

**No. 50307**

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**Argentina  
and  
San Marino**

**Agreement between the Republic of Argentina and the Republic of San Marino concerning exchange of information on tax matters. San Marino, 7 December 2009**

**Entry into force:** *16 June 2012, in accordance with article 12*

**Authentic texts:** *English, Italian and Spanish*

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

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**Argentine  
et  
Saint-Marin**

**Accord entre la République argentine et la République de Saint-Marin relatif à l'échange de renseignements en matière fiscale. Saint-Marin, 7 décembre 2009**

**Entrée en vigueur :** *16 juin 2012, conformément à l'article 12*

**Textes authentiques :** *anglais, italien et espagnol*

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

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT  
BETWEEN  
THE REPUBLIC OF ARGENTINA  
AND  
THE REPUBLIC OF SAN MARINO**

**CONCERNING EXCHANGE OF INFORMATION ON TAX MATTERS**

The Republic of Argentina and the Republic of San Marino (the “Contracting Parties”), desiring to conclude an Agreement concerning exchange of information on tax matters, have agreed as follows:

**Article 1**

**Object and Scope of the Agreement**

The Contracting Parties shall provide assistance through their Competent Authorities by means of the 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 that which 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**

A 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. This Agreement applies to the following taxes imposed by the Contracting Parties:

a) in the case of San Marino:

the General Income Tax which is levied:

(i) on individuals;

(ii) on bodies corporate and proprietorship;

(iii) the Indirect Import Tax;

b) in the case of the Republic of Argentina:

(i) Income Tax;

(ii) Value Added Tax,

(iii) Personal Assets Tax; and

(iv) Tax on Presumptive Minimum Income.

2. This Agreement shall also apply to any identical or any substantially similar taxes imposed after the date of signature of this Agreement in addition to or in place of the existing taxes. 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.

3. The information provided for the administration of the taxes above mentioned could be used for other taxes, which obligations could be determined according to the information gathered under the domestic legislation.

**Article 4**  
**Definitions**

1. For the purposes of this Agreement,:

a) the term "Contracting Party" means the Republic of San Marino or the Republic of Argentina as the context requires;

b) the term "San Marino" means the territory of the Republic of San Marino, including any other area within which the Republic of San

Marino, in accordance with the international law, exercises sovereign rights or jurisdiction;

c) the term "the Republic of Argentina" means the territory of the Republic of Argentina including the territorial sea, areas within the maritime boundaries of the Republic of Argentina and any area within which in accordance with the international law the rights of the Republic of Argentina with respect to the seabed and sub-soil and their natural resources may be exercised.;

d) the term "competent authority" means:

(i) in San Marino, the Minister of Finance or his authorized representatives;

(ii) in Argentina, the Head of the Federal Administration of Public Revenues or his authorized 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 recognized 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 "recognized 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 rules 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, relevant to tax administration and enforcement of taxes covered in this Agreement;

p) the term “tax crimes” means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the applicant party;

q) the term “criminal laws” means all criminal laws designated as such under domestic law irrespective of whether contained in the tax laws, the criminal code or other statutes.

2. As regards the application of this Agreement at any time by a Contracting Party, 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 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 by the requesting Party information for the purposes referred to in Article 1. Such information shall be exchanged without regard to whether the requested Party needs such information for its own tax purposes or the conduct being investigated would constitute a crime under the laws of the requested party if it would have occurred in the territory of the requested Party. The competent authority of the requesting Party shall only make a request for information pursuant to this Article when it is unable to obtain the requested information by other means, except where recourse to such means would give rise to disproportionate difficulty.