

## Appendix 18 Table of Concordance Austria

Line no. 1	Corporate actions regarding shares	Allocation type of income (EStG)	Allocation Income Tax Act (EStG)	Allocation type of income Agreement	Allocation Agreement	Basis of assessment Withholding tax Art. 22 <sup>1</sup>	EUSA <sup>2</sup>	Basis of assessment EUSA	Swiss anticipatory tax
1.1	Dividend (incl. distributions in a liquidation and distributions in kind)	Dividend	§ 27 (2) Z 1 lit. a	Dividend	Art. 24	Gross amount	-		✓
1.2	Bonus shares	Capital increase from company funds: tax neutral; exemption § 3 (1) Z 29 (split-off of acquisition cost of old shares); in case of subsequent taxation dividend	Subsequent taxation on capital reduction within 10 years § 32 Z 3;  in case of subsequent taxation § 27 (2) Z 1 lit. a	Tax neutral for domestic and foreign corporations  Dividend	Tax neutral  Art. 24		-		✓
1.3	Stock dividends	Capital increase from company funds: tax neutral; exempt § 3 (1) Z 29 (split-off of acquisition cost of old shares); in case of subsequent taxation dividend; Profit distribution: dividend	Subsequent taxation on capital reduction within 10 years § 32 Z 3;  in case of subsequent taxation § 27 (2) Z 1 lit. a;  § 27 (2) Z 1 lit. a	Tax neutral for domestic and foreign corporations  Dividend  Dividend	Tax neutral  Art. 24	Gross amount or cash alternative	-		✓

<sup>1</sup> Subject to any prior deductions (applies to all actions and types of income).

<sup>2</sup> Agreement dated 26 October 2004 between the Swiss Confederation and the European Community providing for measures equivalent to those laid down in Council Directive 2003/48/EC on the taxation of savings income in the form of interest payments.

1.4	Capital reduction/reduction of par value/repayment	Tax neutral repayment of investment or capital gain (realised increase in value)	§ 4 Z 12 in conjunction with Investment Repayment Ordinance (Einlagenrückzahlungserlass, EviK) § 27 (3)	Tax neutral or Capital gain	Tax neutral or Art. 26	Difference between EviK amount and higher payment: at minimum, difference between book value and higher payment	-		✓
1.5	Stock split <sup>3</sup>	Tax neutral	Tax neutral	Tax neutral	Tax neutral	Acquisition costs divided as per ratio of split	-	Acquisition costs divided as per ratio of split	✓ - -
1.6	Spin-off (Abspaltung)	Tax neutral <sup>4</sup>	Tax neutral	Tax neutral	Tax neutral	Acquisition costs divided according to ratio of market values (spin-off ratio under corporate law); cash payments increase/reduce acquisition costs	-		-
1.7	Split-off (Aufspaltung)	Tax neutral <sup>5</sup>	Tax neutral or Capital gain (realised gain)	Tax neutral or Capital gain	Tax neutral	If tax neutral: acquisition costs divided according to ratio of market values (spin-off ratio under corporate law); cash payments increase/reduce acquisition costs	-		- ✓ -
1.8	Split-off (Aufspaltung)	Capital gain (realised increase in value)	Capital gain (realised gain)	Capital gain	Art. 26	Difference between market value and acquisition costs	-		-
1.9	Merger	Tax neutral <sup>6</sup>	Tax neutral or Capital gain (realised value increase)	Tax neutral or Capital gain	Tax neutral or Art. 26	If tax neutral; transfer of acquisition costs; cash payments increase/reduce acquisition costs	-		- ✓ -
1.10	Exercise of participation right (share in liquidation proceeds, capital investment)	Dividend	§ 27 (2) lit. c	Dividend	Art. 24	Gross amount	-		✓

<sup>3</sup> Without gratis increase in par value.

<sup>4</sup> Tax neutral for tax deduction purposes (Corporate Actions Ordinance).

<sup>5</sup> Tax neutral for tax deduction purposes (Corporate Actions Ordinance).

<sup>6</sup> Tax neutral for tax deduction purposes (Corporate Actions Ordinance).

1.11	Compensation payment/ manufactured dividends	If compensa- tion for dividend = dividend	§ 27 (2) Z 1 lit. a in conjunction with § 27 (5) Z 4	Dividend	Art. 24	Gross amount	-		✓
1.12	Securities lending / lending fee	Interest	§ 27 (2) Z 2 in conjunction with § 27 (5) Z 4	Other income	Art. 25	Gross amount	-		-
1.13	Compensation for dam- ages	Interest (special remuneration or benefits)	§ 27 (2) Z 2 in conjunction with § 27 (5) Z 1	Interest	Art. 23	Gross amount	-		-
1.14	Sale: Capital gain/loss	Capital gain/loss (realised increase in value)	§ 27 (3)	Capital gain/ capital loss	Art. 26	Difference between sales price and acquisition costs (excl. incidental costs of acquisition; without expenses) according to moving average price	-		-
1.15	Short sales	Income from derivatives	§ 27 (4)	Capital gain/ capital loss	Art. 26	Depending on act of realisation (§ 27a (3) Z 3)	-		-
1.16	Sale of subscription rights	Capital gain (realised increase in value)	§ 27 (3)	Capital gain	Art. 26	Gross amount (acquisition costs = 0)	-		-
1.17	Further event (catch-all category)			Interest Dividend Capital gain/ capital loss Other income			✓ - - -		

Line no. 2	Corporate actions regarding bonds	Allocation type of income (EStG)	Allocation Income Tax Act (EStG)	Allocation type of income Agreement	Allocation Agreement	Basis of assessment Withholding tax Art. 22	EUSA	Basis of assessment EUSA	Swiss anticipatory tax
2.1	Repayment premium (repayment above par)	Capital gain (realised increase in value)	§ 27 (3)	Capital gain	Art. 26	If repayment: difference between repayment amount and costs of acquisition (excl. ancillary costs; no charges)	✓	Pro rata taxation proportionally depending on holding period (date of sale)	✓ on maturity (repayment) -
2.2	Income from conversion (bond against shares) Exercise of conversion	Cash payments over 10% of total par value are income from provision of capital; tax neutral (§ 7 Corporate Actions Ordinance)	§ 27 (2) Z 2  Tax neutral	Interest  Tax neutral	Art. 23	Allocation of acquisition costs to shares received; Cash payments increase/ reduce acquisition costs	✓	Accrued interest subject to pro rata taxation proportionally depending on holding period (date of conversion)	✓ on fractional interest at maturity (conversion) -
2.3	Coupons	Interest	§ 27 (2) Z 2	Interest	Art. 23	Gross amount	✓	Accrued interest subject to pro rata taxation proportionally depending on holding period (date of payment)	✓ On maturity
2.4	Compensation payment/ manufactured coupons	If compensation payment for interest = interest	§ 27 (2) Z 2 in conjunction with § 27 (5) Z 4	Interest Other income	Art. 23 Art. 25	Gross amount	✓	Gross amount	✓ on maturity/payout
2.5	Securities lending fee	Interest	§ 27 (2) Z 2 in conjunction with § 27 (5) Z 4	Other income	Art. 25	Gross amount	-		-
2.6	Compensation for damages	Interest (special remuneration or benefits)	§ 27 (2) Z 2 in conjunction with § 27 (5) Z 1	Interest	Art. 23	Gross amount	-		-
2.7	Repo interest	Interest	§ 27 (2) Z 2 in conjunction with § 27 (5) Z 4	Interest Other income	Art. 23 Art. 25	Gross income	✓	Gross income	✓

2.8	Accrued interest	Part of capital gain (realised increase in value)	§ 27 (3)	Interest Capital gain	Art. 23 Art. 26	Difference between sales price and acquisition costs (excl. incidental costs of acquisition; without expenses) according to moving average price	✓	Accrued interest subject to pro rata taxation proportionally depending on holding period	✓ Acrued interest; -Accrued interest
2.9	Exercise of participation right (share in liquidation proceeds, from bond-type participation right)	Interest	§ 27 (2) Z 2	Interest	Art. 23	Gross amount	✓	Gross amount	✓
2.10	Sale: Capital gain/loss	Capital gain/ capital loss (realised increase in value)	§ 27 (3)	Capital gain/ capital loss	Art. 26	Difference between sales price and acquisition costs (excl. incidental costs of acquisition; without expenses) according to moving average price	-		-
2.11	Further event (catch-all category)			Interest Dividend Capital gain/ capital loss Other income			✓ - - -		✓ ✓ - -

Line no. 3	Corporate actions regarding futures	Allocation type of income (EStG)	Allocation Income Tax Act (EStG)	Allocation type of income Agreement	Allocation Agreement	Basis of assessment Withholding tax Art. 22	EUSA	Basis of assessment EUSA <sup>7</sup>	Swiss anticipatory tax
3.1	Exercise of options/warrants (Cash settlement)	Income from derivatives (settlement of differences)	§ 27 (4) Z 1	Capital gain/capital loss	Art. 26	Recipient of settlement difference: delta settlement difference and acquisition costs (premium received)	-		-
3.2	Swap transactions	Income from derivatives	§ 27 (4)	Capital gain/capital loss	Art. 26	Depending on act of realisation (§ 27a (3) Z 3)	-		-
3.3	Forwards	Income from derivatives	§ 27 (4)	Capital gain / capital loss	Art. 26	Depending on act of realisation (§ 27a (3) Z 3)	-		-
3.4	Futures	Income from derivatives	§ 27 (4)	Capital gain / capital loss	Art. 26	Depending on act of realisation (§ 27a (3) Z 3)	-		-
3.5	Compensation for damages	Income from derivatives	§ 27 (4)	Capital gain	Art. 26	Gross amount	-		-
3.6	Premiums from writing options	Income from derivatives (premium taken in)	§ 27 (4) Z 2	Interest	Art. 23	Option writer: difference between premium taken in and settlement difference	-		-
3.7	Further event (catch-all category)			Interest Dividend Capital gain/capital loss Other income			✓ - - -		✓ ✓ - -

<sup>7</sup> Options, forwards, futures and swaps do not come under the Agreement on the Taxation of Interest Income (EUSA) according to the Guidance on the EU Taxation of Interest Income (Tax Retention and Voluntary Reporting) of 1 January 2011 (hereinafter "the Guidance"), recital 166 f.

Line no.4	Corporate actions regarding structured products	Allocation type of income (EStG)	Allocation Income Tax Act (EStG)	Allocation type of income Agreement	Allocation Agreement	Basis of assessment Withholding tax Art. 22	EUSA	Basis of assessment EUSA	Swiss anticipatory tax
4.1	Products with capital protection	Capital gain/ capital loss (realised increase in value) Interest	§ 27 (3) § 27 (4) § 27 (2) Z 2	Capital gain / capital loss Interest	Art. 26 Art. 23	Difference between sales price and acquisition costs; Gross amount	✓	Guaranteed payments (Guidance recital 169 f.)	- ✓
4.2	Coupon payment Reverse convertibles	Interest	§ 27 (2) Z 2	Interest	Art. 23	Gross amount of coupon	✓	Guaranteed payments (Guidance recital 176 f.)	✓
4.3	Sale reverse convertible	Capital gain/ capital loss (realised increase in value)	§ 27 (3)	Capital gain/ capital loss	Art. 26	Difference between sales price and acquisition costs	-		-
4.4	Index and basket certificates on shares	Income from derivatives Interest	§ 27 (4) § 27 (2) Z 2	Capital gain/ capital loss Interest	Art. 26 Art. 23	Difference between sales price and acquisition costs Interest: current payment (gross amount)	-		- ✓
4.5	Index and basket certificates on debt instruments	Income from derivatives Interest	§ 27 (4) § 27 (2) Z 2	Capital gain/ capital loss Interest	Art. 26 Art. 23	Difference between sales price and acquisition costs Interest: current payment (gross amount)	- ✓	TIS <sup>8</sup> increase (accrued interest) or difference sale price – acquisition costs <sup>9</sup>	- ✓
4.6	Compensation for damages	Capital gain (realised increase in value) Income from derivatives Interest (damage incurred is relevant)	§ 27 (3) § 27 (4) § 27 (2) Z 2	Capital gain Interest	Art. 26 Art. 23	Gross amount	-		-

<sup>8</sup> Taxable income per share.

<sup>9</sup> Pure difference method used if TIS not available (Guidance recital 163).

4.7	Further event (catch-all category)			Interest Dividend Capital gain/ capital loss Other income			✓ - - -		✓ ✓ - -
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Line no.5	Corporate actions regarding funds	Allocation type of income (EStG)	Allocation InvStG)	Allocation type of income Agreement	Allocation Agreement	Basis of assessment Withholding tax Art. 22 <sup>10</sup>	EUSA <sup>11</sup>	Basis of assessment EUSA	Swiss anticipatory tax
5.1	Distribution (Fund with corresponding reporting)	Dividend	§ 27 (2) Z 1 lit. a	Dividend	Art. 24	Gross amount	✓	Coupons	✓
5.2		Interest	§ 27 (2) Z 2	Interest	Art. 23	Gross amount	✓	Coupons	✓
5.3		Capital (capital gain)	§ 27 (3) § 27 (4)	Capital gain	Art. 26	Gross amount	Capital gain	Coupons	-
5.4	Distribution (Fund without corresponding reporting)	Interest	§ 27 (2) Z 2	Interest	Art. 23	Gross amount	✓	Pure difference taxation (delta sale price less acquisition costs), as no TIS or TID <sup>12</sup> available	✓ ✓ -
5.5	Accumulation	Dividend	§ 27 (2) Z 1 lit. a	Dividend	Art. 24	Undistributed amount	-		✓
5.6		Interest	§ 27 (2) Z 2	Interest	Art. 23	Undistributed amount	✓	Undistributed amount	✓
5.7		Capital (capital gain)	§ 27 (3) § 27 (4)	Capital gain	Art. 26	50% of undistributed amount until 31.12.2013; 60% from 1.1.2014	-		-

<sup>10</sup> Income from direct ownership of land not taxable at the level of relevant person as investor.

<sup>11</sup> Fund categories covered by the ZStA: EU funds under the UCITS directive, qualifying Swiss funds, funds from outside the EU with corresponding reporting (Guidance recitals 111-146).

<sup>12</sup> Taxable income per distribution.

5.8	Redemption/sale of units by investor (funds with corresponding reporting)	capital gain/ capital loss (realised increase in value)	§ 27 (3)	Capital gain/ capital loss	Art. 26	Difference between sales price and acquisition costs	✓	TIS	-
5.9	Redemption/sales of units by investor (funds without corresponding reporting)	capital gain/ capital loss (realised increase in value)	§ 27 (3)	Capital gain/ capital loss	Art. 26	Difference between sales and acquisition costs	✓	Pure difference taxation (Difference between sales les price and acquisition costs), as no TIS or TID available	-