

No. 53793*

**Switzerland
and
Argentina**

Convention between the Swiss Confederation and the Argentine Republic for the avoidance of double taxation with respect to taxes on income and on capital (with protocol). Bern, 20 March 2014

Entry into force: *27 November 2015, in accordance with article 27*

Authentic texts: *English, French and Spanish*

Registration with the Secretariat of the United Nations: *Switzerland, 15 July 2016*

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**Suisse
et
Argentine**

Convention entre la Confédération suisse et la République Argentine en vue d'éviter les doubles impositions en matière d'impôts sur le revenu et sur la fortune (avec protocole). Berne, 20 mars 2014

Entrée en vigueur : *27 novembre 2015, conformément à l'article 27*

Textes authentiques : *anglais, français et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 15 juillet 2016*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**CONVENTION BETWEEN
THE SWISS CONFEDERATION AND
THE ARGENTINE REPUBLIC
FOR THE AVOIDANCE OF DOUBLE TAXATION
WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL**

THE SWISS FEDERAL COUNCIL

AND

THE GOVERNMENT OF THE ARGENTINE REPUBLIC

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

Personal scope

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 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, as well as taxes on capital appreciation.

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

(a) in the Argentine Republic:

(i) the income tax (impuesto a las ganancias);

- (ii) the presumptive minimum income tax (impuesto a la ganancia mínima presunta);
 - (iii) the personal assets tax (impuesto sobre los bienes personales)
- (hereinafter referred to as "Argentine Tax");
- (b) 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").

4. The Convention shall apply also to any identical or substantially similar taxes which 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 substantial changes which have been made in their respective taxation laws.

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 the Argentine Republic or Switzerland as the context requires;
 - (b) the term "person" includes an individual, a company and any other body of persons;
 - (c) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;
 - (d) 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;
 - (e) 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;
 - (f) the term "tax" means Argentine tax or Swiss tax, as the context requires;

(g) the term "national" means:

- (i) any individual possessing the nationality of a Contracting State;
- (ii) any legal person, partnership and association deriving its status as such from the laws in force in a Contracting State;

(h) the term "competent authority" means:

- (i) in the case of the Argentine Republic, the Ministry of Economy and Public Finance, Secretariat of Treasury (el Ministerio de Economía y Finanzas Públicas, Secretaría de Hacienda);
- (ii) in the case of Switzerland, the Head of the Federal Department of Finance or his authorized representative.

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 concerning the taxes to which the Convention applies.

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, place of incorporation or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, 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.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

- (a) he shall be deemed to be a resident of the State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident of the State with which his personal and economic relations are closer (centre of vital interests);
- (b) if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident of the State in which he has an habitual abode;
- (c) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident of the State of which he is a national;

(d) if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident of the State in which its place of effective management is situated.

Article 5

Permanent establishment

1. For the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term "permanent establishment" includes especially:

- (a) a place of management;
- (b) a branch;
- (c) an office;
- (d) a factory;
- (e) a workshop, and
- (f) a mine, an oil or gas well, a quarry or any other place relating to the exploration for and the exploitation of natural resources.

3. The term "permanent establishment" likewise encompasses:

- (a) a building site, a construction, assembly or installation project or supervisory activities in connection therewith, but only where such site, project or activities continue for a period or periods aggregating more than six months within any twelve month period;
- (b) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purpose, but only where such activities continue, for the same and connected project, within the country for a period or periods aggregating more than six months within any twelve month period.

4. Notwithstanding the preceding provisions of this Article, the term "permanent establishment" shall be deemed not to include:

- (a) the use of facilities solely for the purpose of storage or display of goods or merchandise belonging to the enterprise;