

## **MUTUAL AGREEMENT REGARDING THE CONVENTION BETWEEN SWITZERLAND AND CHILE FOR THE AVOIDANCE OF DOUBLE TAXATION ON INCOME AND ON CAPITAL OF 2 APRIL 2008**

Considering that difficulties or doubts may arise as to the procedure for tax residence certification and the fulfilling of Swiss forms generally used for the application and the claim of benefits under the Convention signed between the Swiss Confederation and the Republic of Chile on 2 April 2008 for the avoidance of double taxation with respect to taxes on income and on capital (hereinafter: "the Convention"), the competent authorities of Switzerland and Chile (hereinafter: "the competent authorities") have reached the following mutual agreement (hereinafter: "Mutual Agreement").

This Mutual Agreement is entered into under Article 24 paragraph 3 of the Convention and has also to be read in the context of Article 10 paragraph 2 second sentence and Article 11 paragraph 2 *in fine* of the Convention.

### **Purpose of the Mutual Agreement**

1. This Mutual Agreement aims at clarifying the procedure to be applied for the refund or partial exemption at source of Swiss withholding tax (also known as "anticipatory tax") on dividends and interest for resident persons of Chile in accordance with Article 4 of the Convention.

### **Scope of the Mutual Agreement**

2. Chilean tax residence under Article 4 of the Convention shall be certified for the purpose of Swiss forms used for the refund or partial exemption at source of Swiss withholding tax (also known as "anticipatory tax") on dividends and interest, based on the following procedure:

- i. The taxpayer resident of Chile claiming a refund or partial exemption at source of Swiss withholding tax on dividends and interest under the Convention shall obtain a certificate of residence on form 3463 (or any other form that replaces form 3463) from the Chilean Tax Administration. The process for obtaining a residence certificate in Chile is fully automatized and such a certificate of residence is available online on the following website: [www.sii.cl](http://www.sii.cl) > Servicios online > Solicitudes y Actualización de información > Certificados a presentar ante Administraciones Tributarias Extranjeras.
- ii. The taxpayer resident of Chile claiming a refund or partial exemption at source of Swiss withholding tax on dividends and interest shall comprehensively fill in the Swiss Form 60 (refund) or Form 823B (reporting procedure - partial exemption at source on dividends for a substantial participation held by a Chilean company), which are available on the following website: [www.estv.admin.ch](http://www.estv.admin.ch). In particular, the taxpayer resident of Chile shall fill in all the required copies of the relevant form (for Form 60: 4 copies and for Form 823B: 1 copy) and provide details to all compulsory fields and answers on questions.
- iii. The taxpayer resident of Chile claiming a refund or partial exemption at source of Swiss withholding tax on dividends and interest under the Convention shall submit the Chilean tax residence certificate together with the relevant Swiss form to the Swiss Federal Tax Administration in Bern.
- iv. The Swiss Federal Tax Administration, as usual, thoroughly verifies the information provided in the relevant Swiss form. In case of doubts, the Swiss Federal Tax Administration can request information from the Chilean Tax Administration under the applicable provisions of exchange of information of the Convention.

3. This Mutual Agreement shall apply, as of the date of the later of the signatures, to all pending and future claims. In case a claim for the granting of the benefits under the

Convention has been refused in the past due to a lack of tax residence certification directly on the Swiss form, the Chilean taxpayer will have to present a new request using the Swiss official form and this Mutual Agreement shall apply. In this case, for the purpose of Swiss statute of limitations rules, the claim will be treated as if it was duly presented at the date of the first submission of the Swiss form.

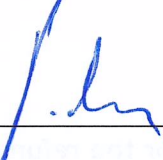
Agreed by the undersigned competent authorities:

Bern, 25 May 2018

Santiago, 25 June 2018

For the Swiss Competent Authority:

For the Chilean Competent Authority:

  
Pascal Duss  
State Secretariat for  
International Finance

  
Fernando Barraza L.  
Commissioner of Servicio  
de Impuestos Internos

Done in duplicate in English language.