



Switzerland Country Profile

EU Tax Centre

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Key tax factors for efficient cross-border business and investment involving Switzerland

EU Member State

No. Please note that, in addition to Switzerland's extensive Double Tax Treaty ("DTT") network, a bilateral agreement with the EU, which is part of the automatic exchange of information agreement (the former "EU-Swiss Savings Agreement"), allows Switzerland to benefit from rules similar to the EU Parent-Subsidiary Directive and the EU Interest and Royalty Directive.

Double Tax Treaties

With the following countries, territories and jurisdictions:

Albania	Denmark	Israel	Morocco	South Africa
Algeria	Ecuador	Italy	Netherlands	Spain
Argentina	Egypt	Ivory Coast	New Zealand	Sri Lanka
Armenia	Estonia	Jamaica	North Macedonia	Sweden
Australia	Faroe Islands	Japan	Norway	Taiwan
Austria	Finland	Kazakhstan	Oman	Tajikistan
Azerbaijan	France	Rep. of Korea	Pakistan	Thailand
Bangladesh	Georgia	Kuwait	Peru	Trinidad & Tobago
Belarus	Germany	Kyrgyzstan	Philippines	Tunisia
Belgium	Ghana	Liechtenstein	Poland	Turkey
Bulgaria	Greece	Latvia	Portugal	Turkmenistan
Brazil	Hong Kong SAR	Lithuania	Qatar	UAE
Canada	Hungary	Luxembourg	Romania	UK
Chile	Iceland	Malaysia	Russia	Ukraine
China	India	Malta	Serbia	Uruguay
Colombia	Indonesia	Mexico	Singapore	US
Croatia	Iran	Moldova	Slovakia	Uzbekistan
Cyprus	Ireland	Mongolia	Slovenia	Venezuela
Czech Rep.		Montenegro		Vietnam

Automatic Exchange of Information Agreement	On January 1, 2018 the information exchange agreement between Switzerland and the EU came into force, according to which Switzerland and the 28 EU Member States automatically exchange information on financial accounts about one another's residents. This agreement replaces the EU-Swiss Savings Agreement. It also contains the same regulation which allows Switzerland to benefit from the rules similar to the EU Parent-Subsidiary Directive and the EU Interest and Royalties Directive.
Most important forms of doing business	Aktiengesellschaft (AG), Gesellschaft mit beschränkter Haftung (GmbH).
Legal entity capital requirements	AG: CHF 100,000 GmbH: CHF 20,000
Residence and the tax system	A company is a tax resident if its legal domicile is in Switzerland or if its effective management is exercised in Switzerland. Although resident companies are subject to tax on worldwide income, in practice a territorial tax system applies. Non-residents are subject to tax on Swiss source income.
Compliance requirements for CIT purposes	Fiscal year is the same as the business year of the respective company. Income and capital tax: filing of tax return with cantonal tax authorities (annually). WHT: filing of WHT form with federal tax authority (annually). VAT: filing of tax returns with federal tax authority (quarterly).
Corporate income tax rate	Income taxes are levied at the federal, cantonal, and municipal level. Depending on the municipality of tax residence, the maximum standard income tax rates (on profit before taxes) vary between 12.32 and 24.16 percent. In some cantons, gains on immovable property may be subject to a separate real estate gains tax. Tax neutral reorganizations are possible. Capital tax is levied at cantonal/municipal level only and varies between 0.01 and 0.6 percent (depending on the municipality of tax residence). Cantons may choose to credit corporate income taxes to the capital taxes levied in their territory. Special effective tax rates apply for companies that are taxed according to the holding or mixed company regime, as basically no income taxes are due at the cantonal/communal level and a reduced capital tax rate applies. The effective income tax rate for holding companies is approximately 7.8 percent and for mixed companies approximately 8.5 - 11.7 percent. The capital tax rates for holding and mixed companies is approximately 0.001 - 0.05 percent. It should be noted that in May 19, 2019, the Swiss public will vote on the Federal Act of the Swiss Tax Reform. The central component of the

reform will be the abolition of the mentioned privileged taxation statuses (holding and mixed company regimes) and the introduction of alternative initiatives, which might affect the effective corporate tax rate. Furthermore, during the course of this reform tax rates in most cantons should be decreased. If the public votes “Yes”, the plan is for the reform to come into force on January 1, 2020.

Withholding tax rates

On dividends paid to non-resident companies

35 percent (exemption depending on applicability of DTT or automatic exchange of information agreement between the EU and Switzerland).

On interest paid to non-resident companies

0 percent on ordinary loans; 35 percent on interest payments on bonds, bond-like debt, or collective fundraising by Swiss companies (exemption depending on applicability of DTT or automatic exchange of information agreement between the EU and Switzerland).

On patent royalties and certain copyright royalties paid to non-resident companies

0 percent.

On fees for technical services

0 percent.

On other payments

0 percent.

Branch withholding taxes

0 percent.

Holding rules

Dividend received from resident/non-resident subsidiaries

Provided that the participation deduction scheme is applicable, dividend income from qualified shareholdings is virtually exempt from income tax at the level of a Swiss corporate shareholder (including a branch). A shareholding in a company qualifies for the participation deduction scheme if it meets the following requirements:

- Shareholding of at least 10 percent or
- Fair market value of at least CHF 1,000,000, i.e., approximately EUR 800,000.

Neither an active business test nor a subject-to-tax test applies.

Capital gains obtained from resident/non-resident subsidiaries

Provided that the participation deduction scheme is applicable, capital gains on qualified shareholdings are virtually exempt from income tax at the level of a Swiss corporate shareholder (including a branch). A

shareholding in a company qualifies for the participation deduction scheme if it meets the following requirements:

- Shareholding of at least 10 percent is sold, or less if the shareholding has decreased to below 10 percent as a result of an earlier sale of shares (provided that the remaining shares have a fair market value of at least CHF 1,000,000 at the end of the fiscal year preceding the year of the sale);
- Minimum holding period of 1 year;
- If the tax book value is lower than the historic acquisition costs, the difference is not subject to the participation deduction scheme, i.e., no tax exemption (e.g. recaptured depreciation).

Neither an active business test nor a subject-to-tax test applies.

Tax losses

Commercially justified losses may be carried forward for 7 years. No carry-back is possible. Generally, there is no restriction on the amount of tax losses carried forward after a change of ownership (exception: dormant company).

Losses of a foreign permanent establishment may be offset against profits realized in Switzerland on a provisional basis. Provided that the losses are not taken into account within 7 years in the state where the permanent establishment is situated, the loss set-off becomes definite for Swiss tax purposes.

Tax consolidation rules/Group relief rules

No. Only possible for VAT purposes.

Registration duties

1 percent (first CHF 1,000,000 is exempt). No stamp duty is levied on capital contributions in the case of a tax neutral reorganization.

Stamp duty is also levied on the issuance and increase of bonds or bond-like debt by a Swiss debtor. Depending on the type of bond or bond-like debt, the rate varies between 0.06 and 0.12 percent.

Debt is bond-like if more than 10 non-bank lenders (including sub-participations) grant loans at equal conditions or if more than 20 non-bank lenders (including sub-participations) grant loans at variable conditions and the relevant debt exceeds the total amount of CHF 500,000 (approximately EUR 400,000).

Transfer duties

On the transfer of shares

The acquisition and sale of taxable securities by a securities dealer is subject to a securities transfer tax at a rate that varies between 0.075 and 0.3 percent (depending on the type of transaction). No securities transfer tax is levied in the case of incorporation, a tax neutral reorganization, and a group internal transfer of a shareholding of at least 20 percent.

A company generally qualifies as a securities dealer for Swiss tax purposes if its assets consist of taxable securities with a book value in excess of CHF 10,000,000 (approximately EUR 8,000,000).

On the transfer of land and buildings

Real estate transfer tax is levied by some cantons. No real estate transfer tax is levied in the case of a tax neutral reorganization.

Stamp duties

1 percent on capital contributions (tax neutral reorganizations are possible).

Real estate taxes

Some cantons levy a minor tax on owned real estate.

There is no tax with regard to the ownership of real estate at the federal level.

Controlled Foreign Company rules

No

Transfer pricing rules

General transfer pricing rules

There is no specific transfer pricing legislation. Related party transactions must be at arm's length and must be substantiated upon request. Safe haven interest rates are published by the tax authorities on an annual basis.

Documentation requirement

There are no specific documentation regulations.

Thin capitalization rules

Thin capitalization rules are applicable on related party loans and third party debt with guarantees provided by related parties. In accordance with the tax authorities' safe haven guidelines, the thin capitalization of a company is generally determined based on the fair market value of its assets.

General Anti-Avoidance rules (GAAR)

Unilateral anti-avoidance rules with regard to DTTs have been published by the Federal Tax Authority. The basic rules are: (a) distribution of at least 6 percent of equity or 25 percent of received amounts benefiting from appropriate DTTs (avoidance of income retention in Swiss company; no distribution is required, if a foreign shareholder holds no more than 80 percent of the shares of the Swiss company); (b) tax deductible transfer of max. 50 percent of received amounts benefiting from appropriate DTTs, unless the Swiss company meets the 'active company test', the 'stock exchange test' or the 'holding test'. Please note that the GAAR only apply to inbound cases (dividends, interests, royalties, etc. paid to Switzerland).

Specific Anti-Avoidance rules/Anti Treaty Shopping

Bilateral anti-avoidance rules contained in various DTTs. The bilateral rules take precedence over the unilateral anti-avoidance rules. Please also note that Switzerland signed the multilateral agreement (MLI), according to which

Provisions/Anti-Hybrid rules	some DTTs will be amended and stricter anti-avoidance rules will come into force (“principle purpose test”).
Advance Ruling system	Yes. In principle, advanced tax rulings can be obtained on all relevant tax issues. Rulings with an international reference might be subject to spontaneous information exchange with other countries.
IP / R&D incentives	IP Incentives: available in the canton of Nidwalden (IP box); reduction of cantonal income tax rate on license income by 80 percent. During the course of the tax reform, further IP / R&D incentives are to be introduced. In particular, it is planned to introduce a patent box in all cantons, which should enable the privileged taxation of patents and IP similar to patents. In addition, an additional deduction for research and development (R&D) expenses should be available.
Other incentives	Tax holidays available if certain conditions are met (e.g. creation of jobs, investment in infrastructure, etc.).
VAT	The standard rate is 7.7 percent, and the reduced rate is 2.5 percent (e.g. for food, etc.). A special rate of 3.7 percent is applicable for accommodation.
Other relevant points of attention	Tax expenses are deductible for Swiss income tax purposes. Consequently, the effective income tax rate is calculated by including the deductibility of the tax expenses in the income tax rate applied to profit after taxes. All income tax rates of this country profile refer to profit before taxes.

Source: Swiss federal, cantonal, and municipal tax law and local tax administration guidelines, updated 2019.

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