INTERNATIONAL TAX PROGRAM (LL.M.)
UNIVERSIDAD TORCUATO DI TELLA, BUENOS AIRES | MARCH 4, 5 & 6, 2015

NEW DOUBLE TAX CONVENTION BETWEEN SWITZERLAND AND ARGENTINA

--

TAX TRANSPARENCY AND INFORMATION EXCHANGE FROM A SWISS AND ARGENTINEAN PERSPECTIVE

--

SWISS CORPORATE TAX REFORM III

2015
COURSE CONTENT

The course is structured into three independent modules, each with related content.

The first module addresses the New Double Tax Convention (DTC) signed between Switzerland and Argentina on 20 March 2014, passed by the Argentine Congress into Law 27.010, and published in the Official Gazette of 11 December 2014. The purpose of this module is to analyse the main provisions of the DTC and to compare them to the DTC that was terminated in 2012. The first module also comprises a few outbound and inbound cross-border case studies exploring the application of the DTC to individuals and corporate entities (including wealth management structures such as investment funds, foundations and trusts). Due to its relevance, the exchange of tax information clause will be addressed in the second module.

The second module of the Program addresses the Tax Transparency and Tax Information Exchange, a topic that is becoming increasingly more important in today’s transparent and globalised world. The topic will be addressed from three different perspectives. First, the course will develop an initial overview of the various information exchange instruments, such as Double Tax Conventions (DTC), Automatic Information Exchange (AIE), Tax Information Exchange Agreements (TIEA), the Foreign Account Tax Compliance Act (FACTA) and Rubik Agreements (RA) and the international context around them. Second, the analysis will focus on the likelihood that Switzerland will adopt an automatic exchange of information policy. This analysis is related to the on-going broad reform of the Swiss tax system, addressed in the third module. Finally, the module will focus on the exchange of information clause included in the new DTC, and how the two previously mentioned perspectives could have an impact on its application.

In the last module of the seminar, the participants will be introduced to the Swiss Corporate Tax Reform III, which further develops Switzerland’s position as one of the most attractive business locations globally. The Tax Reform not only increases international acceptance of Switzerland’s corporate tax legislation within the OECD EU standards but also secures sustainably adequate collection of tax revenues to finance Swiss public activities. For a comprehensive understanding on how this tax reform may impact the cross border business and investment operations between Switzerland and Argentina, attending the previous two modules is strongly recommended.
BIOGRAPHY

- **Eduardo O. Meloni | Independent Tax Advisor / Lecturer at Universidad Torcuato Di Tella (Argentina)**

  Eduardo O. Meloni is an independent advisor specialized in international tax planning. Throughout his long career, he has served as an in-house international tax counsel at an international market leader company with business activities in more than 50 countries and extensive involvement in Latin America. Before that, Eduardo O. Meloni has gained vast experience in the tax departments of the “Big Four” firms, and as the head of the Latin American team with IBFD. He is a regular contributor to tax journals and lectures frequently in postgraduate tax courses. He holds a degree in accounting from the University of Buenos Aires, an LL.M. in International Taxation from the University of Leiden (NL) and a Master of Laws from Leicester University (UK).

- **Roland A. Pfister | Tax Counsel at Badertscher Attorneys at Law / Lecturer at Lucerne University of Applied Sciences and Arts (Switzerland)**

  Roland Pfister studied law at the Universities of Neuchâtel and Granada. After the completion of his law degree, he worked for an international law firm in Belgium and a leading investment bank in Zurich, after which he joined the tax department of one of the “Big Four” firms. In 2008, he started to work on his doctoral thesis. In addition, Roland Pfister holds an Executive MBA in Wealth Management and was a Visiting Researcher at Harvard Law School. From 2011 to 2014, he worked at an international law firm in Geneva. As of 2015, he acts as a tax counsel at an international corporate and tax law firm in Zurich/Zug with offices in Geneva. He is a regular contributor to tax journals and lectures frequently at postgraduate tax programs. His main areas of expertise include Swiss, Liechtenstein and international tax law for individuals and corporations, including funds, trusts and foundations.
BIBLIOGRAPHY (not exhaustive)

1. General Publications about Switzerland

- Business and Investment, *Country Surveys IBFD containing information on both individual and corporate country tax law*.

2. General Publications about Argentina

- Business and Investment, *Country Surveys IBFD containing information on both individual and corporate country tax law*.

García, Fernando Daniel: *Consecuencias de la derogacion de ciertos tratados para evitar la doble imposición. Algunas reflexiones sobre el modo de concluirlos*, IMP 2012-9, 97


3. **New Double Tax Convention (DTC) between Switzerland and Argentina**


Litvin, César R.: *El intercambio de información tributaria entre la República Argentina y la Confederación Suiza*, PET 2015 (enero-554), 1


4. **Tax Transparency and Information Exchange**


Fraga, Diego N.: *Nuevas tendencias en el intercambio internacional de datos tributarios y su posible aprovechamiento por la AFIP*, PET 2013 (marzo-510), 1


### 5. Swiss Corporate Tax Reform III


### Sources (not exhaustive)

1. **International tax sources**

   - Convention between the Swiss Confederation and the Argentine Republic for the avoidance of double taxation with respect to taxes on income and on capital (signed on 20 March 2014).
   - Vienna Convention of 23 May 1969 on The Law of Treaties.
2. *Swiss tax sources*


3. *Argentinean tax sources*

- Ley del Impuesto a las Ganancias Nº 20628
- Ley del Impuesto sobre los Bienes Personales Nº 23966
- Ley Nº 27010 – Aprobación del Convenio para evitar la doble imposición entre la República Argentina y la Confederación Suiza.
### INTRODUCTION

**Wednesday, 04.03.2015**

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<thead>
<tr>
<th>Time</th>
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<th>Professor/Lecturer</th>
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<tr>
<td>17:00</td>
<td><strong>Aim, Structure and Individual Provisions of the Double Tax Convention between Switzerland and Argentina</strong>&lt;br&gt;❖ Legislative progress of the treaty in both countries and likely entry into force&lt;br&gt;❖ Analysis of the main differences with respect to the former treaty (terminated in 2012)&lt;br&gt;❖ Analysis of the DTC’s main provisions and departures from the OECD MC&lt;br&gt;❖ Residence and DTC entitlement - Natural and legal persons, investment funds, foundations - Taxation of corporations (incl. permanent establishments) and groups of companies - Taxation of income from investments (income from real estate, dividends, interest payments, royalties, capital gains) - Taxation of income from independent/dependent activities&lt;br&gt;❖ Information exchange**&lt;br&gt;<strong>Case Studies Concerning the Application of the DTC between Switzerland and Argentina in Practice</strong>&lt;br&gt;❖ Internationally operating companies&lt;br&gt;❖ Holdings, trading companies, IP companies, financing companies, asset management structures (investment funds, trusts, life insurance policies)&lt;br&gt;❖ Non-profit structures (e.g. foundations)&lt;br&gt;❖ Financial instruments</td>
<td>Eduardo O. Meloni, CPA, LLM&lt;br&gt;Lic. iur. Roland A. Pfister, EMBA</td>
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<td>21:00</td>
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**Thursday, 05.03.2015**

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<td>17:00</td>
<td><strong>Tax Transparency and Information Exchange</strong>&lt;br&gt;❖ General introduction and update of the latest international developments&lt;br&gt;❖ Overview of the various information exchange instruments - Double Tax Conventions (DTC), - Automatic Information Exchange (AIE), - Tax Information Exchange Agreements (TIEA), - Foreign Account Tax Compliance Act (FACTA), - Rubik Agreements (RA), - Multilateral Agreement on Administrative Assistance&lt;br&gt;❖ Swiss and Argentinean tax policy and practice with regard to information exchange&lt;br&gt;❖ Various Case Studies</td>
<td>Lic. iur. Roland A. Pfister, EMBA&lt;br&gt;Eduardo O. Meloni, CPA, LLM</td>
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<td>17:00</td>
<td><strong>Swiss Corporate Tax Reform III</strong></td>
<td>Lic. iur. Roland A. Pfister, EMBA</td>
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<td>❖ Introduction</td>
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<td>- Swiss patent box</td>
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<td>- Reduction of cantonal CIT rates</td>
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<td>- Step-up: status change</td>
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<td>- Abolition of capital issuance tax</td>
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<td>❖ Compensation measures</td>
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<td>- Capital gains tax on securities held by individuals</td>
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<td>- Adjustments of the partial taxation procedure</td>
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<td>❖ Critical Assessment on the Swiss Corporate Tax Reform III</td>
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<td>❖ Argentina’s perspective on the Swiss Tax Reform: Discussion on how the Reform might impact the cross border businesses and investments between both countries</td>
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**End of the lecture**