

**No. 52812. United Kingdom of Great Britain and Northern Ireland and Switzerland**

AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SWISS CONFEDERATION ON COOPERATION IN THE AREA OF TAXATION. LONDON, 6 OCTOBER 2011

PROTOCOL AMENDING THE AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SWISS CONFEDERATION ON COOPERATION IN THE AREA OF TAXATION, SIGNED AT LONDON ON 6 OCTOBER 2011 (WITH ANNEX). BRUSSELS, 20 MARCH 2012\*

**Entry into force:** 1 January 2013, in accordance with article XXI

**Authentic texts:** English and French

**Registration with the Secretariat of the United Nations:** United Kingdom of Great Britain and Northern Ireland, 14 August 2015

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**N° 52812. Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et Suisse**

ACCORD ENTRE LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LA CONFÉDÉRATION SUISSE CONCERNANT LA COOPÉRATION EN MATIÈRE DE FISCALITÉ. LONDRES, 6 OCTOBRE 2011

PROTOCOLE PORTANT MODIFICATION DE L'ACCORD ENTRE LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LA CONFÉDÉRATION SUISSE CONCERNANT LA COOPÉRATION EN MATIÈRE DE FISCALITÉ, SIGNÉ LE 6 OCTOBRE 2011 À LONDRES (AVEC ANNEXE). BRUXELLES, 20 MARS 2012\*

**Entrée en vigueur :** 1<sup>er</sup> janvier 2013, conformément à l'article XXI

**Textes authentiques :** anglais et français

**Enregistrement auprès du Secrétariat des Nations Unies :** Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, 14 août 2015

*\*Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

**PROTOCOL AMENDING THE AGREEMENT BETWEEN THE UNITED  
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE  
SWISS CONFEDERATION ON COOPERATION IN THE AREA OF  
TAXATION, SIGNED AT LONDON ON 6 OCTOBER 2011**

*The United Kingdom of Great Britain and Northern Ireland*

*and*

*the Swiss Confederation*

(hereinafter referred to as the “Contracting States”);

Desiring to conclude a Protocol to amend the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on cooperation in the area of taxation, signed at London on 6 October 2011 (hereinafter referred to as “the Agreement”),

Have agreed as follows:

**ARTICLE I**

The following shall be deleted in the preamble:

“considering the Agreement dated 26 October 2004 between the Swiss Confederation and the European Community providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments (hereinafter referred to as “Agreement on the Taxation of Savings”);”

**ARTICLE II**

1. A new paragraph 3 is added into Article 1 and it reads as follows:
- “3. Notwithstanding any other provision, Part 3 shall not apply to income or gains in respect of which a retention is levied, or disclosure is made, in accordance with the Agreement dated 26 October 2004 between the Swiss Confederation and the European Community providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments (hereinafter referred to as “Agreement on the Taxation of Savings”).”

2. A new paragraph 4 is added into Article 1 and it reads as follows:
- “4. Notwithstanding any other provision, with effect from the date of application of the relevant provisions of any amendment to the Agreement on the Taxation of Savings, including by way of a new agreement, the reference in paragraph 3 to the Agreement on the Taxation of Savings shall be to that Agreement as so amended.”

### ARTICLE III

1. Article 2 paragraph 1 letter p) shall be deleted and replaced by the following letter p):
  - “p) “Swiss anticipatory tax” means “impôt anticipé” according to the Federal Act on anticipatory tax of 13 October 1965;”
2. A new letter q) is added into Article 2 paragraph 1 and it reads as follows:
  - “q) “authorised person” means all the personal representatives of a deceased relevant person or the beneficiary or beneficiaries to whom the relevant assets pass as a result of the death.”

### ARTICLE IV

The following shall be deleted from Article 3 paragraph 2:

“For contractual relations entered into, or transactions carried out in the absence of contractual relations, before the date of entry into force of this Agreement, an identical procedure applies as of 1 January 2004 under the Agreement on the Taxation of Savings.”

### ARTICLE V

Article 9 paragraph 10 shall be deleted and replaced by the following paragraph 10:

“10. The United Kingdom taxes for which the clearance described in paragraph 7 shall apply are those listed in paragraph 63(1)(a), (b), (d) and (f) of Schedule 36 Finance Act 2008, but excluding liabilities to any or all of these taxes that have been transferred to a relevant person.”

#### ARTICLE VI

A new paragraph 15 is added into Article 9 and it reads as follows:

- “15. Nothing in this Article has any bearing on the calculation of the basis for the collection of own resources accruing from value added tax according to Council Regulation 1553/89/EC.”

#### ARTICLE VII

The title of Part 3 shall be deleted and replaced by the following title:

**“Withholding tax levied by Swiss paying agents”**

#### ARTICLE VIII

1. Article 19 paragraph 1 letter a) shall be deleted and replaced by the following letter a):

“a) interest income as defined in Article 25, unless a retention is levied, or disclosure is made, in accordance with the Agreement on the Taxation of Savings: 48%,”

2. Article 19 paragraph 3 letter a) shall be deleted and replaced by the following letter a):

“a) interest income as defined in Article 25, unless a retention is levied, or disclosure is made, in accordance with the Agreement on the Taxation of Savings: 50%,”

#### ARTICLE IX

1. Article 20 paragraph 1 shall be deleted and replaced by the following paragraph 1:

“1. The competent authority of the United Kingdom shall without delay inform the competent authority of Switzerland in writing about publicly announced and adopted changes to United Kingdom law regarding the tax rates applicable to income, gains on relevant assets, and inheritances.”

2. Article 20 paragraph 2 shall be deleted and replaced by the following paragraph 2:

“2. Where the United Kingdom highest rates of taxation on income, gains or inheritances are amended after the date of signature of this Agreement, the rates of taxes levied under this Part shall simultaneously and correspondingly be amended by the number of percentage points that the statutory rates have been amended, unless the competent authority of Switzerland has informed the competent authority of the United Kingdom in writing, within 30 days of receipt of any information provided under paragraph 1, that it will not adjust the applicable tax rates under this Part. The competent authority of Switzerland shall publish without delay all adjustments to the rates of the taxes levied under this Part and ensure that Swiss paying agents are informed of these adjustments.”

#### ARTICLE X

Article 21 paragraph 1 shall be deleted. Paragraphs 2, 3 and 4 are consequently renumbered 1, 2 and 3.

#### ARTICLE XI

Article 23 paragraph 3 shall be deleted and replaced by the following paragraph 3:

“3. Paragraphs 1 and 2 shall not apply to the extent that the taxes or retentions described in paragraph 2 have been credited based on Article 21.”

#### ARTICLE XII

1. Articles 32 to 44 shall be renumbered as Articles 33 to 45. As a consequence, the references to Article 34 in Article 9 paragraph 5 and Article 15 paragraph 1 shall be deleted and replaced by references to Article 35.

2. A new Article 32 shall be added and it reads as follows:

##### **“Art. 32 Inheritance**

1. Where a Swiss paying agent becomes aware of the death of a relevant person, it shall freeze the relevant assets of which the relevant person was the beneficial owner at the date of death. The Swiss paying agent shall cancel the freezing of the relevant assets after tax has been withheld in accordance with paragraph 2 or the authorised person has consented to disclosure in accordance with paragraph 3. Notwithstanding the foregoing, withdrawals shall be allowed up to a maximum of 60% of the relevant assets at the date of the relevant person's death.