

COMPETENT AUTHORITY ARRANGEMENT

The competent authorities of Switzerland and the United States of America have entered into the following Competent Authority Arrangement regarding the interpretation of the term “North American Free Trade Agreement” referred to in subparagraphs a) and b) of paragraph 3 of Article 22 (Limitation on Benefits) of the Convention between the Swiss Federation and the United States of America for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996, as amended by the Protocol signed at Washington on October 2, 1996, as well as the Protocol signed at Washington on September 23, 2009 (the “Convention”), and referred to in paragraph 7 of the Memorandum of Understanding, introduced through the Exchange of Notes of October 2, 1996 (the “MOU”).

Pursuant to paragraph 1 of the Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada, done at Buenos Aires on November 30, 2018 (the “Agreement”), as amended by the Protocol of Amendment to that Agreement, done at Mexico City on December 10, 2019 (the “Protocol of Amendment” and collectively with the Agreement, the “USMCA”), the USMCA will supersede the North American Free Trade Agreement (the “NAFTA”). The USMCA modernizes NAFTA, is entered into by the same parties, and governs the standards for trade and investment among the parties going forward.

Pursuant to Article 25 (Mutual Agreement Procedure) of the Convention, the competent authorities of the United States and Switzerland agree that the references to the NAFTA in subparagraphs a) and b) of paragraph 3 of Article 22 of the Convention and in paragraph 7 of the MOU shall be understood as references to the USMCA upon entry into force of the USMCA.

Done at Bern on

For the Swiss Competent Authority:

Pascal Duss

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Done at Washington on

For the United States Competent Authority:

Douglas W. O'Donnell

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