

**Protocol between the Swiss Federal Council and the Government of the Republic of Slovenia  
amending the Convention between the Swiss Federal Council and the Government of the  
Republic of Slovenia for Avoidance of Double Taxation with respect to Taxes on Income and  
on Capital, signed at Ljubljana on June 12, 1996, as amended by the Protocol signed at  
Ljubljana on September 7, 2012**

The Government of the Swiss Federal Council and the Republic of Slovenia,

Desiring to conclude a Protocol to amend the Convention between the Swiss Federal Council and the Government of the Republic of Slovenia for the Avoidance of Double Taxation with Respect to Taxes on Income and on Capital signed at Ljubljana on June 12, 1996, as amended by the Protocol signed at Ljubljana on September 7, 2012 (hereinafter “the Convention”),

Have agreed as follows:

**ARTICLE I**

The title and preamble of the Convention shall be replaced by the following title and preamble:

“Convention between the Swiss Federal Council and the Government of the Republic of Slovenia for the Elimination of Double Taxation with respect to Taxes on Income and on Capital and the Prevention of Tax Evasion and Avoidance

THE SWISS FEDERAL COUNCIL

AND

THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA

DESIRING to further develop their economic relationship and to enhance their co-operation in tax matters,

INTENDING to conclude a Convention for the elimination of double taxation with respect to taxes on income and on capital without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Convention for the indirect benefit of residents of third States),

HAVE AGREED as follows:”.

## **ARTICLE II**

The following new subparagraph d shall be added to paragraph 2 of Article 23 (Elimination of double taxation) of the Convention:

“d) The provisions of subparagraph a of paragraph 2 shall not apply to income derived or capital owned by a resident of Switzerland where Slovenia applies the provisions of this Convention to exempt such income or capital from tax or applies the provisions of paragraph 2 of Article 10, paragraph 2 of Article 11 or paragraph 2 of Article 12 to such income.”.

## **ARTICLE III**

1. The following new Article 27A (Entitlement to benefits) shall be added to the Convention:

“Article 27A  
Entitlement to benefits

Notwithstanding the other provisions of this Convention, a benefit under this Convention shall not be granted in respect of an item of income or capital if it is reasonable to conclude, having regard to all relevant facts and circumstances, that obtaining that benefit was one of the principal purposes of any arrangement or transaction that resulted directly or indirectly in that benefit, unless it is established that granting that benefit in these circumstances would be in accordance with the object and purpose of the relevant provisions of this Convention.”.

2. Paragraph 4 of the Additional Protocol to the Convention shall be deleted.

3. The existing paragraphs 5, 6 and 7 of the Additional Protocol to the Convention shall be renumbered as paragraphs 4, 5 and 6.

## **ARTICLE IV**

1. Each of the Contracting States shall notify the other, through diplomatic channels, of the completion of the procedures required by its law for the bringing into force of this Protocol.

2. This Protocol shall enter into force on the date of the receipt of the last notification. This Protocol shall have effect:

- (a) in respect of taxes withheld at source, for amounts paid or credited on or after the first day of January of the calendar year next following the date on which the Protocol entered into force;
- (b) in respect of other taxes, for taxes chargeable for any taxable year beginning on or after the first day of January of the calendar year next following the date on which the Protocol entered into force.

3. This Protocol shall remain in force as long as the Convention remains in force.

In witness whereof the undersigned, duly authorised thereto, have signed this Protocol.

Done in duplicate at this day of 30 May 2023 in the German, Slovenian and English languages, all texts being equally authentic. In case of divergence between any of the texts, the English text shall prevail.

For the  
Swiss Federal Council

For the  
Government of the Republic of Slovenia