



ASSOCIATION OF TRUST AND MANAGEMENT COMPANIES



19 years of service to the Mauritius Global Business Industry

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Message from Chairman

Dear Members,

We have the pleasure to issue the first e-Newsletter of the Association of Trust and Management Companies (ATMC). This e-Newsletter, which will be released on a quarterly basis, aims at keeping you informed of all the discussions, meetings and decisions of the Managing Committee of ATMC. As you are aware the global business industry is going through unprecedented times in its history. Through this e-Newsletter, we look forward to share with you all the activities undertaken by the Association during the quarter. You may also wish to contribute to this publication by sharing your views on areas of common interest.

Kamal Hawabhay

Message from CEO

Dear Members,

It is indeed a pleasure for me to be part of this first e-Newsletter of the ATMC. I joined the industry during very challenging times and I believe that the Association will have a much bigger role to play in the coming months/years in view of the changes brought in the India-Mauritius DTA. I look forward to support the Association and its members in their efforts to address and resolve issues that affect the well-being of this industry. This Newsletter will serve as our channel of communication through which, you-our most valued members-will be kept abreast of all the activities of the Association during the quarter under review. We hope that you will take advantage of this quarterly publication. I wish you all a good read.

Veena Soyjaudah

About Us

The Association of Trust and Management Companies ("ATMC") was registered in 1997. It is the flagship representative body of the global business industry and currently represents not only its 63 direct members comprising of management companies, lawyers and auditors but also the 46 Corporate Trustee companies and managed trust operations directly associated with its management company members. Accordingly, ATMC represents the interests of over 100 operators in the Global Business industry

The ATMC has adopted a new set of Articles since 2013 which also provides for new categories of members such as banks, insurance companies, financial services providers, industry associations, professional firms and individuals including lawyers, auditors and accountants and any other licensee of the FSC. They must be involved principally or substantially in the provision of services in the Global Business and financial services industry in a professional capacity.

The role of the ATMC is to interact closely with relevant government ministries and authorities like FSC, MRA, BOI, ROC & other stakeholders and contribute to develop, maintain, upgrade and promote the standing of Mauritius as a jurisdiction of international repute. The ATMC is also committed towards the development of new products and services to enhance the competitiveness and attractiveness of Mauritius as an international financial services centre.

Managing Committee for the year 2016-2017

The AGM of the Association was held on 31 March 2016 during which a new Managing Committee was elected. The MC meets on the first Friday every month to discuss issues of concerns to members and take appropriate decisions and actions, where warranted. The Executive Committee serving for the term 2016-2017 consists of the following, in addition to the Chairman:

1. Shahed Hoolash from Deutsche International Trust Corporation (Mauritius) Limited.
2. Ashish Jagarnath from International Proximity
3. Richard Li from Kross Border Corporate Services Limited
4. Francoise Chan from Intercontinental Trust
5. Madvi Jeebun from DTOS Ltd.
6. Caroline Leclizio from ENSafrica Fiduciary Ltd
7. Assad Abdullatiff from AXIS Fiduciary Limited.
8. Bob Bachun from Mauritius International Trust Company Limited.

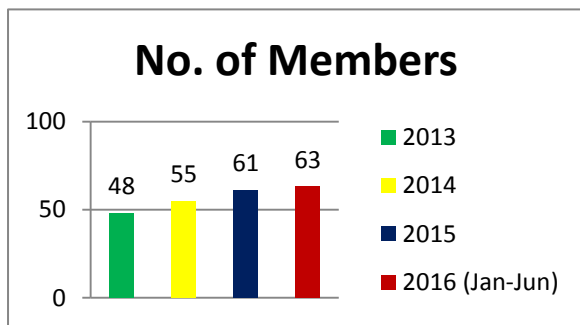
OUR MOST-VALUED MEMBERS

				Maitland	
	FWM International	IMARA INVESTING IN AFRICA		Me Ashvin Krishna DWARKA	
				Deutsche Bank 	
Fideco Global Business Services					
	Port-Louis Management Services				
	AX1S				
First Island Trust Company					
					Hauteville Limited
Offshore Incorporations				GFin	
St. Lawrence Management Limited 					
					

New ATMC Members in 2016

The ATMC welcomed four new members since the beginning of 2016, namely:

1. Anex Management Services Ltd – March 2016
2. Sphere Management (Mauritius) Limited –March 2016
3. Me Rajesh Unnuth –June 2016
4. Summit Trust (Mauritius) Ltd –June 2016



At end-June 2016, the total number of members stood at 63.



Since 2013 we have constantly increased our membership. We would also appreciate a helping hand from our existing members in our membership drive.

Sub-Committees of the Managing Committee



The Managing Committee sets up sub-committees as and when specific issues related to the global business industry arise. These sub-committees comprise members of the Managing Committee, meet as often as required to thrash out issues under concern and present their findings in a report to the Managing Committee. The latter subsequently takes the matter forward with the relevant authorities, as applicable. The following sub-committees are presently live:

- Sub-Committee on Tax Matters chaired by Mr Ashish Jagarnath
- Sub-Committee on FATCA chaired by Mr Shahed Hoolash
- Sub-Committee on Code of Business Conduct chaired by Mr Assad Abdullatiff
- Sub-Committee on Personal Liability of Directors chaired by Mr Assad Abdullatiff
- Sub-Committee on CRS chaired by Mr Shahed Hoolash

Quarterly FSC-ATMC Meetings

The ATMC holds regular meetings with the FSC on a quarterly basis. At the meeting held on 19 April 2016, the following main issues were raised and discussed:

- Substance Rules 2015
- KYC- New documents to confirm Proof of Address
- Guidance on the use of electronic utility bills to verify physical addresses
- FSC Administrative Penalty Rules – Cumulated penalties for late filing of accounts
- CL031215 in respect of 'Offsite Supervision Procedures'

- Statutory Filings with FSC – Paperless Initiative
- Section 3 – Change in Business Purpose
- Section 6 – Change in MC/RA
- Statistical Surveys channeled by FSC – Consolidated Surveys
- Multiple Directorship issues
- Request for more regular meetings with FSC
- Managed companies
- CRS
- Grey area in relation to lapsing of GBC license.

A brief of the outcomes of the meeting was communicated to members on 10 June 2016.


Protocol on the India-Mauritius DTA



Following the signing of the Protocol on the Mauritius-India DTA on 10 May 2016, the ATMC took the following actions:

- (a) On 11 May 2016, an urgent Members' Meeting was convened and which was attended by senior level members.
- (b) On 11 May 2016, a communication was prepared by the ATMC and circulated to members. It aimed at guiding them on the lines along which they could reassure their clients on the fact that Mauritius remains an attractive destination as an IFC along with the prevailing ease of doing business and neutrality of the Mauritian jurisdiction.
- (c) On 12 May 2016, a press conference was organised at Palms Hotel, St Jean Quatre Bornes. The ATMC expressed its views on the signed India-Mauritius protocol. The press conference was well attended by CEOs and Managing Directors of members of the ATMC.

View more at

- (i) https://www.youtube.com/watch?v=omd31M_iGhA
- (ii) <https://www.youtube.com/watch?v=xas03tPqb1U>
- (d) On 18 May 2016, a common industry communiqué was issued for dissemination to all foreign stakeholders impacted by the changes and posted on the website.
Read more at http://atmcmauritus.org/wpcontent/uploads/2016/05/Press-Communiqu%C3%A9_180516.pdf
- (e) From 12 May 2016 to date, meetings were held with higher authorities to convey the concerns of the industry with respect to the adverse socio-economic impact of the Protocol on Mauritius. Several correspondences were also addressed to high government officials in that respect.

- (f) On 13 June 2016, the Chairman of ATMC gave an interview in Defimedia entitled: «Il est encore possible de revoir un traité pas encore ratifié». Read more at <http://defimedia.info/kamal-hawabhay-il-est-encore-possible-de-revoir-un-traite-pas-encore-ratifie-32544/>

India Today Broadcast on Agusta Westland



On 24 May 2016, India Today published a video entitled 'How Agusta kickbacks were channelled from Mauritius into India' (the "Broadcast"). The ATMC issued a Press Communiqué on 30 June 2016 in which it strongly condemned the malicious and misleading TV broadcast on the Mauritius jurisdiction.

Read more at:

<http://atmcmauritus.org/wpcontent/uploads/2016/05/Press-Notice-on-Agusta-300516.pdf>

Meeting with Bank of Mauritius



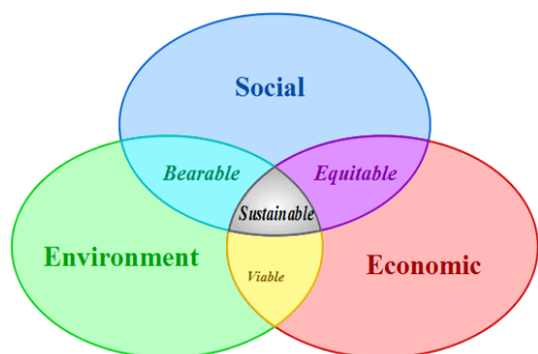
The ATMC met with the Second Deputy Governor of Bank of Mauritius on 23 June 2016 with a view to discussing several issues that GBCs are facing with banks, including KYC and DD issues, opening and closure of GBC accounts as well as fees and charges, and minimum balance requirements. The Bank of Mauritius has requested the ATMC to convey its concerns formally so that it can take up the issue with the concerned banks.

Guidance Notes to supplement the FSC Code of Business Conduct



At the request of the FSC, the ATMC has prepared a Guidance Notes to supplement the FSC Code of Business Conduct which has come into force in January 2016. The draft Guidance Notes is being finalised and will shortly be submitted to the FSC.

Corporate Social Responsibility



The Chairperson of the National CSR Committee, Mrs Danielle Wong and two Officers of the National Corporate Social Responsibility Committee made a presentation on 06 May 2016 at the ATMC Secretariat. It was emphasized that CSR should not be viewed as an isolated project or a one-off event but as a sustained effort to achieve a set objective. It was also suggested that members of the ATMC might consider teaming up with a Non-Governmental Organisation (NGO) as they have the experience in implementing CSR programmes. The Association will set up a Sub-Committee to look into this matter and will make proposals to the Managing Committee. These proposals will subsequently be communicated to members.

Review of ACCA Courses calendar

Following requests received from members to the effect that their operations are adversely impacted as a result of study leaves granted to employees during peak periods, the ATMC contacted ACCA course providers to convey these concerns and to request them to consider reviewing their course calendars as follows:

- October - February (for March exams).
- January - May (for June exams)
- April to August (for September exams) and
- July to November (for December exams)

The Course providers have acknowledged ATMC's request and will, to the extent possible, consider these concerns in respect of forthcoming batches of ACCA students.

Participation on workshops/seminars/conference attended by ATMC



- (i) 10th Asia/Africa IFA Conference 2016 Mauritius which was held on the 19th & 20th May 2016 at the Intercontinental Hotel, Balaclava.
- (ii) Seminar on "Credit Risk Analysis for Capital Market Instruments" which was organised by FSC Mauritius in collaboration with CARE Ratings (Africa) Private Limited, held on 03 May 2016 at the FSC House, Ebene.
- (iii) Workshop organised by Mauritius Cooperation Enterprise (MCE) in collaboration with the Mauritius Information & Technology Industry Association (MITIA) and targeted clusters of the Services sector in Mauritius. The workshop was held on 05 May 2016 at Blue Tower Ebene.
- (iv) Networking dinner hosted by the BPP University Law School UK on 08 June 2016, held at Labourdonnais Waterfront Hotel, Port Louis, during which discussions were held with Professor Julian Davies on the global business industry in Mauritius and the opportunities for Mauritian students undertaking LLB courses.

Proposed Introduction of Limited Partnership Liability



The Financial Services Commission Mauritius in collaboration with the Ministry of Financial Services, Good Governance and Institutional Reforms, is proposing to introduce Limited Liability Partnerships in Mauritius. To that effect, members were invited to provide their views and comments. These were submitted to the FSC on 20 June 2016.

ATMC in the News



The ATMC has been quoted in several articles in the local/regional press.

> **ION News**

On 12 May 2016 – « L'Association of Trust and Management Companies craint pour les emplois dans le global business » Read more at

<https://www.youtube.com/watch?v=xas03tPqb1U>

> **Teleplus WebTv**

On 12 May 2016 – « Traité fiscal: les opérateurs craignent des pertes d'emploi » Read more at

https://www.youtube.com/watch?v=omd31M_iGhA

> **Defimedia**

On 14 May 2016 – "Global Business, an impending death?"

Read more at <http://defimedia.info/global-business-an-impending-death-28804/>

> **L'Express**

On 12 May 2016 – "Traité fiscal: «Tout s'écroule comme un château de cartes», disent des professionnels »

Working Group on Takeover Legislations

The FSC has set up a Working Group to look into difficulties met by operators when applying the Securities (Takeover) Rules 2010. The ATMC is represented by Mrs Caroline Leclézio, member of the Executive Committee. The first meeting of the Working Group was held on 13th July 2016. The main areas of improvements in the Rules identified by the FSC include:

- (a) The definition of 'effective control' per Rule 2
- (b) The definition of 'person in concert' per Rule 2
- (c) Mandatory Offer per Rule 33
- (d) Waiver of Mandatory Offer per Rule 34
- (e) Exemptions per Part XI

A communication was addressed by email to all members on 13 July 2016 inviting them to provide details of the difficulties that they are encountering on the application of the Securities (Takeover) Rules 2010 for onward submission to the Working Group.

Read more at

<http://www.lexpress.mu/article/281549/traite-fiscal-tout-secroule-comme-un-chateau-cartes-disent-professionnels>

On 19 May 2016 – "...of Global Business, BEPS, DTAs, Panama Papers, etc..."

Read more at

<http://www.lexpress.mu/node/281884%20%20;%20http://www.lexpress.mu/article/281549/traite-fiscal-tout-secroule-comme-un-chateau-cartes-disent-professionnels>.

On 30 May 2016 – "Affaire Agusta: L'Association of Trust and Management Companies blâme India Today".

Read more at

<http://www.lexpress.mu/article/282668/affaire-agusta-association-trust-and-management-companies-blame-india-today>

> **Le Mauricien**

24 June 2016 – "DTAT: Polémique et craintes chez les opérateurs". Read more at

<http://www.lexpress.mu/article/283610/grands-titres-lexpress-mercredi-15-juin>

> **Mémento- Magazine d'Outremer et de L'Océan Indien**

The ATMC Chairman was interviewed by the commercial attaché of Magazine Mémento, a monthly regional economic magazine on the role of management companies and the global business industry in the Mauritius jurisdiction. The interview will be published in the September 2016 issue of Mémento.

Please send your comments and suggestions to: info@atmcmauritius.org