by the necessary documents, appears to be justified, the application of the provisions of article 38 shall be stayed. The competent authorities of the requesting State shall be informed of that decision and the request shall be submitted within three months to the mixed commission referred to in article 41 for examination. That commission shall decide whether, and to what extent, the measures of enforced recovery shall proceed.

In more general terms, disputes relating to collection shall be deemed to be difficulties of application within the meaning of article 41 of the Agreement.

The referring of the matter to the mixed commission shall not preclude the application of the provisions of article 39 of the Agreement.

I should be greatly obliged if you would inform me whether this proposal is acceptable to your Government.

Accept, Sir, the assurances of my highest consideration.

Raphael-Leygues

His Excellency the Minister of Economic and Financial Affairs of the Ivory Coast

Ministry of Economic and Financial Affairs

Abidjan, 6 April 1966

No. 0385 M/AEF/CAB

Sir,

By letter of today's date, you informed me as follows:

"As you are aware, articles 38 to 40 of the Agreement between the Government of the French Republic and the Government of the Republic of the Ivory Coast, signed at Abidjan on 6 April 1966, provide for measures of reciprocal assistance with a view to the collection of the taxes to which the Agreement relates, of all other taxes and duties and, in general, of all debt-claims of whatsoever nature of the Contracting States.

In order that the application of the above provision may not give rise, in certain cases, to difficulties of procedure and in order to preserve the atmosphere of confidence which exists between the Governments of our two countries, I have the honour to propose that, where, in application of the provisions of the above-mentioned articles 38 to 40, proceedings are instituted against a taxpayer in one of our two States for the recovery of taxes or debts owed in the other State, the taxpayer shall be entitled to request the competent authorities of the first-mentioned State to stay such proceedings if he is able to establish title to property situated in the State in which the tax in question was assessed or to establish a claim on a public or quasi-public authority of the said State.

If the request, which must be supported by the necessary documents, appears to be justified, the application of the provisions of article 38 shall be stayed. The competent authorities of the requesting State shall be informed of that decision and the request shall be submitted within three months to the mixed commission referred to in article 41 for examination. That commission shall decide whether, and to what extent, the measures of enforced recovery shall proceed.

In more general terms, disputes relating to collection shall be deemed to be difficulties of application within the meaning of article 41 of the Agreement.

The referring of the matter to the mixed commission shall not preclude the application of the provisions of article 39 of the Agreement.

I should be greatly obliged if you would inform me whether this proposal is acceptable to your Government."

I have the honour to inform you that the terms of the above letter are acceptable to the Government of the Ivory Coast.

Accept, Sir, the assurances of my highest consideration.

Konan Bedie

Minister

His Excellency the Ambassador
of France at Abidjan

[◀ Previous](#) | [Next ▶](#)