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**Switzerland  
and  
Turkmenistan**

**Convention between the Swiss Confederation and Turkmenistan for the avoidance of double taxation with respect to taxes on income and on capital (with protocol). Bern, 8 October 2012**

**Entry into force:** *11 December 2013 by the exchange of the instruments of ratification, in accordance with article 29*

**Authentic texts:** *English, German, Russian and Turkmen*

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**Suisse  
et  
Turkménistan**

**Convention entre la Confédération suisse et le Turkménistan en vue d'éviter la double imposition en matière d'impôts sur le revenu et sur la fortune (avec protocole). Berne, 8 octobre 2012**

**Entrée en vigueur :** *11 décembre 2013 par l'échange des instruments de ratification, conformément à l'article 29*

**Textes authentiques :** *anglais, allemand, russe et turkmène*

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# CONVENTION

BETWEEN

THE SWISS CONFEDERATION

AND

TURKMENISTAN

FOR THE AVOIDANCE OF DOUBLE TAXATION WITH  
RESPECT TO TAXES ON INCOME AND ON CAPITAL

THE SWISS CONFEDERATION,

AND

TURKMENISTAN

*desiring to conclude a Convention for the avoidance of double  
taxation with respect to taxes on income and on capital,*

**HAVE AGREED AS FOLLOWS:**

## **ARTICLE 1**

### **PERSONS COVERED**

This Convention shall apply to persons who are residents of one or both of the Contracting States.

## **ARTICLE 2**

### **TAXES COVERED**

1. This Convention shall apply to taxes on income and on capital imposed on behalf of a Contracting State or of its political subdivisions, administrative-territorial subdivisions or local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital, including taxes on gains from the alienation of movable or immovable property, taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation.

3. The existing taxes to which the Convention shall apply are in particular:

a) in Switzerland:

the federal, cantonal and communal taxes

- (i) on income (total income, earned income, income from capital, industrial and commercial profits, capital gains, and other items of income); and
- (ii) on capital (total property, movable and immovable property, business assets, paid-up capital and reserves, and other items of capital)

(hereinafter referred to as "Swiss tax");

b) in Turkmenistan:

- (i) the tax on profits (income) of juridical persons;
- (ii) the tax on income of individuals; and
- (iii) the tax on property;

(hereinafter referred to as «Turkmen tax»).

4. The Convention shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Convention in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any substantial changes which have been made in their respective taxation laws.

5. The Convention shall not apply to taxes on income withheld at the source on prizes in a lottery and on gambling winnings.

### **ARTICLE 3**

#### **GENERAL DEFINITIONS**

1. For the purposes of this Convention, unless the context otherwise requires:

- a) the terms “a Contracting State” and “the other Contracting State” mean Switzerland or Turkmenistan, as the context requires;
- b) the term “Switzerland” means the Swiss Confederation;
- c) the term “Turkmenistan” means the territory of Turkmenistan on which Turkmenistan exercises its sovereign rights and jurisdiction, in accordance with international law;
- d) the term “person” includes an individual, a company and any other body of persons;
- e) the term “company” means any body corporate or any entity which is treated as a body corporate for tax purposes;
- f) the terms “enterprise of a Contracting State” and “enterprise of the other Contracting State” mean respectively an enterprise carried on by a

resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;

- g) the term «international traffic» means any transport by a ship or aircraft operated by an enterprise which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- h) the term «competent authority» means:
  - (i) in Switzerland, the Head of the Federal Department of Finance or his authorized representative;
  - (ii) in Turkmenistan, the Ministry of Finance and the Main State Tax Service or their authorized representative;
- i) the term «national» means:
  - (i) any individual possessing the nationality of a Contracting State;
  - (ii) any legal person, partnership or association deriving its status as such from the laws in force in a Contracting State.

2. As regards the application of the Convention at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Convention applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

## **ARTICLE 4**

### **RESIDENT**

1. For the purposes of this Convention, the term «resident of a Contracting State» means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision, administrative-territorial subdivision or local authority thereof. But this term does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein.