

**No. 13043**

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**SWITZERLAND  
and  
MOROCCO**

**Agreement concerning the taxation of sea and air transport enterprises. Signed at Rabat on 17 March 1970**

*Authentic text: French.*

*Registered by Switzerland on 4 February 1974.*

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**SUISSE  
et  
MAROC**

**Accord concernant l'imposition des entreprises de navigation maritime ou aérienne. Signé à Rabat le 17 mars 1970**

*Texte authentique : français.*

*Enregistré par la Suisse le 4 février 1974.*

## AGREEMENT BETWEEN THE SWISS CONFEDERATION AND THE KINGDOM OF MOROCCO CONCERNING THE TAXATION OF SEA AND AIR TRANSPORT ENTERPRISES

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The Swiss Federal Council and the Government of His Majesty the King of Morocco, desiring to avoid double taxation in respect of sea and air transport enterprises, have agreed as follows:

*Article 1.* 1. This Agreement shall apply to the following taxes:

- (a) In the case of Morocco: the tax on business profits;
- (b) In the case of Switzerland: the federal, cantonal and communal taxes on incomes and profits and on movable property.

2. This Agreement shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the existing taxes.

3. This Agreement shall not apply to taxes levied on income derived from investments.

*Article 2.* For the purposes of this Agreement, save where the context requires otherwise:

(a) The expression "operation of ships or aircraft" means the transport of persons or goods for gain by the owner, hirer or charterer of ships or aircraft.

(b) The expression "enterprise of a Contracting State" means a sea or air transport enterprise having its actual management in a Contracting State and operated by that State itself or by one of its political subdivisions or local communities, either by an individual resident in that State and not resident in the other Contracting State, or by a partnership or joint stock company constituted in accordance with the law of that State, including all companies in which that State itself or one of its political subdivisions or local communities has an interest.

*Article 3.* 1. The income and profits which an enterprise of a Contracting State derives from the operation of ships sailing under the flag of that State or from aircraft registered in that State shall be taxable only in that State.

2. The movable property of an enterprise of a Contracting State, including the property constituted by ships flying the flag of that State or aircraft registered in that State, shall be taxable only in that State.

3. The provisions of paragraphs 1 and 2 shall also apply to an air transport enterprise of a Contracting State participating in a pool, a joint operating arrangement or an international operating organization.

*Article 4.* 1. This Agreement shall be ratified, and the instruments of ratification shall be exchanged at Berne as soon as possible.

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<sup>1</sup> Came into force on 11 September 1973 by the exchange of instruments of ratification, which took place at Berne, in accordance with article 4 (2).

2. This Agreement shall enter into force upon the exchange of instruments of ratification. Its provisions shall apply in the two Contracting States to income earned on or after 1 January of the year during which this exchange takes place.

*Article 5.* This Agreement shall remain in force until such time as it is denounced by one of the Contracting States. Either of the Contracting States may denounce it through the diplomatic channel by giving at least six months' notice before the end of any calendar year. In that case, the Agreement shall cease to apply to the taxes of the Contracting States levied in the calendar years following the year of the denunciation.

DONE at Rabat on 17 March 1970 in duplicate in the French language.

For the Swiss  
Federal Council:

J. STROEHLIN

For the Government  
of His Majesty  
the King of Morocco:

SIJILMASSI

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