

MUTUAL AGREEMENT REGARDING THE CONVENTION BETWEEN SWITZERLAND AND ARGENTINA FOR THE AVOIDANCE OF DOUBLE TAXATION ON INCOME AND ON CAPITAL OF 20 MARCH 2014

Considering that difficulties or doubts may arise as to the procedure for tax residence certification and the fulfilling of Swiss forms generally used for the application and the claim of benefits under the Convention of 20 March 2014 between the Swiss Confederation and the Republic of Argentina for the avoidance of double taxation with respect to taxes on income and on capital (hereinafter: "the Convention"), the competent authorities of Argentina and Switzerland (hereinafter: "the competent authorities") have reached the following mutual agreement (hereinafter: "Mutual Agreement").

This Mutual Agreement is entered into under Article 24 paragraph 4 of the Convention and has also to be read in the context of Article 10 paragraph 2 second sentence and Article 11 paragraph 2 second sentence of the Convention.

Purpose of the Mutual Agreement

1. This Mutual Agreement aims at clarifying the procedure to be applied for the refund or partial exemption at source of Swiss withholding tax (also known as "anticipatory tax") on dividends and interest for tax resident persons of Argentina.

Scope of the Mutual Agreement

2. Argentine tax residence shall be certified for the purpose of Swiss forms used for the refund or partial exemption at source of Swiss withholding tax (also known as "anticipatory tax"), based on the following six-step procedure:

- i. The resident taxpayer of Argentina claiming a refund or partial exemption at source of Swiss withholding tax on dividends and interest will have to comprehensively fill in the Swiss Form 60 (refund) or Form 823B (reporting procedure - partial exemption at source for a substantial participation held by an Argentine company). In particular, it is intended that the resident taxpayer of Argentina will have to fill in all the required copies of the relevant form (e.g. for Form 60: 4 copies) and provide details to all compulsory fields and answers on questions.
- ii. The resident taxpayer of Argentina claiming a refund or partial exemption at source of Swiss withholding tax under the Convention shall then submit to the Argentine competent authority for tax residence certification the relevant Swiss form (60 or 823B).
- iii. The Argentine competent authority for tax residence certification shall issue a separate Argentine tax residence certificate based on the Argentine domestic rules for tax residence certification. The Argentine tax residence certificate shall mention the date as of when, respectively as of what period, the taxpayer is considered to be resident of Argentina for tax purposes.
- iv. The Argentine competent authority for tax residence certification shall then staple the Argentine tax residence certificate to the relevant Swiss form (e.g. for Form 60: "1st copy or 2nd copy for the Federal Tax administration, Bern").
- v. The resident taxpayer of Argentina claiming a refund or partial exemption at source of Swiss withholding tax under the Convention finally submits the relevant Swiss form, with the stapled Argentine tax residence certificate, to the Swiss Federal Tax Administration in Bern.
- vi. The Swiss Federal Tax Administration, as usual, thoroughly verifies the information provided in the relevant Swiss form, together with the authenticity of the Argentine tax residence certificate which has to be stapled to the Swiss form and which cannot be a photocopied version.

3. With reference to the last sentence of subparagraph iii. of paragraph 2, it is to be understood that the Argentine competent authority for tax residence certification, when issuing a tax residence certificate for a current period, shall put a date of issue on the document, which means that the taxpayer is resident in Argentina as of that date. When issuing a certificate for previous year(s) the Argentine competent authority for tax residence certification shall in addition explicitly mention the period (day/month/year to day/month/year) for which that tax residence certificate is granted.

4. The Argentine competent authority shall notify to the Swiss competent authority any significant change that will be made in the future in their official tax residence certificate model.

5. The procedure according to paragraph 2 has no direct consequences on other Argentine internal law requirements in relation to tax residence certification (e.g. internal Argentine compulsory forms) which still need to be filled out by Argentine resident taxpayers.

6. This Mutual Agreement shall apply, as of the date of the latter of the signatures, to all pending and future claims. In case a claim for the granting of the benefits under the Convention has been refused in the past due to a lack of tax residence certification directly on the Swiss form, the Argentine taxpayer will have to present a new request using the Swiss official form and this Mutual Agreement shall apply. In this instance, for the purpose of Swiss statute of limitations rules, the claim will be treated as if it was duly presented at the date of the first submission of the Swiss form.

Agreed by the undersigned competent authorities:

Bern, 8 May 2018

Buenos Aires, 18 May 2018

For the Swiss Competent Authority:

For the Argentine Competent Authority:

Pascal Duss

Andrés Edelstein

State Secretariat for
International Financial Matters

Secretary of
Public Revenues