

**No. 50141**

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**Argentina  
and  
Bahamas**

**Agreement between the Argentine Republic and the Commonwealth of the Bahamas for the exchange of information on tax matters. Buenos Aires, 3 December 2009**

**Entry into force:** *27 July 2012 by notification, in accordance with article 14*

**Authentic texts:** *English and Spanish*

**Registration with the Secretariat of the United Nations:** *Argentina, 3 October 2012*

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**Argentine  
et  
Bahamas**

**Accord entre la République argentine et le Commonwealth des Bahamas pour l'échange de renseignements en matière fiscale. Buenos Aires, 3 décembre 2009**

**Entrée en vigueur :** *27 juillet 2012 par notification, conformément à l'article 14*

**Textes authentiques :** *anglais et espagnol*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Argentine,  
3 octobre 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN THE  
THE ARGENTINE REPUBLIC  
AND THE COMMONWEALTH OF THE BAHAMAS  
FOR THE EXCHANGE OF INFORMATION ON TAX MATTERS**

The Argentine Republic and the Commonwealth of The Bahamas, desiring to facilitate the exchange of information with respect to taxes, have agreed as follows:

**Article 1  
Object and Scope of the Agreement**

The Competent Authorities of the Contracting Parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Contracting Parties concerning taxes covered by this Agreement. Such information shall include information that is foreseeably relevant to the determination, assessment and collection of such taxes, the recovery and enforcement of tax claims, or the investigation or prosecution of tax matters. Information shall be exchanged in accordance with the provisions of this Agreement and shall be treated as confidential in the manner provided in Article 8. The rights and safeguards secured to persons by the laws or administrative practice of the Requested Party remain applicable to the extent that they do not unduly prevent or delay effective exchange of information.

**Article 2  
Jurisdiction**

The Requested Party is not obligated to provide information which is neither held by its authorities nor in the possession or control of persons who are within its territorial jurisdiction.

**Article 3  
Taxes Covered**

1. The existing taxes which are the subject of this Agreement are:

- a) in the case of The Bahamas, taxes of every kind and description;
- b) in the case of Argentina,
  - Income Tax;
  - Value Added Tax;

- Personal Assets Tax; and
- Tax on Presumptive Minimum Income.

2. This Agreement shall also apply to any identical taxes imposed after the date of signature of the Agreement in addition to or in place of the existing taxes. This Agreement shall also apply to any substantially similar taxes imposed after the date of signature of the Agreement in addition to or in place of the existing taxes if the Competent Authorities of the Contracting Parties so agree. Furthermore, the taxes covered may be expanded or modified by mutual agreement of the Contracting Parties in the form of an exchange of letters. The Competent Authorities of the Contracting Parties shall notify each other of any substantial changes to the taxation and related information gathering measures covered by the Agreement within a reasonable time.

3. This Agreement shall not apply to taxes imposed by states, municipalities, or other political subdivisions, or possessions of a Contracting Party.

#### **Article 4** **Definitions**

1. For the purposes of this Agreement:

- a) the term "The Bahamas" means the Commonwealth of The Bahamas encompassing the land, the territorial waters, and in accordance with international law and the laws of The Bahamas any area outside the territorial waters inclusive of the exclusive economic zone and the seabed and subsoil over which The Bahamas exercises jurisdiction and sovereign rights for the purpose of exploration, exploitation and conservation of natural resources;
- b) the term "Argentina" or "Argentine Republic" means the territory of the Argentine Republic as considered by the Argentine domestic law encompassing territorial waters; the areas within the maritime borders of the Argentine Republic; and any area within which the rights of the Argentine Republic can be exercised as regards the seabed and subsoil and its natural resources pursuant to international law;
- c) the term "Contracting Party" means The Bahamas or Argentina as the context requires;
- d) the term "Competent Authority" means:
  - i) in the case of The Bahamas, the Minister of Finance or the Minister's duly authorised delegate;

- ii) in the case of Argentina, the Federal Administrator of Public Revenues or authorised representatives;
- e) the term "person" includes an individual, a company and any other body of persons;
- f) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
- g) the term "publicly traded company" means any company whose principal class of shares is listed on a recognised stock exchange provided its listed shares can be readily purchased or sold by the public. Shares can be purchased or sold "by the public" if the purchase or sale of shares is not implicitly or explicitly restricted to a limited group of investors;
- h) the term "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of the company;
- i) the term "recognised stock exchange" means any stock exchange agreed upon by the Competent Authorities of the Contracting Parties;
- j) the term "collective investment fund or scheme" means any pooled investment vehicle, irrespective of legal form. The term "public collective investment fund or scheme" means any collective investment fund or scheme provided the units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed by the public. Units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed "by the public" if the purchase, sale or redemption is not implicitly or explicitly restricted to a limited group of investors;
- k) the term "tax" means any tax to which the Agreement applies;
- l) the term "Applicant Party" means the Contracting Party requesting information;
- m) the term "Requested Party" means the Contracting Party requested to provide information;
- n) the term "information gathering measures" means laws and administrative or judicial procedures that enable the Requested Party to obtain and provide the requested information;
- o) the term "information" means any fact, statement or record, in any form whatever, necessary for the administration and enforcement of the taxes covered under the Agreement;

- p) the term "tax offences" means tax crimes or infractions, involving intentional conduct which is liable to prosecution under the domestic law of each Contracting Party, regardless of whether they are in tax law or criminal law;
  - q) the term "national" means:
    - i) in the case of Argentina, any natural person who has the nationality or citizenship of the Argentine Republic, and any legal entity or any other collective entity, deriving its status from the laws in force in the Argentine Republic;
    - ii) in the case of The Bahamas, any individual possessing the nationality or citizenship of the Commonwealth of The Bahamas; and any legal person, partnership, association or other entity deriving its status as such from the laws in force in the Commonwealth of The Bahamas.
2. As regards the application of this Agreement at any time for a Contracting Party, any term not defined in this Agreement shall, unless the context otherwise requires, have the meaning that it has at that time under the law of such Party, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

## **Article 5**

### **Exchange of Information Upon Request**

1. The Competent Authority of the Requested Party shall provide upon request information for the purposes referred to in Article 1. Such information shall be exchanged without regard to whether the conduct being investigated would constitute a crime under the laws of the Requested Party if such conduct occurred in the Requested Party.
2. If the information in the possession of the Competent Authority of the Requested Party is not sufficient to enable it to comply with the request for information, that Party shall use all relevant information gathering measures to provide the Applicant Party with the information requested, notwithstanding that the Requested Party may not need such information for its own tax purposes.
3. If specifically requested by the Competent Authority of an Applicant Party, the Competent Authority of the Requested Party shall provide information under this Article, to the extent allowable under its domestic laws, in the form of depositions of witnesses and authenticated copies of original records.
4. Each Contracting Party shall ensure that its Competent Authorities for the purposes specified in Article 1 of the Agreement, have the authority to obtain and provide upon request: