ARTICLES

WELCOME TO BUENOS AIRES AND IFA'S 59TH CONGRESS
Jerome B. Libin

SUBJECTS AND SEMINARS OF THE 2005 CONGRESS

OVERVIEW OF ARGENTINA'S TAX SYSTEM
Prof. Dr Angel Schindel
After describing the constitutional framework of Argentina's tax system, this article identifies the major taxes at the federal, provincial and municipal levels and the tax burden in Argentina. The article also considers some characteristics of the tax system, namely, distortive taxes, consumption taxes, adjustment for inflation and relations between the tax administration and taxpayers. The article concludes that Argentina's tax system has improved considerably over the past years.

CORPORATE INCOME TAXATION IN ARGENTINA
Prof. Enrique L. Scalone
This article provides an overview of Argentina's corporate income tax system and discusses specific aspects of the system, including (among others) the companies subject to tax, taxable income (assessment, inflation adjustment, gross income, capital gains, valuation of assets and tax deductions), tax losses, foreign tax credits, transfer pricing regulations, treatment of groups of companies, reorganizations and the alternative minimum tax on corporations. The article also considers the impact of the tax treaties concluded by Argentina.

ARGENTINA'S INCOME TAX ON INDIVIDUALS, UNDIVIDED ESTATES AND NON-RESIDENT TAXPAYERS
Dr Adolfo Atchabahian
Argentina's income tax switched from the source principle to the principle of worldwide income taxation in 1992. This article first gives some historical background and then discusses the main aspects of taxing the income of resident individuals and undivided estates in Argentina, such as the scope of the income tax, residence, determining gross and net income, exemptions, allowances and deductions. The article also looks at the method of taxing the income of non-residents.

ASPECTS OF VAT AND OTHER CONSUMPTION TAXES AFFECTING INVESTMENTS INTO ARGENTINA
Prof. Hugo E. Kaplan
After giving a brief history of the value added tax in Argentina, this article examines various aspects of the tax - taxable event, taxable person, input VAT, exemptions, VAT rates, tax period and payments creditable against tax liability. The article also describes briefly the other consumption taxes in Argentina, namely, excise taxes and the taxes on liquid fuels and natural gas.

TAXES ON WEALTH IN ARGENTINA
Prof. Dr Juan Carlos Vicchi
This article provides an overview of the taxes currently levied in Argentina on personal wealth. An important aspect of this kind of tax is that, with one exception, personal debts may not be deducted in determining taxable property; thus, the wealth tax is a global tax on property. The article discusses the personal wealth tax in Argentina and the minimum income tax on the assets of corporations, partnerships, sole proprietorships and all types of legal entities engaged in business activities. The article also looks at some of the taxes on property levied by local governments.

CUSTOMS DUTIES IN ARGENTINA
Dr Gustavo Zunino
This article first examines the constitutional provisions relating to customs duties in Argentina and the relevant international treaties, namely, the 1994 Marrakesh Agreement, which created the World Trade Organization, and MERCOSUR (Treaty of Asunción). The article then discusses Argentina's Customs Code and import and export duties, including the meaning and effect of importing and exporting, the types of import and export destinations, taxable events, and export duties. The article also describes the persons liable to pay customs duties.
LOCAL TAXATION IN ARGENTINA
Prof. Fernando Daniel García
This article considers the local taxes levied by the provinces and municipalities in Argentina. The focus is on the turnover tax, a provincial tax levied on commercial, industrial and professional activities. The article examines the macroeconomic and microeconomic aspects of the turnover tax, the constitutional considerations, tax assessment, and the 1977 Multilateral Agreement. The article also discusses two other provincial taxes, the taxes on real property and the stamp tax, and municipal taxes.

GROUP OF COMPANIES – TAXATION IN ARGENTINA
José María García Cozzi
This article examines the concept of “group of companies” in Argentina, which is important for the special tax treatment provided to groups of companies. The article discusses the main tax aspects under Argentine law, namely, treatment of losses; company mergers and break-ups; sales and transfers within the same economic group; and transfers of tax rights and obligations. The article also considers intra-group transfers of assets and other tax aspects of groups of companies.

INTERNATIONAL DOUBLE TAXATION: GENERAL REFLECTIONS ON JURISDICTIONAL PRINCIPLES, MODEL TAX CONVENTIONS AND ARGENTINA'S EXPERIENCE
Prof. Antonio Hugo Figueroa
This article examines the jurisdictional principles of source taxation and taxation of worldwide income and the different approaches taken by capital-importing and capital-exporting countries. The article explains the reasons that justify exclusive source taxation and looks at the criterion of worldwide income in the OECD Model Tax Convention and the UN Model Convention. The article also provides an overview of Argentina’s income tax and describes Argentina’s experience in negotiating comprehensive tax treaties.

TRANSFER PRICING IN ARGENTINA
Cecilia Goldemberg
Since 1943, Argentina has had transfer pricing rules based on the international standards in the OECD Transfer Pricing Guidelines. After explaining the historical background, this article describes the main aspects of Argentina’s transfer pricing system, including the concept of associated enterprises; the transfer pricing methods and comparability criteria; the rules applicable to commodities transactions, intangible property transactions and intercompany services; the burden of proof, documentation requirements and administrative procedures; and penalties.

TAXATION OF FOREIGN DIRECT INVESTMENT IN ARGENTINA
Alejandro E. Messineo
This article discusses some of the main tax provisions that would be of interest to investors making a direct investment in Argentina, and the article highlights some of the issues affecting the taxation of investments. Specifically, the article considers the investment vehicles that may be used, financing the investment, and the tax treatment of profit distributions. The article also points out several resolutions which establish certain requirements for foreign investments.

PUNISHMENT UNDER CRIMINAL TAX LAW IN ARGENTINA
Prof. Dr Vicente Oscar Díaz
After explaining the general concepts relevant to Argentina’s criminal tax law, this article describes the main criminal acts as defined by the law – accounting/fiscal felony, evasion and aggravated evasion, falsely obtaining tax benefits, failure to register and file a return, failure to remit the taxes withheld or collected, concealing assets, false valuation of goods and altering documents. The article also considers the perpetrators of tax crimes and their accomplices as well as the relevant administrative and criminal procedures.

THE DEFENCE OF TAXPAYERS’ RIGHTS IN THE COURTS OF ARGENTINA
Alberto Tarsitano
In examining the defence of taxpayers’ rights, this article first considers the legal and political organization in Argentina and jurisdictional review in tax matters, including the general rules and the mechanisms for judicial review. The article also describes the constitutional guarantees regarding taxation, such as the principle of legality in tax matters, the principle of taxing capacity, the prohibition on confiscatory taxes, the principles of generality and equality, the right to due process, due procedure and judicial review, and legal security. Finally, the article considers international treaties in tax matters.

CUMULATIVE INDEX