

No. 1209

UNITED STATES OF AMERICA
and
ARGENTINA

Exchange of notes constituting an agreement relating to the avoidance of double taxation on earnings derived from the operation of ships and aircraft. Washington, 20 July 1950

Official texts: English and Spanish.

Registered by the United States of America on 3 June 1951.

ÉTATS-UNIS D'AMÉRIQUE
et
ARGENTINE

Échange de notes constituant un accord tendant à éviter les doubles impositions sur les revenus provenant de l'exploitation des navires et aéronefs. Washington, 20 juillet 1950

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 3 juin 1951.

No. 1209. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ARGENTINA RELATING TO THE AVOIDANCE OF DOUBLE TAXATION ON EARNINGS DERIVED FROM THE OPERATION OF SHIPS AND AIRCRAFT. WASHINGTON, 20 JULY 1950

I

The Argentine Ambassador to the Secretary of State

SPANISH TEXT — TEXTE ESPAGNOL

TRANSLATION² — TRADUCTION³

EMBAJADA DE LA REPÚBLICA ARGENTINA

EMBASSY OF THE ARGENTINE REPUBLIC

Washington, julio 20,

Washington, July 20,

Año Del Libertador General

Year of the Liberator General

San Martín 1950

San Martín 1950

D. E. No. 349

D. E. No 349

Señor Secretario :

Mr. Secretary :

Tengo el honor de informar a Vuestra Excelencia en nombre del Gobierno de la República Argentina que, con el fin de evitar la doble imposición de las rentas provenientes del ejercicio de la navegación marítima y aérea y para estimular el intercambio comercial con los Estados Unidos de América, el Gobierno Argentino conviene en lo siguiente :

I have the honor to inform Your Excellency in the name of the Government of the Argentine Republic that, with a view to the avoidance of double taxation of earnings derived from the operation of ships and aircraft and to promote trade with the United States of America, the Argentine Government agrees to the following :

1^o) El Gobierno Argentino, en uso de las atribuciones que le confiere el artículo 10 de la Ley N^o 11.682 (Texto ordenado en 1947), otorgará, a título de reciprocidad, la exención

1. The Argentine Government, exercising the powers conferred by Article 10 of Law No. 11,682 (Text enacted in 1947), shall, on the basis of reciprocity, exempt from tax on

¹ Came into force on 20 July 1950, by the exchange of the said notes, and, in accordance with their terms, became operative retroactively for taxable years beginning on or after 1 January 1946.

² Translation by the Government of the United States of America.

³ Traduction du Gouvernement des États-Unis d'Amérique.

del impuesto a los réditos y de todo otro impuesto sobre beneficios, a los ingresos de corporaciones organizadas en los Estados Unidos de América o de personas físicas individuales de nacionalidad estadounidense residentes en los Estados Unidos y sin residencia en la Argentina, provenientes de la explotación de barcos o aviones matriculados o inscriptos bajo las leyes de los Estados Unidos de América, que paran en puertos argentinos o aterrizan en aeropuertos argentinos.

2º) La frase « explotación de barcos o aviones » significa el negocio, realizado por dueños o fletadores de barcos o aviones, de transporte de personas, incluso el embarque y desembarque de pasajeros, y transporte de artículos, incluso la carga y descarga de los mismos.

3º) La frase « corporaciones organizadas en los Estados Unidos de América » significa cualquier compañía o sociedad anónima u otra persona jurídica organizada de acuerdo con las leyes de los Estados Unidos de América y cuya sede y administración central esté situada dentro del territorio de dicho país. Se estimará que esa frase comprende también al Gobierno de los Estados Unidos de América o a cualquier compañía u organismo del mismo.

4º) Las exenciones concedidas en el párrafo primero comprenderán todos los beneficios obtenidos por la explotación de barcos o aviones con respecto a los años fiscales que comienzan en o después del 1º de enero de 1946. El Gobierno de la República Argentina podrá poner término a este Acuerdo, en cualquier momento, con aviso pre-

income and from any other tax on profits, the earnings of corporations organized in the United States of America, or of individuals who are nationals of and resident in the United States and are not resident in Argentina, derived from the operation of ships or aircraft registered or documented under the laws of the United States of America which call at Argentine ports or land at Argentine airports.

2. The expression "operation of ships or aircraft" means the business, carried on by owners or charterers of ships or aircraft, of transporting persons, including the embarking and landing of passengers, and transporting articles, including the loading and unloading thereof.

3. The expression "corporations organized in the United States of America" means any company or corporation or other juridical person organized in accordance with the laws of the United States of America and the head office and central administration of which are situated within the territory of that country. The expression shall be deemed to include also the Government of the United States of America or any company or agency thereof.

4. The exemptions provided for in paragraph 1 shall extend to all earnings derived from the operation of ships or aircraft with respect to fiscal years beginning on or after January 1, 1946. The Government of the Argentine Republic may terminate this agreement, at any time, by giving to the Government of the United States of

vio de seis meses, dado por escrito al Gobierno de los Estados Unidos de América.

El Gobierno Argentino considerará que esta nota, junto con una respuesta de Vuestra Excelencia confirmando que el Gobierno de los Estados Unidos conviene en términos correspondientes a los que anteceden, constituye un Acuerdo entre ambos Gobiernos.

Acepte, Excelencia, las seguridades de mi más alta y distinguida consideración.

[SEAL] Jerónimo REMORINO
Embajador

A Su Excelencia
el Señor Secretario de Estado
Don Dean Acheson
Washington, D. C.

America notice in writing six months in advance.

The Argentine Government will consider that this note, together with a reply from Your Excellency confirming that the Government of the United States of America agrees to terms corresponding with those outlined above, constitutes an Agreement between the two Governments.

Accept, Excellency, the assurances of my highest and most distinguished consideration.

[SEAL] Jerónimo REMORINO
Ambassador

His Excellency
Dean Acheson
Secretary of State
Washington, D. C.

II

The Secretary of State to the Argentine Ambassador

DEPARTMENT OF STATE

Washington, July 20, 1950

Excellency :

I have the honor to acknowledge the receipt of Your Excellency's note of this date, in which it is stated that, with a view to the avoidance of double taxation on earnings derived from the operation of ships and aircraft and to promote trade with the United States of America, the Argentine Government agrees to exemption in the terms stated in that note. Reciprocally, the Government of the United States of America agrees to the following :

1. The Government of the United States of America, in accordance with Sections 212 (b) and 231 (d) of the United States Internal Revenue Code¹ (as amended by Public Law 514² approved May 4, 1948), shall, on the basis of reciprocity, exempt from tax on income and from any other tax on profits

¹ United States : 53 Stat. 76 and 78.

² United States : 62 Stat. 210.

the earnings of corporations organized in Argentina or of individuals who are nationals of and resident in Argentina and are not resident in the United States of America derived from the operation of ships or aircraft, documented or registered under the laws of Argentina, which call at ports of the United States of America or land at airports in the United States of America.

[See note I, paragraphs 2, 3 and 4]

The Government of the United States of America will consider Your Excellency's note above-mentioned, together with this note in reply, as constituting an agreement between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

Dean ACHESON
Secretary of State

His Excellency Dr. Don Jerónimo Remorino
Ambassador of the Argentine Republic