



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embassy of Switzerland in Montevideo

Your Excellency
Luis Almagro Lemes
Minister of Foreign Affairs
Colonia 1206, 6° Piso
11100 Montevideo

Montevideo, 26th December 2011

Excellency,

I have the honour to refer to the Convention between Switzerland and Uruguay for the Avoidance of Double Taxation with respect to Taxes on Income and on Capital which was signed on 18 October 2010 (hereinafter « Convention ») and to make, on behalf of the Swiss federal Council, the following proposals:

1. In respect of requests for information under Article 26 of the Convention, the following rule shall be applied and observed (hereinafter "Rule of Interpretation"): The reference to "foreseeable relevance" is intended to provide for exchange of information in tax matters to the widest possible extent and, at the same time, to clarify that the Contracting States are not at liberty to engage in "fishing expeditions" or to request information that is unlikely to be relevant to the tax affairs of a given taxpayer. While the details to be given when making a request for information are important procedural requirements that are intended to ensure that "fishing expeditions" do not occur, they nevertheless need to be interpreted in order not to frustrate effective exchange of information.
2. In accordance with the Rule of Interpretation, an administrative assistance request is to be complied with if the requesting State
 - a) Identifies the person under examination or investigation; such identification may be provided by other means than by indicating the name and address of the person concerned, and
 - b) Indicates, to the extent known, the name and address of any person believed to be in possession of the requested information, provided the request is not a fishing expedition.

If the foregoing understanding is acceptable to the Government of Uruguay, I have the honor to suggest that the present letter and Your Excellency's reply reflecting such acceptance should be regarded as constituting an agreement between the two Governments in this matter, which shall become effective on the date of reception of the final notification by which one of the Parties informs the other Party of the completion of the formalities for its entry into force.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

Montevideo, 26th December 2011

The Ambassador of Switzerland



Hans-Ruedi Bortis



Agreement between Switzerland and Uruguay for the Avoidance of Double Taxation in respect to Taxes on Income and on Capital which was signed on 18 October 2010 (hereinafter "Convention") and to make, on behalf of the Swiss Federal Council, the following proposals:

1. In respect of requests for information under Article 26 of the Convention, the following rule shall be applied and observed (hereinafter "Rule of interpretation"): The reference to "intangible relevance" is intended to provide for exchange of information in tax matters to the widest possible extent and, at the same time, to clarify that the Contracting States are not at liberty to engage in "fishing expeditions" or to request information that is unlikely to be relevant to the tax affairs of a given taxpayer. While the details to be given when making a request for information are important procedural requirements that are intended to ensure that "fishing expeditions" do not occur, they nevertheless need to be interpreted in order not to frustrate effective exchange of information.
2. In accordance with the Rule of Interpretation, an administrative assistance request is to be complied with if the requesting State:
 - a) identifies the person under examination or investigation; such identification may be provided by other means than by indicating the name and address of the person concerned, and
 - b) indicates, to the extent known, the name and address of any person believed to be in possession of the requested information.provided the request is not a fishing expedition.



República Oriental del Uruguay

Montevideo, 26 December 26, 2011

Excellency
Ambassador of Switzerland
Mr. Hans Ruedi Bortis

I have the honour to refer to your Note of December 26, 2011, which reads as follows:

“Montevideo, December 26, 2011

Excellency,

I have the honour to refer to the Convention between Switzerland and Uruguay for the Avoidance of Double Taxation with respect to Taxes on Income and on Capital which was signed on 18 October 2010 (hereinafter « Convention ») and to make, on behalf of the Swiss federal Council, the following proposals:

1. In respect of requests for information under Article 26 of the Convention, the following rule shall be applied and observed (hereinafter “Rule of Interpretation”): The reference to “foreseeable relevance” is intended to provide for exchange of information in tax matters to the widest possible extent and, at the same time, to clarify that the Contracting States are not at liberty to engage in “fishing expeditions” or to request information that is unlikely to be relevant to the tax affairs of a given taxpayer. While the details to be given when making a request for information are important procedural requirements that are intended to ensure that “fishing expeditions” do not occur, they nevertheless need to be interpreted in order not to frustrate effective exchange of information.
2. In accordance with the Rule of Interpretation, an administrative assistance request is to be complied with if the requesting State
 - a) Identifies the person under examination or investigation; such identification may be provided by other means than by indicating the name and address of the person concerned, and
 - b) Indicates, to the extent known, the name and address of any person believed to be in possession of the requested information,

provided the request is not a fishing expedition.



República Oriental del Uruguay

If the foregoing understanding is acceptable to the Government of Uruguay, I have the honour to suggest that the present letter and Your Excellency's reply reflecting such acceptance should be regarded as constituting an agreement between the two Governments in this matter, which shall become effective on the date of reception of the final notification by which one of the Parties informs the other Party of the completion of the formalities for its entry into force.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

Hans Ruedi Bortis
Ambassador of Switzerland"

In that sense it is my pleasure to inform Your Excellency of the acceptance by the Oriental Republic of Uruguay of the provisions that have already been laid down, by virtue of which the present letter and Your Excellency's letter constitute an agreement between our two Governments. This agreement will enter into force on the date of reception of the final notification by which one of the Parties informs the other Party of the completion of the formalities for its entry into force.

I renew to your Excellency the assurances of my highest consideration.

A handwritten signature in black ink, consisting of a large, stylized 'L' and 'A' followed by a vertical line and a horizontal stroke.

Luis Almagro
Minister of Foreign Affairs of the
Oriental Republic of Uruguay