

بسم الله الرحمن الرحيم



A T A I C

Association of Tax Authorities of Islamic Countries

اتحاد سلطات الضرائب في الدول الإسلامية

Foster Mutual Cooperation Among Member Countries



**STATUTE
OF
THE ASSOCIATION OF TAX AUTHORITIES OF ISLAMIC COUNTRIES
("Statute")
Amendment of 2021**

**STATUTE
OF
THE ASSOCIATION OF TAX AUTHORITIES OF ISLAMIC COUNTRIES (“Statute”)
Amendment of 2021**

Preamble

The Association of Tax Authorities of Islamic Countries was established pursuant to signing of the ATAIC Guiding Principles in Putrajaya, Malaysia in the sideline of the 10th Summit of the Organization of Islamic Cooperation (OIC) on 15 October 2003.

The ATAIC aims to support the development of tax administrations and Islamic taxes by focusing on Zakat in Islamic countries to encounter the challenges / changes as well as updating tax policies and legislation besides promoting cooperation between Member Countries in order to build better capacities for the staff of tax administrations;

Responding to the desire of ATAIC members in support of the goals and principles of the Association, ATAIC Heads of Delegations meeting in the 6th Technical Conference, which was held in Sudan, passed ATAIC’s statute. To implement the decisions of the Heads of Delegations Meeting in the 16th Technical Conference, which was held in Mauritania, December 2019, for amendments to the Statute, the 2nd Virtual Extraordinary Heads of Delegations Meeting on November 2021 issued the following Statute.

**Article 1
Title & Commencement**

This Statute is cited as “THE STATUTE of ASSOCIATION OF TAX AUTHORITIES OF ISLAMIC COUNTRIES” and shall come into force as of its passing by the Heads of Delegations Meeting.

Article 2 Definitions

The expressions set forth in this Statute shall have their respective meanings as follows:

“Association” means the Association of Tax Authorities of Islamic Countries (also known as “ATAIC”).

“The General Assembly” means the ATAIC General Assembly as established in Article 6.

“The Council” means the ATAIC Executive Council as established in Article 6.

“The President” means the President of the General Assembly and the Association.

“Member Countries” means ‘Full Members’ and ‘Associate Members’ of the Association.

“Permanent Secretariat” means the Permanent Secretariat of the Association.

“Secretary General” means Secretary General of ATAIC.

“Technical Conference” means the Annual Technical Conference of the Association.

“Full Members” means ATAIC full members as established in Article (5).

“Associate Members” means ATAIC Associate members as established in Article 5.

“Observers” means representatives from ATAIC non- member countries as well as associations and organizations participating in ATAIC Technical Conferences or special events.

“Headquarters Country” means the country which hosts the Association Permanent Secretariat.



Article 3

Purposes and Objectives

ATAIC is keen to achieve the following objectives:

1. Provide a forum to discuss, deliberate, share experiences and facilitate the development and improvement of tax and/or Zakat policies and administrations in all their aspects within Member Countries;
2. Foster mutual cooperation and assistance among the Tax Authorities in member countries;
3. Recognize the important role of Tax and/or Zakat administration in the promotion of economic development;
4. The Association may set up other tax objectives as may be decided by the General Assembly.

Article 4

Activities

The activities of the Association shall include:

1. Organizing and convening General Assembly meetings. The General Assembly meetings are to be held preferably on a rotation basis among members;
2. Organizing technical conferences, seminars, workshops and training courses on aspects of tax and/or Zakat administration related issues;
3. Collecting, analyzing and disseminating legislative and administrative information on tax and/or Zakat;
4. Providing direct technical assistance or collaborating with bilateral and multilateral agencies and generally facilitating work that provides research facilities in the field of tax and/or Zakat administration;
5. Carrying out functions related to overall improvement of the capabilities of tax and/or Zakat administration through functional cooperation between and among Member Countries;
6. Keeping abreast with all Member Countries as well as with activities of regional tax associations;
7. Creating mechanisms to coordinate and cooperate with related international tax organizations in order to benefit from their experiences in international taxation;

8. Exchange of visits and expertise among Member Countries to develop and improve the efficiency of their tax administrations; and
9. Conducting research and studies in the field of tax systems, policies and tax administration and disseminate the relevant outcomes to Member Countries.

Article 5

Membership Provisions

1. Membership of the Association is open to all member countries of the Organization of Islamic Conference (OIC) and non-OIC countries by submission of an official letter from the membership applicant country to the General Assembly for approval.
 2. The Association shall consist of:
 - a) Full Members;
 - b) Associate Members; and
 - c) Observers.
- a) Full Members:**
1. Full Members are OIC countries that have signed the Guiding Principles of ATAIC on October 15th 2003, as well as those OIC countries that are admitted as 'Full Members' by way of official application submitted by them and approved during any of the annual General Assemblies;
 2. A Full Member has a right to vote on decisions in the General Assemblies.
- b) Associate Members:**
1. Associate Members are non-OIC countries that are admitted upon an official application submitted by them and approved during any of the annual General Assemblies upon the recommendation by the Council;
 2. The Associate Members shall participate in the Association meetings upon invitation from the Secretary General. They are entitled to the general benefits afforded by ATAIC to its member countries, and to make observations and participate in the discussions of the Technical Conference, as well as in the administrative sessions of the General Assemblies through their

representatives. They have the right to speak but are not entitled to vote on decisions of the General Assemblies;

3. The General Assembly may accept the applicant countries as Associate Members upon the recommendation of the Council.

c) Observers:

1. Representatives from countries which are not Full Members or Associate Members, the Associations and organizations that are invited by the Secretary General to attend the Technical Conferences or special events of the Association.
2. They have the right to speak but are not entitled to vote on decisions in the General Assemblies.

Article 6
Bodies of the Association

1. The Association shall consist of the following bodies:

- A. The General Assembly
- B. ATAIC Presidency
- C. The Executive Council
- D. Permanent Secretariat

According to the following details:

A. The General Assembly

1. Composition:

- a) The General Assembly shall consist of the Heads of the Tax Administrations of the member countries or their fully authorized representatives.
- b) The General Assembly shall be the highest decision-making body of ATAIC. It shall meet at least once every financial year.
- c) The General Assembly shall be headed by the President who is assumed to be the highest - ranking tax official of the member country hosting the General Assembly; he/she shall, at the same time, function as the President of ATAIC up to the next General Assembly.
- d) The president will be the representative of the member country in which the General Assembly is held or, if the latter is held in a non-OIC country, the representative of the country of the OIC designated by the General Assembly .

2. Functions and duties of the General Assembly are:

- a) Determine the hosting country of the Permanent Secretariat
- b) Conclude a Headquarters Agreement with the Member country hosting the Permanent Secretariat. The Headquarters Agreement shall be concluded and implemented as soon as reasonably possible after the date of entry into force of this amended Statute;
- c) Elect the Head and the other members of the Council;
- d) Appoint the Secretary General of the Association and determine the remuneration and other terms and conditions of employment of the Secretary General and his/ her staff;
- e) Approve amendments to the Statute, as the case may require, upon the proposals by the Council;
- f) Decide on applications for membership in the Association upon the recommendation of the Council;
- g) Review and approve the annual financial reports submitted by the Council;
- h) Approve the budget of the following year submitted by the Council as well as the reports of the activities carried out during the previous year;
- i) Approve the Work Plan for the following year;
- j) Approve the ATAIC Annual Events Calendar;
- k) Decide on the amount of annual subscriptions for Full Members and contributions by Associate Members, upon the recommendation of the Council;
- l) Appoint an external auditor to certify the annual accounts and financial statements of the Association upon the proposal by the Council;
- m) Determine the country/countries hosting the upcoming General Assembly and other ATAIC events based on the proposals submitted by the Member Countries upon the recommendation of the Council; and
- n) Approve the date/s and topics of ATAIC upcoming events based on the proposals of hosting countries and recommendations of the Council.

3. General Assembly Decisions:

- a) A validly constituted quorum will exist when there are representatives present from at least 40% of the Full Member Countries;
- b) Decisions at the General Assembly shall be taken by a consensus, if consensus cannot be obtained, decisions shall be taken by a two-thirds majority of those members present and voting. Each Full Member shall have one vote;
- c) The Final Report of the General Assembly including the decisions and recommendations made shall be signed by the ATAIC President.

B. ATAIC Presidency

- 1. The Country hosting ATAIC General Assembly shall assume the Presidency of the Association until next General Assembly;
- 2. President of ATAIC shall at the same time hold the presidency of the General Assembly;
- 3. The President shall have supervisory responsibility for:
 - a) Monitoring the implementation of the decisions of the General Assembly in coordination with the Secretary General;
 - b) Carrying out the overall coordination of the Association's relations as well as the tasks entrusted to him/her by the General Assembly;
 - c) Doing any other tasks of a similar nature within the scope of ATAIC objectives.

C. The Executive Council:

1. Composition:

- a. The Executive Council will consist of a Head and eight Members with a total quorum of five members (including the Head) for the meetings;
- b. A member country shall have only one representative in the Council at any time;
- c. In case of temporary absence or definitive withdrawal of the Council Head, his/her substitute shall be elected by the Council from among the Council members

- d. All members will be elected by the General Assembly for a two-year period.
- e. The members of the Executive Council shall remain in office until a new Executive Council is elected by the General Assembly.

2. The powers and responsibilities of the Executive Council are:

- a. The Council shall meet on the occasion of each General Assembly meeting and shall ordinarily meet once every year between General Assembly meetings;
- b. The Council may also convene special meetings when so requested in writing by not less than five (5) members of the Council. A request for a special meeting shall be submitted to the President. Special Council Meetings shall be held at such time and place as the President shall decide upon the proposal by the Council in coordination with the Permanent Secretariat;
- c. The Council makes proposals to the President on accepting or rejecting donations and contributions referred to in Article 9 of this Statute other than those determined by the General Assembly in accordance with Article 5 of this Statute;
- d. The Council makes the necessary and convenient arrangements for financing the organization and operation of the Association, and submits the Financial Report of the previous year for the consideration of the General Assembly;
- e. The Council submits a report on activities undertaken during the previous year to the General Assembly;
- f. The Council submits to the General Assembly the Budget and Work Plan for the following year;
- g. The Council may propose to the President to invite persons to participate in the events of the Association;
- h. In case of a tie vote in the Executive Council Meetings, the Head will be entitled to cast the final vote to resolve the controversy; and
- i. The Council may propose, if needed, to seek technical and advisory assistance from international or regional organizations.

D. Permanent Secretariat

1. Establishment

The Permanent Secretariat shall be established and its Office shall be in a Full Member Country but it may be shifted to any other Full Member Country, in any case considered by the General Assembly upon the decision of a quorum of two thirds.

2. Office of the Permanent Secretariat

The Office of the Permanent Secretariat consists of:

- a) Secretary General
- b) ATAIC Correspondence Mechanism

a) Secretary General

1. Appointment

- a. The Secretary General shall head the Permanent Secretariat and shall be the Chief Administrative and Financial Officer of the Association.
- b. The Secretary General shall be appointed by the General Assembly for a period of four (4) years, with a maximum of two (2) terms.
- c. The Council may provide the General Assembly with recommendations on staffing levels and the terms and conditions of employment of the Secretariat.
- d. The Secretary General shall be the head of the Secretariat. The Secretariat shall be staffed by such other officials as appointed by the Secretary General in terms of guidelines proposed by the Council to be approved by the General Assembly.

2. Duties of the Secretary General:

- a. The Secretary General shall have such duties as may be assigned to him/her by the General Assembly and shall manage the activities of the Association in accordance with the approved plans.
- b. Notwithstanding of what is set forth in item (a) above, the Secretary General shall have the following duties:
 - 1. Following up the execution of the General Assembly decisions in coordination with the Council.
 - 2. Performing the technical and administrative functions of ATAIC, as well as those entrusted to him/her by the

General Assembly or the President; and submitting regular reports to the President on these tasks and to the General Assembly during its Meetings;

3. Preparing and circulating the necessary documents and the agenda of the General Assembly and other ATAIC events, as the case may require, in coordination with the host countries;
4. Proposing the annual budget of ATAIC to the council to be submitted to the General Assembly for approval;
5. Administering the budget of the Association and submitting the financial reports including audited annual accounts for the year under review to the council to be approved by the General Assembly;
6. Reporting in detail to the General Assembly the activities undertaken by the Association since the preceding meeting;
7. Keeping records of the Association.
8. Preparing the ATAIC Annual Events Calendar and submitting it to the Council to be approved by the General Assembly;
9. Preparing and submitting to the Council the draft Strategic Plan and the Annual Work Plans to be approved by the General Assembly;
10. Arranging, in coordination with the host countries, for the meetings of the General Assembly by proposing time tables, preparing draft agendas and submitting proposals to this effect to the Council;
11. Arranging for the meetings of the Council and recording and administering its proposals upon approval by the General Assembly;
12. Facilitating contacts with other international tax administrations and organizations;
13. Negotiating and signing international agreements and contracts on behalf of ATAIC in consultation with the Council upon the final approval of the General Assembly;

14. Participating in the meetings of the General Assembly with the right to speak, but not to vote. The Secretary General or his/her representative may also participate in the meetings of the Council or any other institutions as established by the General Assembly;
15. Coordinating with the Headquarters Country in all the Association's activities;
16. Preparing final reports on the accounts of the current financial year;
17. Preparing the publications of the Association and releasing them;
18. Seeking the assistance of experts and legal staff he/she deems appropriate; and
19. Signing any necessary documents, reports and correspondences on behalf of the Association.

3. Terms and Conditions of Selecting the Secretary General

The Secretary General must meet the following conditions:

1. He/She must be a full member country national;
2. He/She must have a university degree in a field relevant to tax or Zakat;
3. He/She must not be under the age of thirty-five years;
4. He/ She must have practiced tax / Zakat for a period of not less than ten years after obtaining the degree;
5. He/She must be of good reputation and must have never been convicted of a crime, indecency or dishonesty; and
6. He/She must be nominated by a national tax authority and recommended by the government to which he/she belongs with a written letter to be deposited to the Permanent Secretariat four months before the date of election. The Permanent Secretariat must submit it to the Council three months before the date of election to be decided upon by the General Assembly.

4. Vacancy of the Secretary General Post:

1. The post of the Secretary General may fall vacant in the following cases:
 - a. The expiry of term of office;
 - b. Death;

- c. Mental illness or physical disability;
 - d. Dismissal in accordance with the provisions of this Statute; or
 - e. Submission of his/her resignation and its acceptance by the General Assembly.
2. In the event of the vacancy of the Secretary General post, the same procedures shall be taken as are needed for appointing a new Secretary General.

b) ATAIC Correspondence Mechanism:

Each member country shall appoint a senior official from its tax administration to act as ATAIC Correspondent; he/she shall function as contact persons between member countries and the ATAIC Permanent Secretariat.

Article 7
Immunities and Privileges

1. The Association's representatives in the Member States shall enjoy immunities and privileges established by the Organization of Islamic Cooperation Charter for the exercise of its functions and achievement of its objectives.
2. Representatives of member states and staff of the Association shall enjoy immunities and privileges set forth in the Agreement on Immunities and Privileges for the Organization of the Islamic Conference approved in 1976.
3. The Association's officials, subsidiary organs and specialized institutions shall enjoy the privileges and necessary immunities to perform their duties and according to what is agreed upon between the Association and the Headquarters Country.
4. The Secretary General, upon the decision of the General Assembly, may lift the immunity off the Association and its properties, assets and documents in any cases where it assumes that immunity may prevent the achievement of justice.

Article 8

Exemptions

The Association enjoys the following financial exemptions:

1. Customs duties on all needs and work aids of the Association of any kind imported from abroad, according to the organizing controls determined by the Headquarters Country;
2. All taxes and fees except for public services or fees imposed on those services dealing with the Association shall be in accordance with what is regulated by the laws of the Headquarters Country;
3. The residence permit, entry and exit visas shall be free of charge for the staff of the Association and their families as well as experts and guests invited to attend its meetings and for those who are assigned with any official work related to the Association activities.

Article 9

Finance and Budget

1. Funding of The Association

The funds of the Association shall comprise:

- a. Annual membership subscriptions the amount of which may, from time to time, be determined by the General Assembly based on the proposals by the Council. The subscriptions payments shall be made upon the setting up of the Association's Permanent Secretariat;
- b. Voluntary contributions from Member Countries in addition to their annual membership subscriptions in view of their domestic laws;
- c. Grants, subsidies, contributions and other funds either from any foundations or international agencies or other bodies and any other forms of income of the Association, as the General Assembly shall approve.
- d. The General Assembly shall determine the contribution to be made by each Associate Member Country.

2. The Funding of the ATAIC Events

- a. The host countries of the ATAIC events shall bear the cost of internal logistics whereas the costs of airfare and accommodation shall be borne by the participating Member Countries;
- b. The host countries may attempt to provide ATAIC events participants with free entry/exit visa.

3. The Financial Year

The financial year of the Association shall start on the 1st day of January and ends on the 31st of December of the year.

4. Custody of Funds and Budget

- a. The Secretary General upon a decision made by the General Assembly shall open and maintain a banking account in the name of the Association at such bank as he/she may determine and shall pay all the funds of the Association into that account, or place the same on deposit with a banker.
- b. The General Assembly Meeting shall determine the authorized person(s) in relation to the operation and maintenance of the Association's bank accounts

5. Expenditure of the Funds

- a. The Permanent Secretariat is not authorized to enter into any contract, involving expenditure of the funds of the Association, other than for the authorized expenditure, without the prior written approval of the General Assembly;
- b. The Association's funds must not be spent except for the Association's purposes.

6. Audit of the Association's Budget

- a. The Association's accounts shall be audited by a certified legal auditor to be outsourced by the Secretary General.
- b. Association's budget shall be approved by the General Assembly upon the recommendation of the council.

Article 10
Settlement of Disputes

Any dispute that may arise in the interpretation or implementation of ATAIC Statute shall be settled amicably by the General Assembly upon recommendations of the Council.

Article 11
Final Provisions

1. Any Full Member may propose amendments to the Statute of the Association by notifying the Secretary General for submission to the council to be approved by the General Assembly.
2. Any ATAIC full member country is entitled to withdraw from the Association with a notice addressed to the Secretary General at least three months before the General Assembly meeting for their consideration;
3. The Country which wishes to withdraw must meet its financial obligations until the end of the financial year in which it applies for withdrawal and pay all other financial obligations owed to the Association;
4. A full member Country shall lose all the rights set forth in this Statute if it breaches its financial obligations for at least two consecutive years unless the General Assembly decides otherwise.
5. The Member Countries hereby agree that the Association shall not express any political opinions; adopt any resolutions or make any public announcements concerning the tax policies of any country.

Article 12
Termination

1. The Association shall be of unlimited duration. However, it may be dissolved through a decision to be made by an extraordinary General Assembly by votes of more than two thirds of Full Member Countries.
2. The member countries shall be notified through diplomatic channels with the termination.

Article 13

Languages

1. The working languages of the Association are Arabic, English and French.
2. The texts of the official documents of the Association shall be in Arabic, English and French, but in the event of any discrepancies between the texts, the English text shall prevail.

Article 14

Statute Enforcement

1. The Statute enters into force after the approval of the General Assembly.
2. The Permanent Secretariat after the completion of all procedures needed shall notify the member countries through the diplomatic channels of the entry into force of this Statute. Member countries may then follow their own domestic procedures, if any, in respect of approvals from their respective authorities.

