

## **MEMORANDUM OF UNDERSTANDING re: pension and retirement plans**

Further to Article 24 of the Convention between the Government of Canada and the Swiss Federal Council for the Avoidance of Double Taxation with respect to Taxes on Income and on Capital signed on May 5, 1997 as amended by the Protocol signed on October 22, 2010 (the “Convention, as amended”), the competent authorities have reached the following mutual agreement.

The competent authorities agree that the following pension and retirement plans generally correspond for the purposes of subdivision 3(b)(v) of Article 10 of the Convention, as amended.

- a) In the case of Canada:
  - (i) Registered pension plans under section 147.1 of the Income Tax Act;
  - (ii) Pooled registered pension plans under section 147.5 of the Income Tax Act;
  - (iii) Deferred profit sharing plans under section 147 of the Income Tax Act;
  - (iv) Registered retirement savings plans under section 146 of the Income Tax Act;
  - (v) Registered retirement income funds under section 146.3 of the Income Tax Act;
  - (vi) Plans under the Canada Pension Plan and Old Age Security Act; and
  - (vii) Plans under the Quebec Pension Plan Act.
  
- b) In the case of Switzerland, any pension and retirement plans covered by:
  - (i) the Federal Act on old age and survivors’ insurance, of 20 December 1946;
  - (ii) the Federal Act on disabled persons’ insurance of 19 June 1959;
  - (iii) the Federal Act on supplementary pensions in respect of old age, survivors’ and disabled persons’ insurance of 6 October 2006;
  - (iv) the Federal Act on old age, survivors’ and disabled persons’ insurance payable in respect of employment or self-employment of 25 June 1982, including the non-registered pension schemes which offer occupational pension plans and the forms of individual recognized pension schemes comparable with the occupational pension plans.

The competent authorities may agree to add to the above lists pension or retirement plans generally corresponding to a pension or retirement plan recognized for tax purposes in either State after the date of signature of this Memorandum of Understanding. Such inclusions shall be made based on mutually agreed amendments to this Memorandum.

Done at Ottawa on 19 April 2013

Done at Bern on 13 May 2013

For the Canadian Competent Authority  
Costa Dimitrakopoulos

For the Swiss Competent Authority  
Pascal Duss