

No. 49598

**Turkey
and
Switzerland**

Agreement between the Republic of Turkey and the Swiss Confederation for the avoidance of double taxation with respect to taxes on income (with protocol). Bern, 18 June 2010

Entry into force: *8 February 2012, in accordance with article 27*

Authentic texts: *English, French and Turkish*

Registration with the Secretariat of the United Nations: *Turkey, 25 May 2012*

**Turquie
et
Suisse**

Convention entre la République de Turquie et la Confédération suisse en vue d'éviter les doubles impositions en matière d'impôts sur le revenu (avec protocole). Berne, 18 juin 2010

Entrée en vigueur : *8 février 2012, conformément à l'article 27*

Textes authentiques : *anglais, français et turc*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Turquie, 25 mai 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN THE REPUBLIC OF TURKEY
AND
THE SWISS CONFEDERATION
FOR THE AVOIDANCE OF DOUBLE TAXATION
WITH RESPECT TO TAXES ON INCOME

THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE SWISS FEDERAL COUNCIL

**Desiring to conclude an Agreement for the avoidance of
double taxation with respect to taxes on income**

HAVE AGREED AS FOLLOWS:

Article 1
PERSONS COVERED

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

Article 2
TAXES COVERED

1. This Agreement shall apply to taxes on income 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 all ordinary and extraordinary taxes imposed on total income, or on elements of income, 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 Agreement shall apply are, in particular:

a) in Switzerland:

the federal, cantonal and communal taxes on income (total income, earned income, income from capital, industrial and commercial profits, capital gains and other items of income)

(hereinafter referred to as "Swiss tax");

b) in Turkey:

i) the income tax;

ii) the corporation tax;

(hereinafter referred to as "Turkish tax").

4. The Agreement shall apply also to any identical or substantially similar taxes which are imposed after the date of signature of the Agreement 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 Agreement shall not apply to taxes levied by either Contracting State on wagering, gambling or lottery winnings.

Article 3

GENERAL DEFINITIONS

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

- a) i) the term "Switzerland" means the Swiss Confederation;
- ii) the term "Turkey" means the territory of the Republic of Turkey, the territorial sea, as well as the maritime areas over which it has exclusive jurisdiction or sovereign rights for the purposes of exploitation and conservation of natural resources in accordance with international law;
- b) the terms "a Contracting State" and "the other Contracting State" mean Switzerland or Turkey as the context requires;
- c) the term "tax" means any tax covered by Article 2 of this Agreement;
- 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 term "head office" (registered office) means the head office registered under the Swiss Code of Obligations or the legal head office registered under the Turkish Code of Commerce;

g) 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;

h) 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;

i) the term "competent authority" means:

i) in Switzerland, the Director of the Federal Tax Administration or his authorised representative;

ii) in Turkey, the Minister of Finance or his authorised representative;

j) the term "international traffic" means any transport by a ship, an aircraft or a road vehicle operated by an enterprise of a Contracting State, except when the ship or the aircraft or road vehicle is operated solely between places situated in the other Contracting State.

2. As regards the application of the Agreement 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 Agreement 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 Agreement, 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, head office (registered office), place of