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# Global Individual Tax Handbook 2023



# Global Individual Tax Handbook 2023

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<b>Title:</b>	Global Individual Tax Handbook 2023
<b>Date of publication:</b>	June 2023
<b>ISBN:</b>	9789087228279 (print), 9789087228316 (PDF), 9789087228309 (e-pub)
<b>Type of publication:</b>	Book
<b>Number of pages:</b>	1196
<b>Terms:</b>	Shipping fees apply. Shipping information is available on our website
<b>Price (print/online):</b>	EUR 345   USD 415 (VAT excl.)
<b>Price (eBook: e-Pub or PDF):</b>	EUR 245   USD 295 (VAT excl.)

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# **Global Individual Tax Handbook 2023**



**Editors:**

*Africa:* Mamadou Bah, Aisha Aize Isa, Sabrine Marsit, John Wilfred Mpoha, Yvette Nakibuule Wakabi, Abdoul Aziz Son  
*Asia-Pacific:* Karen Lim, Nikita Lingbawan, Mei-June Soo, Nina Umar  
*Caribbean:* Priscilla Lachman, Sandy van Thol  
*Europe:* Mery Alvarado, Madalina Cotrut, Francesco De Lillo, Filip Krajcuska, Magdalena Olejnicka, Andreas Perdelwitz, Marnix Schellekens  
*Middle East:* Mamadou Bah, Sabrine Marsit  
*Latin America:* Vanessa Arruda Ferreira, Maria Bocachica, Diana Calderón Manrique, Ravi N. Chatlani, Gabriela Rodríguez Arguijo  
*North America:* Wooje Choi, John Rienstra

**IBFD**

*Visitors' address:*  
Rietlandpark 301  
1019 DW Amsterdam  
The Netherlands

*Postal address:*  
P.O. Box 20237  
1000 HE Amsterdam  
The Netherlands

Telephone: 31-20-554 0100  
Email: [info@ibfd.org](mailto:info@ibfd.org)  
[www.ibfd.org](http://www.ibfd.org)

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ISBN 978-90-8722-827-9 (print)  
ISBN 978-90-8722-830-9 (eBook, ePub); ISBN 978-90-8722-831-6 (eBook, PDF)  
ISSN 1872-6747 (print); 2590-1044 (electronic)  
NUR 826

## Preface

IBFD is pleased to present the 2023 edition of the *Global Individual Tax Handbook*. Together with the *Global Corporate Tax Handbook*, these titles provide the reader with a complete overview of the tax systems in 101 countries throughout the world.

All of the country surveys have been compiled to contain the most up-to-date information possible. In addition to the country level surveys, descriptions of the seven most important Swiss cantons are included.

The chapters of this book are also available in the online collection Country Surveys of the IBFD Tax Research Platform, which contains descriptions of the tax systems of over 200 countries and, in addition, descriptions of the tax systems of all Swiss cantons, US states and Canadian provinces, and selected Mexican states. The online title is *Global Tax Explorer*. It also includes the texts of income tax treaties concluded by all countries worldwide.

More comprehensive coverage of the majority of the jurisdictions can be found in the online collection Country Analyses. A combination of Country Surveys, Country Analyses and the texts of income tax treaties concluded by countries worldwide is offered via the online title *Global Tax Explorer Plus* and regional subsets of this title on Africa, Asia-Pacific, Europe, Latin America and the Caribbean, and the Middle East. Countries in North America can easily be ordered via the online title *Tax Explorer – Country Select*, which enables you to choose the exact countries for which you need coverage on the essentials on international tax. It also offers the possibility to extend this with the very detailed Country Analyses on major economies like Canada and the United States.

For the latest tax developments, see IBFD's daily *Tax News Service* online. More information about IBFD, and its various activities and products is available at [www.ibfd.org](http://www.ibfd.org).

The Editors

April 2023

## External contributors:

Ms A. Abdul Raheem, Saudi Arabia (chapter on Saudi Arabia)  
Prof. A. Asatsuma, Rikkyo University, Tokyo (chapter on Japan)  
Ms P. Bak, Netherlands (chapter on Ireland)  
Ms K. Balogová, Accace, Bratislava (chapter on the Slovak Republic)  
Mr B. Büchel, Fiscal Authority of the Principality of Liechtenstein, Vaduz (chapter on Liechtenstein)  
Mr P. Burg, France (chapters on France, Monaco)  
Dr R. Cadosch, Cadosch Rechtsanwälte AG, Bern (chapter on Switzerland)  
Mr A. Calderón and Mr J.A. Becerra, Calderón, Gonzalez & Carvajal, Mexico City (chapter on Mexico)  
Mr A. Coronel, Deloitte, Paraguay (chapter on Paraguay)  
Mr M. Corral, CPA, MDP, FITS Financial and Tax Services, Santiago, Dominican Republic (chapter on Dominican Republic)  
Dr G. Czoboly, Corvinus University and PwC Hungary, Budapest (chapter on Hungary)  
Mr A. Durán, Bogotá (chapters on Colombia, Honduras)  
Mr H. El Gamal, EY Egypt (chapter on Egypt)  
Ms R. Emery, Tozzini Freire, São Paulo (chapter on Brazil)  
Mr M. Ettehadieh (chapter on Iran)  
Mr G.J.O. Everaert, Uria Menéndez, Lisbon, Portugal (chapter on Portugal)  
Mr V. Foltea (chapter on Moldova)  
Mr J. Fonseca, Mayora & Mayora, Guatemala City (chapter on Guatemala)  
Mr E. Furuseth, BI Norwegian Business School, Oslo (chapter on Norway)  
Mr W. Grünkorn, Ms T. Nguyen and Ms N. Nguyen, Grünkorn & Partner Law Co., Ltd. (chapter on Vietnam)  
Mr G. Guerra, Andean Strategies, Quito (chapter on Ecuador)  
Dr I. Haq and Ms H. Bukhari, Huzaima & Ikram, Lahore (chapter on Pakistan)  
Mr J. Hattingh, University of Cape Town, South Africa (chapter on South Africa)  
Mr M. Herm, ATTELA Law Firm, Tallinn (chapter on Estonia)  
Dr K. Holmes, Wellington (chapter on New Zealand)  
Instituto Nicaraguense de Investigaciones y Estudios Tributarios, INIET, (chapter on Nicaragua)  
Ms E. Jambal, the Mongolian Association of Certified Tax Consultants, Ulaanbaatar (chapter on Mongolia)  
Mr Y. Kamal-Kaikani (chapter on Morocco)  
Ms T. Kogut, Luxembourg (chapter on Russia)  
Ms H. Kristanto, PB Taxand, Jakarta (chapter on Indonesia)  
Mr C. Kypris, Kypris and Associates AE (member of PrimeGlobal), Athens (chapter on Greece)  
Mr Y. Lin, Ernst & Young, Taipei (chapter on Chinese Taipei)  
Mr H.W. Lovell, KPMG, Christ Church (chapter on Barbados)  
Ms I. van der Maas, Mazars, Amsterdam (chapters on Croatia, North Macedonia)  
Mr A. Maher, Cautela Pros d.o.o., Ljubljana (chapter on Slovenia)  
Ms A. Marusic, Consultant, Panama City (chapter on Panama)  
Mr S. Melnyk, Alvarez & Marsal, United Kingdom (chapter on Ukraine)  
Mr E. Meloni, Buenos Aires (chapter on Argentina)  
Ministry of Financial Services, Cayman Islands Government (chapter on Cayman Islands)  
Mr T. Morstadt and Mr S. Kohrt, Lorenz & Partners Co. Ltd., Bangkok (chapter on Thailand)  
Ms M. Muñoz, Tax Advisor, Bogotá (chapters on El Salvador, Nicaragua)  
Mr M. Mushtaque Ahmed, S.F. Ahmed & Co., Dhaka (chapter on Bangladesh)

Mr J. Ocampo and Ms K. Ocampo, Ocampo and Suralvo Law Offices, Makati City (chapter on Philippines)  
Mr S. Odimma, A.P. Moller-Maersk Group, Nigeria (chapter on Nigeria)  
Mr F. Omondi, Deloitte & Touche, Kenya (chapter on Kenya)  
Mr P. Ordoñez, PPO Abogados, Santa Cruz (chapter on Bolivia)  
Mr P. Pace Ross, Mr A. Polacsik and Ms M. Dolores Vella, KPMG Malta (chapter on Malta)  
Mr N. Papapanayiotou, Costas Tsieliepis & Co Ltd, Cyprus (chapter on Cyprus)  
Mr H. Perlmutter, Barnea & Co., Israel (chapter on Israel)  
Mr Z.F. Rakotomalala, Tax Expert, Madagascar (chapter on Madagascar)  
Mr R. Ramloll, Attorney-General's Office, Mauritius (chapter on Mauritius)  
Ms M. Roca, Ernst & Young, Montevideo (chapter on Uruguay)  
Mr B. Rodriguez, IKEA Supply AG, Basel, Switzerland (chapter on Spain)  
Mr B. Rodriguez, Independent Advisor, San José (chapter on Costa Rica)  
Mr L. Sahbani, PWC, Algeria (chapter on Algeria)  
Ms Y. Schuchter and Mr A. Kras, Leitner + Leitner, Salzburg (chapter on Austria)  
Mr F. Sepúlveda, RGS Abogados, Santiago (chapter on Chile)  
Mr S. Shah, Shreyas N. Shah & Associates, Mumbai (chapter on India)  
Ms D. Shishkova, Ms S. Pandelieva and Ms G. Ahtchieva, AFA OOD, Sofia (chapter on Bulgaria)  
Ms V. Sigurvaldadóttir, Marel hf, Gardabaer (chapter on Iceland)  
Mr I. Soldatović, KPMG Belgrade (chapters on Montenegro, Serbia)  
Mr V. Strachuk, Minsk, Belarus (chapter on Belarus)  
Mr T. Toryanik, Singapore (chapter on Australia)  
Mr J.W. Tze, Kuala Lumpur (chapter on Malaysia)  
Ms A. Urci, Boga & Associates, Tirana (chapter on Albania)  
Ms T. Vaičiulienė, Vilnius (chapter on Lithuania)  
Mr N. Villagra, International Tax Consultant, Lima (chapter on Peru)  
Prof. Dr B. Yalıtı, Koç University, Istanbul (chapter on Türkiye)  
Prof. J.H. Yoon, Seoul National University School of Law (chapter on Republic of Korea)

## IBFD country specialists:

Ms M. Alvarado (chapters on Gibraltar, Guernsey, Isle of Man, Jersey)  
Ms L. Ambagtsheer-Pakarinen (chapters on Denmark, Finland, Sweden)  
Mr A. Aziz Son (chapter on Gabon)  
Mr W. Choi (chapter on United States)  
Ms G. Gallo (chapter on Italy)  
Ms L. Gerzova (chapter on Latvia)  
Mr S. Gueydi (chapters on Oman, Qatar)  
Mr F. Krajcуска (chapter on Czech Republic)  
Ms N. Lingbawan (chapter on Singapore)  
Mr S. Ma (chapter on China)  
Ms S. Marsit (Lebanon, Tunisia)  
Mr L. Nouel (chapter on Venezuela)  
Ms B.R. Obuoforibo (chapter on United Kingdom)  
Dr R. Offermanns (chapters on Belgium, Luxembourg)  
Ms M. Olejnicka (chapter on Poland)  
Mr A. Perdelwitz (chapter on Germany)  
Ms O. Popa (chapter on Romania)  
Mr J. Rogers-Glabush (chapter on Canada)  
Mr M. Schellekens (chapters on Georgia, Netherlands)  
Ms Y. Zhang (chapter on Hong Kong)



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# Albania

This chapter is based on information available up to 24 January 2023.

## Abbreviations

Abbreviation	English definition	Albanian definition
ITL	Income Tax Law	Ligji "Tatimi mbi te ardhurat"
SSL	Law on Social Security	Ligji "Per sigurimet shoqerore"

## Introduction

Income of individuals is generally subject to income tax, except for business and professional income (subject to simplified profit tax on small businesses or profit tax, depending on annual turnover). Certain exemptions for low income apply. Social security and health contributions are imposed on employment income. No net wealth tax is imposed, but a property tax is levied annually on the owners and possessors of agricultural land, construction land or buildings. For VAT and miscellaneous indirect taxes, *see* Corporate Taxation sections 8. and 9., respectively.

The Central Tax Administration Office (*Administrata Tatimore Qendrore*) is responsible for the administration and collection of taxes.

The jurisdiction for tax purposes (except for certain local taxes) is the territory of Albania.

The currency is the Albanian lek (ALL).

## 1. Individual Income Tax

For resident taxpayers, a worldwide system of taxation applies under which income is subject to 15% tax rate (except for dividend income for which an 8% rate applies). However, employment income is subject to tax at progressive rates. No expatriate regime exists.

### 1.1. Taxable persons

An individual is deemed to be a resident of Albania if he has a permanent home in Albania or if he stays in Albania, either consecutively or intermittently, for more than 183 days in a calendar year.

Partnerships are separate taxable persons; they are subject to profit tax at the partnership level. The partners' profit shares are subject to withholding tax, except when the partners are resident taxpayers that are registered for tax purposes (*see also* Corporate Taxation section 1.1.).

Each taxpayer must file a separate return (i.e. there is no joint filing possibility).

## 1.2. Taxable income

### 1.2.1. General

Resident taxpayers are subject to income tax on their worldwide income (article 7 of the ITL). Tax is computed separately on each category of income. The following categories of income are distinguished (article 8 of the ITL):

- salaries and other remuneration in connection with current employment;
- dividends and profit shares of partnerships;
- interest, except interest received on treasury bonds and other securities issued by the government before 21 January 1999;
- licence fees and other royalties;
- rental income;
- proceeds from the transfer of immovable property;
- income from lotteries and gambling;
- contributions, consisting of untaxed income, that increase the registered share capital of a company; and
- other income (i.e. any other item of income that is not explicitly exempt).

### 1.2.2. Exempt income

Exempt items of income include (article 8/1 of the ITL):

- allowances received from social and health insurance schemes, including pensions;
- donations to employees for illness, disasters or misfortunes, under certain conditions;
- contributions paid by employers to the voluntary life and health insurances of their employees;
- contributions to voluntary pension funds;
- contributions made by the employer and any other contributor on behalf of a member of a pension fund;
- financial compensation for former political prisoners;
- income exempted pursuant to international agreements ratified by the parliament of Albania;
- damages (and compensation for legal fees) awarded on the basis of a final court decision;
- income paid from state institutions for achievements in science, sport and culture;
- scholarships;

- compensation (cash or in kind) received with regard to expropriation;
- transfer of the ownership title of the house and/or land between family members (such as between husband and wife, or between parent and children) through donation or renunciation of the ownership right thereto, is exempt from personal income tax. Only one transfer of ownership right to each beneficiary is exempt; and
- salaries and bonuses of all athletes in possession of a regular (employment) contract with a sports club recognized by the relevant sporting federations that were received during the period 1 January 2021 to 31 December 2022.

### 1.3. Employment income

#### 1.3.1. Salary

Salaries and other remuneration in connection with current employment include basic pay, overtime pay, bonuses and any other payment for the performance of employment. Commuting costs are not deductible. Moving costs are not deductible.

#### 1.3.2. Benefits in kind

Benefits in kind associated with employment income are not included in taxable income (tax free for the recipient) but are non-deductible to the employer.

#### 1.3.3. Pension income

Pensions received from social insurance schemes and are tax exempt (article 8(1) of the ITL).

Also tax exempt are the incomes from pension and other similar remunerations of:

- foreign citizens with Albanian origin;
- EU citizens that have obtained a residence permit in Albania; and
- foreign citizens who have obtained the Albanian citizenship,

provided that they receive these incomes in accordance with the legislation of the country where they benefit the pension or the other similar remunerations.

Contributions to voluntary pension schemes by the employer do not constitute taxable income of the employee, up to 15% of the gross annual income of the individual but not exceeding ALL 200,000 (annually). Exceptionally, if a pension fund member is 50 or older, the tax relief on annual contributions is up to 25% of the gross annual income of the individual but not exceeding ALL 250,000 (annually).

Contributions by the employee to voluntary pension schemes, within the limits described above, are deductible for income tax purposes.

#### 1.3.4. Directors' remuneration

No special rules apply. Directors' remuneration is taxable as employment income.

### 1.4. Business and professional income

Individuals who carry on business activities and whose annual turnover exceeds ALL 8 million are subject to profit tax levied on net income (*see* Corporate Taxation section 1.).

Individuals who carry on small businesses or independent services and have an annual income of less than ALL 8 million are subject to a simplified profit tax on small businesses.

From 1 January 2021, taxpayers with an annual income of less than ALL 8 million are subject to the simplified profit tax at a rate of 0%. Before 2021, annual income up to ALL 5 million was exempt from profit tax, and income between ALL 5 million and ALL 8 million was subject to a rate of 5% on the profits.

### 1.5. Investment income

Dividends, interest, royalties and rental income are subject to a final withholding tax on the gross amount of the payment (*see* section 1.9.2.).

For foreign-source investment income, *see* section 6.1.1.

### 1.6. Capital gains

Capital gains on the sale of shares and the transfer of immovable property (buildings and land) are taxable at a rate of 15% (article 11 of the ITL). The taxable base is generally the difference between the sale price and the purchase price of the shares and immovable property. The term "transfer" includes sales and donations. The taxable base in the case of donations is the value of the property assessed by the immovable property registration office or an independent expert in case of donation of shares, minus the purchase price of the property. No other deductions are allowed. There are no provisions on rollover relief.

The seller or donor is liable for the tax. The tax must be paid before the registration of the transfer with the immovable property registration office.

*See* section 1.2.2. regarding the transfer of the ownership title of the house and/or land between family members through donation or renunciation of the ownership right thereto.

### 1.7. Personal deductions, allowances and credits

Non-residents are not entitled to the deductions described below.

#### 1.7.1. Deductions

The Income Tax Law allows the following deductions from taxable income for resident individuals whose annual income does not exceed ALL 1,050,000 (article 13/3 of the ITL):

- interest on loans used to finance the education of the taxpayer (or any children and dependants of the taxpayer); and

- medical expenses of the taxpayer (or any children and dependants of the taxpayer) insofar as they are not covered by the mandatory health insurance (up to ALL 8,532 per person or, where there are dependants, ALL 8,532 per person, up to a maximum of ALL 32,000).

### 1.7.2. Allowances

Not applicable.

### 1.7.3. Credits

A tax credit is available for foreign individual income tax paid (article 37 of the ITL).

## 1.8. Losses

There is no loss relief for the purposes of income tax or simplified profit tax. Losses from a business that is subject to profit tax may be carried forward for 3 years, or 5 years for taxpayers investing in projects with a value exceeding ALL 1 billion (article 27 of the ITL).

## 1.9. Rates

### 1.9.1. Income and capital gains

With effect from 1 April 2022, gross *monthly* salaries and other remuneration in connection with employment are taxable at the following progressive rates (article 9 of the ITL):

Monthly remuneration (ALL)	Rate (%)
Up to 40,000	0
40,001 – 50,000	0% up to ALL 30,000 6.5% of the amount over ALL 30,000 up to ALL 50,000
Over 50,000	0% up to ALL 30,000 13% of the amount over ALL 30,000 up to ALL 200,000 ALL 22,100 + 23% of the amount over ALL 200,000

Before 1 April 2022, the following rates and brackets applied:

Remuneration (ALL)	Rate (%)
Up to 30,000	0
30,001 – 150,000	13% (of the amount over ALL 30,000)
Over 150,000	ALL 15,600 plus 23% of the amount over ALL 150,000

For capital gains, *see* section 1.6.

### 1.9.2. Withholding taxes

A 15% final withholding tax (on the gross amount) is levied on the following items of income paid to a resident individual (article 33 of the ITL):

- interest and similar payments;
- royalties;
- rental payments;
- income derived by an entertainer, artist or athlete performing in Albania;
- income from lotteries and gambling;
- fees for technical services, management fees and financial services;
- payments for construction, installation, assembly or related supervisory work; and
- payments for participating in management boards.

A final withholding tax of 8% (also on the gross amount) is levied on dividends and partners' profit shares distributions.

Such payments received by a resident individual in connection with his business activity are, however, not subject to withholding tax if he provides evidence that he is registered for tax purposes in Albania.

## 1.10. Administration

### 1.10.1. Taxable period

The tax year is the calendar year.

### 1.10.2. Tax returns and assessment

A self-assessment system applies. Individual taxpayers must submit an annual tax return by 30 April of the year following the tax year (article 13 of the ITL). However, no tax return is required if a taxpayer receives an annual income that does not exceed ALL 2 million, except for individuals who are employed with more than one employer. These taxpayers are required to file a personal income tax return (irrespective of the amount of total annual income), declare in their tax return the total income from employment, and calculate the tax obligation based on the progressive tax rates. The individual must subsequently pay the personal income tax due to the tax authorities (after deducting the tax withheld by the employers during the year, if any).

The annual tax return may be voluntarily filed by an individual who wants to benefit from the deductions from the taxable income (certain conditions may apply) (*see* section 1.7.).

### 1.10.3. Payment of tax

The final tax liability must be settled by 30 April of the year following the tax year (i.e. together with the filing of the tax return). Where the final tax liability is lower than the amount of tax already withheld, the taxpayer may receive a refund. Income tax on salaries and other remuneration in connection with employment is withheld monthly by the employer and remitted to the tax authorities by the 20th day of the following month (article 10 of the ITL). Tax on the transfer of immovable property is withheld by the Cadastre Office and must be remitted to the tax authorities before the 20th day of the month following the date of the transaction.

The simplified profit tax is payable on quarterly prepayment basis. The amounts of prepaid tax are calculated

based on the income generated during the previous year (see section 1.4.).

#### 1.10.4. Rulings

There is no advance ruling system.

## 2. Other Taxes on Income

### 2.1. Simplified profit tax on small businesses

The local tax on small businesses, and the personal income tax for the small businesses are abolished. These taxes are replaced by the simplified profit tax on small businesses (see section 1.4.).

The rules regarding deductibility of expenses, with some exceptions, generally also apply (see Corporate Taxation section 1.3.3.).

## 3. Social Security Contributions

Employees must make social and health insurance contributions at a rate of 11.2% (articles 10 and 14 of the SSL). The employee contributions consist of a 9.5% social insurance contribution and a 1.7% health insurance contribution. The minimum and maximum contribution bases for social security contributions are ALL 34,000 (ALL 32,000 before 1 September 2022) (the minimum gross monthly salary) and ALL 149,953 (ALL 141,133 before 1 September 2022), respectively. However, the health insurance contributions basis is the gross monthly salary.

The social and health insurance contributions are payable by employees but are withheld by the employer, who must remit them monthly to the tax authorities.

Self-employed individuals must also pay these contributions, at a rate of 23% for social insurance contributions and 3.4% for health contributions (articles 10 and 14 of the SSL). The basis for the calculation of the health insurance contributions for self-employed is twice the minimum gross monthly salary. Contributions for this group of taxpayers are, however, due quarterly.

Social and health insurance contributions are not deductible for individual income tax purposes.

For the social and health insurance contributions payable by employers, see Corporate Taxation section 4.2.

An exemption from payment of health insurance contributions is provided for the employed, self-employed and those that generate income from the movable or immovable property, and other comparable sources without a permanent dwelling in Albania.

## 4. Taxes on Capital

### 4.1. Net wealth tax

There is no net wealth tax.

### 4.2. Real estate tax

See Corporate Taxation section 5.2.

## 5. Inheritance and Gift Taxes

There is no inheritance and gift tax.

Gifts are, however, subject to income tax by assessment at a flat rate of 15% (article 9 of the ITL). Income received from an inheritance is not (explicitly) exempt income and must therefore be included as taxable income in the annual tax return.

### 5.1. Taxable persons

Not applicable.

### 5.2. Taxable base

Not applicable.

### 5.3. Personal allowances

Not applicable.

### 5.4. Rates

Not applicable.

### 5.5. Double taxation relief

Not applicable.

## 6. International Aspects

### 6.1. Resident individuals

For the concept of residence, see section 1.1.

#### 6.1.1. Foreign income and capital gains

A resident individual is subject to tax on his worldwide income. Foreign income – including capital gains – is subject to the same income tax as domestic income. No special treatment applies to foreign employment (and pensions) income.

Foreign dividends are taxable at a rate of 8%, while interest and royalties are taxable at a rate of 15% (article 9 of the ITL).

Foreign-source business and professional income is always subject to profit tax under the same rules as domestic income. It is not subject to the local tax on small businesses discussed in section 2.1.

#### 6.1.2. Foreign capital

There is no net wealth tax. Foreign-situs immovable property is not subject to real estate tax in Albania.

### 6.1.3. Double taxation relief

Double taxation relief may be obtained either unilaterally or under a tax treaty. Treaty relief is optional. Generally, double taxation relief is granted in the form of an ordinary tax credit (article 37 of the ITL). The credit is calculated on a per-country basis. Any excess credit may be carried forward.

### 6.2. Expatriate individuals

No special regime applies to expatriates.

### 6.3. Non-resident individuals

For the concept of residence, *see* section 1.1.

#### 6.3.1. Taxes on income and capital gains

Unless otherwise indicated, a non-resident is subject to the normal income tax rules as described in section 1. on his income derived from sources in Albania. Income from employment is taxable if the employment is exercised in Albania; no special rules apply.

A 15% final withholding tax (on the gross amount) is levied on the following items of income paid to a non-resident individual (article 33 of the ITL):

- interest and similar payments;
- royalties;
- rental payments;

- income derived by an entertainer, artiste or athlete performing in Albania;
- income from lotteries and gambling;
- fees for technical services, management fees and financial services;
- payments for construction, installation, assembly or related supervisory work;
- payments for participating in management boards; and
- other income not explicitly mentioned above.

A final withholding tax of 8% is levied on the gross amount of dividends and partners' profit shares distributions.

For rates on dividends, interest and royalties under tax treaties, *see* the withholding tax rates chart in the Appendix.

#### 6.3.2. Taxes on capital

There is no net wealth tax. Non-resident individuals are subject to real estate tax on their immovable property situated in Albania (*see* section 4.2.).

#### 6.3.3. Inheritance and gift taxes

*See* section 5.

#### 6.3.4. Administration

The rules in section 1.10. apply.





# Algeria

This chapter is based on information available up to 1 March 2023.

## Abbreviations

Abbreviations	English definition	French definition
DGI	Algerian tax authority	Direction Générale des Impôts
DZD	Algerian dinar	Dinar algérien
ITC	Income Tax Code	Code des Impôts Directs et Taxes Assimilées
NCP	Non-commercial profit	Revenu non-commercial
NICP	Net industrial and commercial profit	Revenu industriel et commercial
PE	Permanent establishment	Etablissement stable
PIT	Personal income tax	Impôt sur le revenu
SFL	Supplementary Financial Law	Loi de Finances complémentaire
SSC	Social security contributions	Cotisations de sécurité sociale
VAT	Value added tax	Taxe sur la valeur ajoutée

## Introduction

Individuals who are considered tax residents in Algeria are subject to tax in Algeria on their total income from both Algerian and foreign sources. Individuals who are considered non-residents are subject to Algerian tax on Algerian-source income.

Individuals are required to pay social security contributions on their salaries unless a social security treaty is in force between Algeria and their home country. In addition, assignees working in Algeria under hydrocarbon contracts and contributing to the social security system in their home country may be exempt from social security contributions (SSC) under certain conditions.

The official currency is the Algerian dinar (DZD).

The Algerian tax authority (*Direction générale des impôts*, DGI) is the authority responsible for the administration and collection of taxes.

## 1. Individual Income Tax

Theoretically, individuals are taxed differently in Algeria according to whether or not they are considered tax residents or non-residents of Algeria.

Foreign individuals considered Algerian tax residents are taxable in Algeria on all their income, including income derived from a professional activity undertaken in Algeria and abroad, unless otherwise provided by a tax treaty.

All earnings corresponding to the professional activities of the employees in Algeria should be declared in Algeria by the Algerian employer and subject, in principle, to the corresponding withholding for income tax purposes and social security contributions.

Algerian individual income tax on wages and salaries is withheld at source. It is the employer who is responsible for the withholding and payment of the taxes withheld on the employees' behalf.

### 1.1. Taxable persons

Individuals who are considered Algerian tax residents are subject to income tax on all their income from both domestic and foreign sources (article 3-1 of the ITC). The following are regarded as being domiciled in Algeria for tax purposes (article 3-2 of the ITC):

- persons who own or have the right of enjoyment of a residence in Algeria, as well as tenants under tenancy agreements with a term of at least 1 year;
- persons with their principal place of residence or centre of vital interests in Algeria; and
- persons carrying on professional activities in Algeria, whether or not as employees.

Individuals who are considered non-resident in Algeria are subject to tax in respect of their Algerian-source income.

If an individual is also considered a tax resident in another state according to its local law, the tax treaty between the two countries, if applicable, must be consulted to check in which of the two contracting states the individual should be deemed resident for tax purposes. Algeria has signed several tax treaties. According to the standard tax treaties, the individual concerned will be considered a tax resident of the contracting state where:

- he has his permanent residence;
- he has his principal place of residence;
- he has his centre of economic interests; or
- he is a national.

## 1.2. Taxable income

### 1.2.1. General

Individual income tax applies to the taxpayer's net annual income. Net annual income is the total of the net results of each of the taxpayer's income categories, minus the general deductions permitted by the law.

The net result of each category is the gross income minus expenses incurred in acquiring or preserving the income in question and is determined according to each category's own rules.

### 1.2.2. Exempt income

The following are exempt from income tax (article 5 of the ITC):

- persons whose total annual income does not exceed the upper limit of the first bracket of the tax schedule, i.e. their annual income is less than DZD 240,000 (see section 1.9.1.1.); and
- foreign diplomatic and consular persons, subject to reciprocity.

Specific exemptions are provided for each category of income in sections 1.2.2.1. and 1.2.2.5.

Salaries and wages income (referred to in article 66 of the ITC, including allowances in kind) are eligible for a proportional tax allowance on the overall tax imposed, equal to 40%. However, the deduction cannot be less than DZD 12,000 per year or more than DZD 18,000 per year (see section 1.7.3.).

#### 1.2.2.1. Industrial and commercial profits

Activities carried on by new individual investors under the national programme for the employment of young people, as well as production activities carried out under the special regime for the encouragement of such activities, benefit from total exemption from tax for a period of 3 years from commencement of the activities. This period is extended to 6 years where the activities are carried out by new investors in special development areas and the period is extended by 2 years when investment promoters commit to hiring at least three indeterminate employees.

Traditional artisans and craftsmen are entitled to full exemption from income tax for a 10-year period.

Approved associations of persons with disabilities and theatre troupes are eligible for a permanent exemption from income tax.

Export transactions of goods and services that generate foreign currency benefit from a permanent exemption from income tax (Finance Law 2021 amending article 13 of the ITC). This exemption is granted on a pro rata basis according to the revenue generated in foreign currencies. The benefit of the said provisions is subject to the submission of a document by the taxpayer to the competent tax authorities certifying the payment of these receipts to a bank domiciled in Algeria.

Individual businesses which reinvest their profits in specific types of assets are entitled to a 30% deduction for the purpose of the determination of the taxable base. This is subject to the following conditions:

- profits should be reinvested in depreciable assets with the exception of transport vehicles which do not constitute the main working asset; and
- the individual should keep proper accounting books.

A recapture provision is also applicable in case of transfer of the asset or in instances where the investment is not realized within a 5-year period (article 21) of the ITC).

Finance Law 2011 introduced a permanent exemption for income derived from the production of milk intended to be consumed before any processing or transformation.

Finance Law 2021 extended the special exemption granted to start-up activities from 3 to 4 years.

Under Finance Law 2014, projects started by young entrepreneurs in the Algerian southern areas are exempt from PIT and the tax on business activities (see section 2.1.). For details, see Corporate Taxation section 1.7.4.

#### 1.2.2.2. Non-commercial income

Exempt from taxation in this category are:

- revenues generated from employment aid programmes (i.e. *Caisse Nationale d'Assurance Chômage, Agence nationale d'appui et de développement de l'entrepreneuriat and Agence Nationale de Gestion du Micro-crédit*); and
- non-commercial income generated in a foreign currency (Finance Law 2021).

#### 1.2.2.3. Agricultural income

Agricultural income is the income derived from agricultural and livestock activities (article 36 of the ITC).

The profits from poultry, bee-keeping, oyster, mussel and rabbit farming, as well as the operation of mushroom farms in underground galleries, also constitute agricultural income. However, income from poultry and rabbit farming activities cannot be withheld as farm income, unless the following two cumulative criteria are met:

- these activities are carried out by the farmer on his holding; and
- they are not of an industrial nature.

Income from farming and livestock-rearing activities carried out on new land or in mountainous regions by individuals, is exempt for a period of 10 years from commencement of the activity.

Income from the production of cereals and dates is also exempt from tax.

#### 1.2.2.4. Income from movable capital and capital gains

Income and capital gains derived from the following financial assets are exempt from individual income tax up to 31 December 2024:

- shares, bonds and similar securities listed on the stock exchange with a minimum maturity period of 5 years. This measure was renewed for a period of 5 years from 1 January 2019 by Finance Law 2019;
- treasury bonds and other similar securities listed on the stock exchange when issued within 5 years from 1 January 2014, with a minimum maturity period of 5 years. This measure was renewed for a period of 5 years from 1 January 2019 by Finance Law 2019; and

- shares and units of UCITS (undertakings for collective investments in transferable securities, *organismes de placements collectifs en valeurs mobilières*). This measure was renewed for a period of 5 years from 1 January 2019 by Finance Law 2019.

Finance Law 2021 added a new exemption for listed companies on the stock exchange of ordinary shares. This exemption equals the share capital opening rate on the stock exchange for a 3-year period starting from 1 January 2021.

### 1.2.2.5. Wages, salaries, pensions and life annuities

The following are exempt from income tax:

- wages and other remuneration paid under a youth employment scheme;
- reimbursement or advance payments of removal costs;
- special payments for working in particular geographical areas;
- temporary payments to victims of accidents at work;
- legal damages in the form of life annuities where the victim is totally and permanently incapacitated and requires help with daily life;
- maintenance and alimony payments under a judicial order;
- redundancy payments;
- monthly income relief for physically and mentally disabled workers up to DZD 42,500, as per article 12 of the Finance Law 2021;
- monthly income less than or equal to DZD 30,000 (exemption applicable as from 1 May 2020, introduced by SFL 2020) Other categories of income ranging below DZD 30,000 monthly are still subject to the progressive scale tax rate; and
- allowances related to special conditions of residence and isolation (Finance Law 2021). The new exemption is granted to taxpayers within a 70% limit of the basic salary. The granting of this exemption is subject to conditions set forth by social security regulations.

## 1.3. Employment income

### 1.3.1. Salary

This category of income includes wages, salaries, emoluments, pensions, life annuities and other similar income.

The following are also regarded as falling within this category (article 67 of the ITC):

- payments to minority partners in limited liability companies;
- remuneration of domestic workers;
- payments, including reimbursement of costs to company directors;
- all regular bonuses paid by employers;
- amounts paid to persons engaged in teaching, research, supervisory or other intellectual activities in addition to their main employment activities; and
- remuneration paid to managers of limited liability companies and partners in partnerships are treated as employment income for individual income tax purposes.

Wages, salaries, emoluments, tips, pensions and life annuities derived by taxpayers from foreign sources are also included in this category.

The reimbursement of removal costs is neither deductible by the employer nor taxable in the hands of the employee.

Resident employees who receive income from another source, in addition to their principal salary, are required to file, in addition to the specific return for the additional revenue category, a global revenue return (“series G no. 1”), highlighting, as a tax credit, the tax deducted at source and paid by the employer on their salary income.

The return must be filed before 30 April of each year with the appropriate tax office for the employees’ place of domicile.

### 1.3.2. Benefits in kind

Benefits in kind are fully taxable based on their real value.

According to article 71 of the ITC, benefits in kind are considered to be for example food and housing provided by the employer. An estimated value is made by the employer from the real value of items provided.

### 1.3.3. Pension income

Pension payments are treated as employment income. Pensions paid to veterans of the national independence war and their widows are exempt from individual income tax. Pension contributions are deductible for individual income tax purposes.

There are no special provisions governing the tax treatment of contributions paid to non-resident pension funds.

### 1.3.4. Directors’ remuneration

Directors’ fees, attendance fees and other similar payments to resident individuals who are members of a board of directors are subject to a final 15% withholding tax (article 104 of the ITC).

## 1.4. Business and professional income

Non-commercial income is defined as income generated from the exercise of a non-commercial professional activity or income from an independent profession (article 25 of the ITC).

This also includes:

- revenue from copyright received by writers or composers and by their heirs or legatees; and
- income derived by inventors by the concession of licences for producers and manufacturers to use their patent, or the transfer or concession of trademarks, manufacturing processes or formulas.

A distinction is made between net industrial and commercial profit (NICP) and non-commercial profit (NCP). Finance Law 2022 separated the NICP regime from the non-commercial profit (NCP) regime, considering these two incomes streams as separate income categories for PIT purposes.

1.8 million (DZD 600,000 before that date) is subject to the following lump-sum tax:

- 7% on income stemming from the rental of residential properties;
- 15% on income stemming from the rental of unfurnished commercial properties; and
- 15% on income stemming from the rental of bare land. This rate is reduced to 10% in the case of agricultural lands.

When the annual income exceeds the DZD 1.8 million threshold (DZD 600,000 before 2023), a provisional withholding tax of 7% applies on the income irrespective of the nature of the property.

## 1.10. Administration

### 1.10.1. Taxable period

The tax year is the calendar year. Individuals are assessed to income tax on income derived in the immediately preceding tax year.

### 1.10.2. Tax returns and assessment

Individuals engaged in business activities and determining their profits on an accrual basis must file an annual return, along with a profit and loss account and certain documents specified in the accounting rules. The return must be filed before 30 April of each year.

Spouses may file a joint return, in which case they are entitled to a special deduction (*see* section 1.7.1.).

Dependent children are taxed jointly with the taxpayer. The taxpayer may opt for the children to be separately assessed, but only in respect of income the children have earned themselves or derived from independent capital.

### 1.10.3. Payment of tax

Tax is payable on the first day of the third month following that in which an assessment is issued. In the case of wages, salaries, pensions and life annuities, tax is withheld at source if the employer or person making the payment is domiciled or established in Algeria.

From 1 January 2020, rental income tax must be remitted to the tax authorities within 20 days of the receipt of the rent.

Amounts withheld in respect of each month must be remitted no later than the 20th of the month following the deadline for filing the declaration.

Individuals receiving income other than employment income, which are required to pay income tax exceeding DZD 1,500, may pay this tax in two instalments:

- the first between 20 February and 20 March; and
- the second between 20 May and 20 June of the year following that in which the income or profit was realized.

However, where the amount of taxes and duties paid by instalments or deducted at source is less than DZD 50,000, the taxpayer may, for the following year, make quarterly payments of such taxes and duties during the

first 20 days of the month following the end of the quarter in question.

Resident individuals who realize certain types of income listed under articles 45 to 51 of the ITC (i.e. income from movable capital) are required to submit their tax return by 30 April of each year.

Finance Law 2021 introduced the possibility to offset income tax excess payments against future tax liabilities until fully absorbed or otherwise request for their refund.

Finance Law 2021 also introduced a new e-filing obligation for the filing and payment of both payroll and PIT. Taxpayers must submit their wages statement under form G no. 29 (formerly 301bis) electronically.

### 1.10.4. Rulings

The ruling system discussed under Corporate Taxation section 1.8.4. also applies to individuals.

## 2. Other Taxes on Income

### 2.1. Tax on business activities

Finance Law 2012 introduced a definition of taxable event regarding tax on business activities. The taxable event occurs when the goods are delivered or when the price is paid for construction or services provided (*see* Corporate Taxation section 3.1.).

#### 2.1.1. Taxable persons

Taxable persons are individual taxpayers carrying on activities that are subject to income tax (tax on total income) in respect of industrial and commercial profits.

From 1 January 2022, individuals with a permanent establishment in Algeria carrying on non-commercial profit activities are out of the scope of the tax on business activities (Finance Law 2022).

#### 2.1.2. Taxable income

The tax is payable on annual revenue before tax realized during the year in Algeria, or on total gross business receipts. Revenue includes amounts realized from sales, services or other activities. However, transactions between different units or branches of the same enterprise are not subject to the tax on business activities.

Exemptions (i.e. exclusion from the taxable base) include:

- revenue not exceeding DZD 80,000 in the case of traders, or DZD 50,000 in the case of service providers;
- sales of state-subsidized basic goods;
- sales of supplies, brokerage, etc. of goods and services intended for direct export;
- sales of strategic products whose retail margin does not exceed 10%; and
- income from projects started by young entrepreneurs in the Algerian southern areas (*see* Corporate Taxation section 1.7.4.).

### 2.1.3. Personal deductions, allowances and credits

Reductions in taxable revenue are granted as follows:

- a 30% reduction in taxable revenue is granted on:
  - wholesale transactions in general; and
  - retail sales transactions relating to products at least 50% of the price of which consists of indirect taxes;
- a 50% reduction in taxable revenue is granted on wholesale transactions relating to products of which at least 50% of the retail price consists of indirect taxes; and
- a 75% reduction in taxable revenue is granted on retail sales of diesel fuel.

### 2.1.4. Rates

The applicable tax rate is 1.5% (2% before 1 January 2022) (article 222 of the ITC).

## 2.2. Payroll tax

Individual employers are subject to the following payroll taxes on the gross income of their employees.

### 2.2.1. Training tax

Individual employers must allocate 1% of their annual payroll to permanent training programmes for their employees. With effect from 1 January 2022, employers are exempt from the tax if they have less than twenty employees. Failure to meet the 1% condition entails that a tax is levied on the difference between 1% of the annual payroll paid during the tax year and the amount actually allocated to training programmes.

This tax is not deductible for individual income tax purposes.

### 2.2.2. Apprenticeship tax

Employers must allocate 1% of their annual payroll to permanent apprenticeship programmes for their employees. With effect from 1 January 2022, this obligation applies only where the number of employees exceeds 20. Failure to meet the 1% condition entails that a tax is levied on the difference between 1% of the annual payroll paid during the tax year and the amount actually allocated to training programmes.

This tax is not deductible for individual income tax purposes.

## 2.3. Special lump-sum tax regime

A special lump-sum tax regime (*impôt forfaitaire unique*, IFU) is in place for individuals carrying on industrial, commercial or artisanal cooperatives activities and whose turnover does not exceed DZD 8 million (DZD 15 million before 2022). Before 1 January 2022, non-commercial activities were also within the scope of activities that qualified for the IFU. The tax, which is assessed by the DGI, is levied in full on the satisfaction of the indi-

vidual income tax, VAT and tax on business activities (article 282 bis et seq. of the ITC).

Article 282 sexies A of the ITC provides that individuals, irrespective of their status regarding other categories of income, who are involved in the distribution of goods and services via digital platforms or through direct network sales are subject to a withholding tax at the rate of 5% under the special lump-sum IFU regime, applicable to the amount of the invoice inclusive of all taxes, to be operated, as the case may be, by the companies producing goods and services or by companies active in the purchase/resale.

Finance Law 2023 introduced, with effect from 1 January 2023, a margin-based taxation for individuals engaged in the marketing of products for mass consumption and whose price or margin is regulated or capped, regardless of the actual margin. This measure aims to remove the condition under which the margin-based taxation mechanism only applies when the margin is above the IFU rate (article 282 quater of the ITC).

Finance Law 2023 also specified that, from 1 January 2023, activities carried out under the status of micro-entrepreneur are subject to a withholding tax at the rate of 5% under the special lump-sum IFU regime.

Certain activities are excluded from this regime, including those of:

- real estate promotion and land subdivision activities;
- import activities of goods intended for resale in the state;
- resale purchasing activities carried on under wholesale conditions, in accordance with article 224 of the ITC;
- the activities carried out by concessionaires;
- activities carried out by private health clinics and establishments, as well as medical analysis laboratories;
- classified catering and hotel activities;
- refiners and recyclers, precious metals, manufacturers and merchants of gold and platinum works; and
- public, hydraulic and building works.

## 2.4. Car dealers' tax

Article 28 of the SFL 2008 introduced a tax levied at the rate of 1% on the revenues of car dealers. The tax is paid to the Treasury on a monthly basis.

## 3. Social Security Contributions

The social security law applies to all persons, whatever their nationality, employed or following a course of professional training in Algeria. The employer has to declare himself and all employees to the Social Security Agency of the *wilaya* (region) with territorial jurisdiction, irrespective of the nationality of the employee (in the absence of provisions to the contrary in the treaty signed between the country of origin and Algeria).

The employer contribution amounts to 26% of the employee's gross salary, while the employee contribution amounts to 9% (*see also* Corporate Taxation section 4.2.).

The following contributions are calculated on the basis of the employee's gross salary:

Contribution	Rate (%)
Social security	1.5
Old age	6.75
Early retirement	0.25
Unemployment insurance	0.5
Total	9

Social security contributions are deductible for income tax purposes.

## 4. Taxes on Capital

### 4.1. Net wealth tax

Resident individuals are subject to net wealth tax in respect of their property situated both within and outside Algeria. The following types of property are subject to this tax:

- all real property;
- rights in real property; and
- movable property. This includes private cars with a capacity of more than 2,000 cc for petrol engines or more than 2,200 cc for diesel engines; motorcycles with a capacity of more than 250 cc; yachts; pleasure boats; private planes; racehorses; *objets d'art*; and paintings with a value exceeding DZD 500,000; furniture; jewellery and precious stones, gold and precious metals; other tangible furniture including:
  - receivables, deposits and guarantees;
  - insurance contracts in the event of death; and
  - life annuities.

Exemptions from the tax include:

- the capitalized value of life annuities, subject to certain conditions;
- payments of damages; and
- business assets. The law regards as business assets property essential for carrying out industrial, commercial, artisan or agricultural activities, or for rendering professional services, as well as shares in companies. However, shares in companies whose main activity is the management of their own property (whether movable or immovable) are not regarded as business assets.

The tax base consists of the net value (certain types of debts may be deducted) of the individual's assets, which will vary according to the type of property involved, as follows:

- real property is valued at its market value. Where this cannot be determined, the valuation will be made according to rules laid down in special regulations; and
- movable property is valued on the basis of a detailed declaration filed by the taxpayer, estimating the value of the items making up the property.

Debts which may be deducted are as follows:

- those relating to real property, e.g. loans, including mortgages from financial institutions for the purpose of building or acquiring real property. Interest and capital remaining unpaid may also be deducted; and

- those relating to movable property, e.g. debts arising in connection with the transfer of movable property on death.

The rates of net wealth tax are as follows (SFL 2020):

Net taxable wealth (million DZD)	Rate (%)
Up to 100	0
101 – 150	0.15
151 – 250	0.25
251 – 350	0.35
351 – 450	0.5
Over 450	1

Taxpayers who have paid a tax similar to the net wealth tax on property based abroad may credit that tax against the tax payable in Algeria on the same property.

Every 4 years, taxpayers must file a return regarding their property with the inspector of taxes in their domicile. The first return must be filed not later than 31 May of the fourth year.

Non-resident persons (for tax purposes) owning property in Algeria, as well as state officials seconded abroad, must, if so requested by the tax authorities, appoint an agent in Algeria to act on their behalf with regard to payment and other tax-related matters.

A presumptive assessment will be issued where no wealth tax return is filed.

### 4.2. Real estate tax

#### 4.2.1. Property tax on developed land

An annual property tax is levied on developed land located in Algeria, unless expressly exempt.

See Corporate Taxation section 5.2.1.

#### 4.2.2. Property tax on undeveloped land

See Corporate Taxation section 5.2.2.

## 5. Inheritance and Gift Taxes

Inheritance and gift taxes are levied in the form of a registration duty on property located in Algeria acquired through inheritance or gift. The rules differ slightly, depending on whether the property is acquired by inheritance or gift.

### 5.1. Taxable persons

Inheritance and gift taxes are not levied on the estate of the deceased or the donor, but on each beneficiary in respect of his share in the asset transferred to him. The rate depends on the relationship between the beneficiary and the deceased or donor.

Donations made to parents beyond the second degree as well as to non-parents are considered as transfers for a

consideration and are taxable at the rate of 15% (article 10 of Finance Law 2021).

## 5.2. Taxable base

The taxable base is the actual value of all movable and immovable property located in Algeria.

## 5.3. Personal allowances

For inheritance tax purposes, a lump-sum allowance of DZD 50,000 is granted in respect of funeral expenses.

## 5.4. Rates

The transfer of movable and immovable property on death or by gift is subject to inheritance or gift taxes at the following rates:

- 3% if the transfer is in direct line of succession or between spouses; and
- 5% in other cases.

Finance Law 2014 exempts donations in direct line of succession and between spouses from registration duties.

## 5.5. Double taxation relief

Algeria has concluded an agreement with France to avoid the double taxation of inheritances.

## 6. International Aspects

### 6.1. Resident individuals

For a definition of the concept of residence, *see* section 1.1.

#### 6.1.1. Foreign income and capital gains

Resident individuals are liable to income tax on their worldwide income. Accordingly, foreign income such as employment income, dividends, interest, royalties and income from immovable property are taxable in Algeria if received by a resident individual, unless such income has already been taxed abroad. In such cases, the foreign income concerned is not subject to tax in Algeria.

Non-resident individuals are liable to income tax only on their Algerian-source income.

Special rules are available for persons who remain resident while seconded abroad (*see* section 1.1.).

#### 6.1.2. Foreign capital

Resident individuals are subject to net wealth tax in respect of their property situated abroad (*see* section 4.1.).

Immovable property situated abroad is not subject to real estate tax in Algeria.

### 6.1.3. Double taxation relief

As a unilateral measure to avoid double taxation of foreign-source income, the Algerian tax code excludes from the taxable base foreign income that has been subject to tax in the source country.

Double taxation relief is also provided for under treaties concluded by Algeria. For the list of tax treaties in force, *see* the withholding tax rates chart in the Appendix.

Double taxation relief is also provided for net wealth income. For example, according to article 24 of the double tax treaty between Algeria and France, a resident of France who owns capital which may be taxed in Algeria according to the provisions of paragraph 1 or 2 of article 22 shall also be taxable in France in respect of such capital. The French tax shall be computed by allowing a tax credit equal to the amount of the tax paid in Algeria on such capital. However, the tax credit shall not exceed the amount of French tax attributable to such capital.

## 6.2. Expatriate individuals

### 6.2.1. Inward expatriates

Subject to the provisions of tax treaties in force, employment income derived by inward expatriates is subject to the progressive individual income tax rates detailed in section 1.9.1.1.

Foreign residents carrying out aid work in Algeria under an agreement between Algeria and a foreign country, as well as foreign residents employed in central distribution warehouses, are exempt from income tax on their wages and salaries.

### 6.2.2. Outward expatriates

There is no special regime for outward expatriates.

## 6.3. Non-resident individuals

For a definition of the concept of residence, *see* section 1.1.

### 6.3.1. Taxes on income and capital gains

Foreign-resident individuals are subject to tax in Algeria on their Algerian-source income (*see* section 1.7.).

The law deems the following to be income derived from Algeria, and therefore subject to individual income tax:

- profits realized by individuals from the habitual exercise of an industrial, commercial or agricultural activity in the absence of a permanent establishment;
- profits derived by enterprises through an independent agent based in Algeria; and
- profits derived by enterprises with no permanent establishment or designated agent in Algeria, but which nevertheless carry on activities which can be regarded as a complete commercial cycle.

Under article 94 of the ITC, non-residents who own real property in Algeria but do not have their fiscal domicile

in Algeria are subject to tax on a lump-sum basis equal to five times the rental value of the dwelling. However, they may be taxed on actual income from Algerian sources where this exceeds the lump-sum basis.

Finance Law 2009 introduced a 20% capital gains tax on the disposal of shares and interests in Algerian companies by non-resident individual shareholders.

Capital gains on the disposal of listed shares, shares and units of UCITS are exempt from individual income tax. The exemption was initially applicable until 31 December 2018 but was extended for a 5-year period as from 1 January 2019 (i.e. until 1 January 2024).

#### **6.3.1.1. Employment income**

Non-resident employment income and pensions are subject to withholding tax in the same manner as resident employment income.

Directors' remuneration is subject to a final withholding tax of 15% on the gross amount.

#### **6.3.1.2. Business and professional income**

Business and professional income derived by non-resident individuals is subject to tax in Algeria if it falls within the scope of income subject to withholding taxes.

Non-commercial income derived by non-resident individuals is subject to a final withholding tax at the rate of 24% (articles 33 and 104 of the ITC).

Payments for any kind of services provided or used by non-resident individuals in Algeria are subject to a withholding tax of 24% in full satisfaction of the liability in respect of individual income tax, VAT and the tax on business activities.

Rental payments within the framework of international leasing contracts are subject to a withholding tax rate of 24% on 40% of the gross amount paid.

Non-resident artists are taxable for individual income tax at the rate of 15% when performing in Algeria in the context of cultural exchange programmes, national celebrations, festivals and cultural or artistic events organized by or under the supervision of the Ministry of Culture.

#### **6.3.1.3. Investment income**

Article 104 of the ITC provides for the withholding tax rates applicable to outbound investment income.

A final withholding tax applies at the rate of 15% on gross dividends distributed to non-resident individuals.

Interest paid to non-resident individuals is subject to a 10% withholding tax on the gross amount. A 50% final withholding tax applies to interest on bearer securities.

Royalties paid to non-residents are subject to a final withholding tax of 30% on their gross amount.

Royalties paid for the use of computer software to foreign individuals with no fiscal domicile in Algeria are subject to a final withholding tax at the rate of 30% on the gross amount (article 108 of the ITC).

Directors' fees paid to non-resident individuals are subject to a final withholding tax at the rate of 15% on the gross amount.

For withholding tax rates under income tax treaties, see the withholding tax rates chart in the Appendix.

#### **6.3.1.4. Capital gains**

Capital gains derived by a non-resident individual on property located in Algeria are considered Algerian-source income and are taxed in the same manner as for residents (see section 1.6.).

Capital gains on shares realized by non-resident individuals on shares of Algeria resident companies are subject to tax at the rate of 20%.

#### **6.3.2. Taxes on capital**

Non-resident individuals are subject to net wealth tax on their property situated in Algeria.

#### **6.3.3. Inheritance and gift taxes**

See section 5.

#### **6.3.4. Administration**

Non-resident taxpayers deriving income from Algeria are subject to final withholding of income tax, which is levied separately on each item of income and capital gains. Otherwise, the rules in section 1.10. apply.



# Argentina

This chapter is based on information available up to 15 January 2023.

## Introduction

Resident individuals are subject to income tax on their worldwide income. Employees, independent contractors and entrepreneurs must contribute to the social security system. Non-residents are taxed only on income sourced in Argentina.

Taxation of capital gains depends on the person, activity and property involved. Capital gains from financial investments and alienation of intangibles are, in general, subject to tax.

There is no ring-fencing regime.

On 1 July 2021 and 8 October 2021, Argentina signed joint statements with other Inclusive Framework members as part of an agreement on a new framework for international tax reform (key elements for a two-pillar agreement).

The currency is the Argentinian peso (ARS).

The federal tax authority responsible for the administration and collection of taxes is the *Administración Federal de Ingresos Públicos* (AFIP).

## 1. Individual Income Tax

Resident individuals are subject to income tax on their worldwide income. Income tax on individuals is levied at progressive rates. There are no special regimes applicable to individuals.

The Federal Congress has extended to 31 December 2027 the period of validity of the income tax by Law 27,702.

### 1.1. Taxable persons

The main rules concerning taxable persons are found in articles 30, 35 and 116-118 of the Income Tax Law (ITL).

Taxable persons include individuals and estates.

For income tax purposes, the following persons are deemed to be residents:

- nationals, unless they have lost their residential status by becoming resident of another country or by residing outside Argentina for at least 12 months;
- nationals who are government employees working abroad for the state;
- foreign nationals who reside in Argentina with a permanent visa (for immigration purposes) or with a temporary visa for at least 12 months; and
- estates where the deceased individual was a resident at the time of death.

The following are deemed not to be residents and thus subject to tax only on Argentinian-source income (but taxed under the rules for assessing income applicable to residents):

- foreigners who are resident in Argentina for work purposes for less than 5 years;
- foreign members of diplomatic or consular missions and the technical or administrative personnel of such missions who were not residents at the date they were appointed to such positions;
- foreign members of international organizations who were not deemed to be residents at the date of commencing their activities; and
- foreigners who stay in Argentina with a temporary visa for studying or researching, so long as their only remuneration is in the form of a scholarship or other similar consideration.

The ITL also contains rules on dual residence similar to the tiebreaker rules under article 4 of the OECD Model, which apply in determining the residence of an individual who became resident in another country (after losing status as an Argentinian resident) and who then returns to Argentina with the purpose of remaining in Argentina. In these situations, the tax authorities have provided a definition of the terms “permanent home” and “centre of vital interests” to be applied in situations where a treaty does not apply.

Spouses file separate returns. Income is allocated to each party in accordance with their respective earnings as derived from personal work or from assets owned. Only when direct attribution is indeterminable, the allocation is made in halves.

Owners or partners of a sole proprietorship or a general partnership must include their share of the entity’s taxable income in their taxable base. There is no tax at the entity level.

There is no domestic legislation concerning trusts, but foreign trusts are recognized by Argentine law. However, the *fideicomiso* established by the Civil and Commercial Code is a contract that sometimes is used as an alternative to a trust. For tax purposes the *fideicomiso* is treated as a corporate subject.

### 1.2. Taxable income

#### 1.2.1. General

The main rules regarding taxable income are found in articles 2, 44, 48, 53 and 82 of the ITL.

Resident individuals and estates are subject to income tax on their worldwide income. For income tax purposes, the concept of income includes:

- income and gains that are periodically produced by a permanent source;
- capital gains from the alienation of movable property subject to depreciation;
- capital gains from the alienation of shares and other participation interests in the capital of companies, bonds and other securities representing debt claims;
- capital gains derived from the transfer of immovable property; and
- any other income from the categories mentioned below such as alienation of trademarks, patents and any other right to earn a royalty or income flow.

The ITL specifies four categories of income sources. Losses may be offset only with profit of the same nature (i.e. the offsetting of losses is allowed within the same “box”).

The purpose of this categorization is to further define the concept of taxable income (although some items may be later treated as exempt income) and to specify the corresponding deductions and allowances. Each category of income has specific deductions (e.g. tax on land or depreciation in the case of immovable property or business expenses in the case of the third category of income, etc.). The net income resulting from each category is added up (if an individual earns income from more than one category) and the general and personal allowances are subtracted from that sum, resulting in the taxable base, which is subject to progressive tax rates.

**First Category Income:** income from immovable property (not being Third Category income, *see* below). This category includes rental income and any other income realized from the ownership of immovable property.

**Second Category Income:** income from capital assets (not being Third Category income, *see* below). This category includes:

- income from securities, bonds, treasury bills, debentures, guarantees, financing and loans;
- income from the lease of movable property;
- royalties and periodic subsidies;
- life pensions and gains or participations in life insurance;
- compensation for a promise to abstain from doing something, to abandon or to prevent performing an activity. However, such income is included in the Third or Fourth Category, as the case may be, when the abstention relates to a business, industry, profession, occupation or employment;
- gains from the alienation of goodwill, trademarks, patents and any other right to earn a royalty or income flow;
- alienation of shares, quotas and any other participation interest in the capital of companies, bonds and securities in general; and
- gains from the alienation of immovable property and rights derived from immovable property.

**Third Category Income:** income derived by enterprises. This category includes income derived by/from:

- a proprietorship located in Argentina;
- partners from their partnership or membership in other transparent entities;

- the activities of commission agents, auctioneers, consignees and other trade agents not specifically included in the Fourth Category;
- the transfer of immovable property;
- *fideicomisos*; and
- income not included in other categories.

Fourth Category Income consists of income from employment and personal work such as:

- earnings from public positions of authority;
- employment earnings;
- retirement earnings;
- professional earnings;
- earnings from the rendering of personal services to cooperative societies;
- the earnings of directors, managers and executives of corporations; and
- the earnings of brokers, travel agents and customs agents.

### 1.2.2. Exempt income

The main rules concerning exempt income are typically found in article 26 of the ITL.

Income exempt from individual income tax includes:

- gifts, inheritances and legacies;
- income subject to the tax on games and sporting events;
- gains from the sale, exchange, barter or disposal of shares and quotas in mutual investment funds, obtained by resident individuals and undivided estates, provided the securities are authorized for quotation on stock exchanges in Argentina and the transactions are made through those markets. This exemption does not cover income derived by commission agents, auctioneers, consignees and other trade agents and capital gains derived by individuals from frequent securities trading;
- royalties and other income from copyrights derived by the author or the author’s heirs, up to an annual amount of ARS 10,000;
- interest accrued on savings accounts, special savings accounts and fixed-time deposits in ARS made in authorized financial institutions, with or without adjustment for inflation clauses;
- interest derived from government bonds, commercial paper (*obligaciones negociables*), and certificates of participation and debt notes issued by financial trusts (*fideicomisos financieros*) quoted in the Argentine stock exchange market;
- interest or income derived from financial instruments denominated in ARS created by the Executive Branch with the aim of promoting productive investments, if established as such by the relevant legislation, as provided by Law 27,638;
- capital gains from the sale, exchange, barter or disposal of government bonds, commercial paper (*obligaciones negociables*), and certificates of participation and debt notes issued by financial trusts (*fideicomisos financieros*) quoted in the Argentine stock exchange market;
- compensation obtained by medical doctors and all level of assistance, whether professional or technical, and any other auxiliary personnel for time spent in mandatory service at public hospitals or public

- health centres located in areas deemed risky or “unfavourable”;
- severance payment not exceeding a certain threshold (*see* section 1.3.1.);
- the notional rent of the house used as a family or personal dwelling;
- capital gain derived from the transfer of title of the house used as family or personal dwelling;
- compensation or reimbursement received by teleworking employees for connectivity expenses and for any other additional expenses incurred in relation to remote working (the amount of such compensation is to be determined through collective bargaining with representative unions);
- productivity bonus and similar compensation derived by employees with a monthly gross salary not exceeding ARS 300,000, with an annual cap equivalent to 40% of the basic personal allowance;
- special compensation items established by article 57 of Law 19,101 (related to, e.g., risky activities, levels of education and specialization) for active military personnel;
- payment of travel expenses to employees, mostly drivers, engaged in long-distance (i.e. more than 100 kilometres from their regular bases) land transport activities capped at 40% of the basic personal allowance (article 82 of the ITL; applicable from tax year 2022); and
- the 13th annual salary for employees with a monthly gross salary below ARS 330,000 (applicable from the payment of the second 2022 instalment onwards).

Article 28 of the ITL limits, as a general rule, the tax exemptions to be enjoyed by non-residents when the Argentine tax renouncement is not matched by the non-resident home state. However, where there is an applicable tax treaty between Argentina and the country involved in the transaction, the treaty rules apply and as a result the income may be tax exempt in Argentina. In addition there are some items that do not follow the general rule (i.e. are not limited by article 28 and therefore are exempted), e.g. exemptions granted to non-residents from capital gains derived from trading quoted shares (in Argentina) and (Argentine) government bonds, and interest derived by government bonds.

### 1.3. Employment income

#### 1.3.1. Salary

The main rules on taxation of salaries are found in article 82 of the ITL.

Salaries are included in the individual’s total income and taxed under the general rules. Salaries are subject to withholding tax at the progressive rates (*see* section 1.9.1.) under the ITL. The tax withheld is final for taxpayers who receive only employment income and do not choose to register with the tax authorities (*see* section 1.10.2.). General Resolution (AFIP) 4003-E, as amended, regulates the withholding regime.

With regard to deductible expenses or costs that reduce the taxable base, the general principle provided by article 83 of the ITL, and applicable to all categories of income, is that all expenses that are “necessary” (a term that has

led to some doctrinal and jurisprudential debates) to obtain and maintain taxable income are deductible. The case of salaries, in particular, due to their nature, provides a very narrow scope for deductible expenses. However, there is some case law allowing the deduction of professional attire in the case of a television reporter, as well as cases where expenses deemed “necessary” to treat clients (e.g. meals) were allowed as a deduction.

Severance payment is tax exempt in general. However, severance payment received by “high rank employees” in excess of the minimum legal established by the Labour Law is taxed. To such end, Decree 976/2018 established the conditions to characterize the high-rank position of the employee as follows:

- earning a monthly salary exceeding 15 times the minimum salary (*salario mínimo, vital y móvil*) – as regulated by the Labour Law at the time of the termination of employment; and
- holding, at any time in the 12 months prior to the termination date, executive or management positions with the capacity to make decisions and execute the policies established by the shareholders or the board of directors of the company, or a similar governing body.

In order to further clarify the treatment of severance payments, the tax authorities have issued an interpretation through Circular 4/2021 in accordance with the powers conferred by Decree 618/1997. Three different situations have been addressed, as follows:

- payments made to employees other than “high-rank employees” are deemed to be outside the scope of income tax and are therefore not subject to withholding tax by the employer in accordance with General Resolution 4003;
- payments made to “high-rank employees” are subject to tax, with the employer having a withholding obligation, in accordance with the regime established by General Resolution 4003, on any excess above the mandatory indemnifications established by article 245 of the Labour Law (which are exempt); and
- items accrued during the employment relationship and paid upon its termination, such as the 13<sup>th</sup>-month salary, regular bonuses, compensation for failure of advance notification (of the termination of employment), postponed salaries, among other things, are subject to tax and to the withholding tax regime mentioned above even if they are not expressly identified or are subsumed in a different caption or name.

#### 1.3.2. Benefits in kind

The main rules on taxation of benefits in kind are found in article 82 of the ITL.

Benefits in kind are fully taxable and are added to the individual’s income taxable base. In general they are valued by reference to market prices or the actual value of the benefit granted. Benefits in kind include education of the taxpayer’s children, rent-free accommodation, lodging and holiday travel allowances, car expenses, and personal expenses paid by company credit card. However, clothes and equipment provided by the employer to be used by the employee while performing their duties is considered outside the scope of the tax. The same applies

to kindergarten expenses reimbursed by the employer for children up to 3 years old, in so far as the employer has no equivalent facilities and the employee provides adequate documentation of the outlays. The same tax treatment applies to the purchase of learning tools for the employee's children and training courses taken by the employee limited to 40% of the basic personal allowance, as provided by Law 27,617.

With respect to employee compensation consisting of stock purchase options for shares of the employer or of any other company in the same group, the difference between (i) the acquisition cost and (ii) the stock exchange quotation or, if not available, the proportional value of the company's net worth at the date the option is exercised, is deemed to be employment income and therefore taxable.

### 1.3.3. Pension income

The main rules on taxation of pension income are found in article 82 of the ITL.

Retirement pensions and retirement compensation are included in the individual's total income and are taxable under the general rules.

Contributions to pension funds are deductible provided the fund is a scheme organized and administered by the federal state, provinces or municipalities.

### 1.3.4. Directors' remuneration

The main rules on taxation of directors' remuneration are found in articles 82 and 91 of the ITL.

Directors' fees which qualify as subject to tax (not exceeding the limits established under the ITL: the greater of 25% of accounting profits of the tax period or a fixed sum per recipient of the fees (in general ARS 12,500 but increased to ARS 17,500 if the recipient is a woman and to ARS 20,000 if the recipient is a transgender person) are included in the individual's total income and are taxed under the general rules. Fees exceeding these limits are not subject to tax provided that the company paying the fees pays corporate income tax in the tax year to which the fees correspond.

## 1.4. Business and professional income

Business and professional income is treated as Third Category income and generally taxable under the general rules.

### 1.4.1. Business income

The main rules on taxation of business income are found in articles 53, 73, 127 and 130 of the ITL.

Net business income derived by individuals is included in their taxable base and taxed at the income tax rates applicable to any other type of income subject to income tax. Expenses incurred to obtain and maintain the taxable income are deductible.

The owner or partner of a sole proprietorship or a general partnership must include his share in the entity's taxable

income in his taxable base. There is no tax at the entity level. Civil companies (*sociedades civiles*) used to be subject to the same tax treatment but are no longer included in the new Civil and Commercial Code in force from 1 August 2015 (enacted by Law 26,994).

Resident shareholders must include in their taxable income the taxable profits derived by a company resident in a low-tax jurisdiction from dividends, interest, royalties, leases and other passive income in accordance with the controlled foreign company (CFC) legislation and provided that the conditions for application of this legislation are met (*see* Corporate Taxation section 7.4.). Otherwise, profits derived by the foreign entity are taxable only when distributed.

### 1.4.2. Professional income

The main rules on taxation of professional income are found in article 82 of the ITL.

Income from independent personal services is included in the individual's total income and taxed under the general rules. Expenses incurred to obtain and maintain the taxable income are deductible.

Income from independent work is also subject to withholding tax at source if it exceeds ARS 16,830 in any 1-month period in accordance with General Resolution 830 as amended. The tax withheld may be credited against the annual income tax or the monthly advance payments. The general withholding rate for professional income depends on whether the recipient is registered with the tax authorities or not:

- if registered, the rates are progressive and range from 9% to 31%; and
- if not registered, the rate is 28%.

## 1.5. Investment income

The main rules on taxation of investment income are found in articles 94, 73 and 48 and Title IV, Chapter II of the ITL.

Dividends derived from resident companies are taxed at a 7% rate on distribution of profits from fiscal years started from 1 January 2018. Distribution of profits accrued in previous fiscal years is exempt. The tax on dividends is withheld by the distributing company.

Dividends derived from non-resident companies are taxed as ordinary income at progressive rates (*see* section 1.9.).

Interest is taxed, except when accrued in savings accounts, special savings accounts and fixed-time deposits in ARS made in authorized financial institutions, including deposits in ARS with an adjustment for inflation clauses.

Royalties are considered ordinary income, but special rules govern the expenses that may be deducted. Residents that habitually develop research in order to obtain assets which may produce royalties must calculate their income under the rules applicable to companies (*see* Corporate Taxation) and not under the rules in this section.

Income from immovable property is included in the recipient's taxable income.

For foreign-source investment income, *see* section 6.1.1.

## 1.6. Capital gains

The main rules on taxation of capital gains are found in articles 44, 48, and 99 of the ITL.

Taxation of capital gains derived by resident individuals depends on the person, activity and property involved.

Capital gains subject to tax are the following:

- (1) capital gains derived from immovable property that is subdivided for urbanization purposes;
- (2) capital gains derived from immovable property built and sold according to Law 13,512 (horizontal property buildings);
- (3) gains derived from the transfer of title of immovable property acquired after 1 January 2018, other than the one used as dwelling by the taxpayer, or for the transfer of any right derived from immovable property (e.g. usufruct);
- (4) capital gains derived from the alienation of goodwill rights, trademarks and patents;
- (5) capital gains derived from the transfer of movable depreciable assets; and
- (6) gains from the alienation (e.g. sale, exchange or barter) of shares (except shares listed and traded through authorized stock-exchanges), as well as the transfer of title of quotas and any other participation interest in the capital of companies. Gains derived from financial instruments denominated in pesos and created with the purpose of promoting investments in domestic currency as provided by Law 27,638 are exempt.

Capital gains described in categories (1), (2), (4) and (5) are subject to tax as ordinary income. Capital gains described in categories (3) and (6) are subject to income tax at the rate of 15%. Capital gains on government bonds are exempt.

The alienation of immovable property outside the scope of income tax (e.g. transfer of the dwelling of the taxpayer or transfer of title of immovable property acquired before 1 January 2018) remains subject to the tax on the transfer of immovable property, as provided by Law 23,905. The tax is calculated on the transfer price at the rate of 1.5% (for the transfer tax, *see* Corporate Taxation 9.2.1.).

## 1.7. Personal deductions, allowances and credits

The main rules on personal deductions, allowances and credits are found in articles 23, 30, 83, 85, 86 and 165 of the ITL.

The income tax levied on individuals and estates is calculated on their total income subject to tax, less applicable deductions and allowances. Income derived through partnerships and other transparent entities is included in taxable income and reported by partners on a net basis (income derived by partnerships is computed under the

general income tax rules, i.e. gross income minus applicable deductions).

### 1.7.1. Deductions

In computing taxable income, resident individuals may deduct expenses that are necessary to obtain income or maintain or preserve the source of income, as well as certain expense allowances as described below.

The following annual allowances are applicable:

- gifts to the government and eligible institutions: up to 5% of the taxpayer's net taxable income derived during the year under certain conditions;
- contributions to pension funds – *see* section 1.3.3.;
- contributions to private retirement schemes authorized by the National Superintendence of Insurance (*Superintendencia de Seguros de la Nación*) and amounts paid for the acquisition of quotas in mutual funds conceived for retirement purposes as regulated by the Securities and Exchange Commission (*Comisión Nacional de Valores*) up to ARS 42,921.24;
- funeral expenses: up to ARS 996.23;
- qualifying life insurance premiums (life insurance and mixed life insurance) up to ARS 42,921.24;
- premiums for additional health insurance for the taxpayer and his dependants: up to 5% of net income;
- mandatory social security contributions to the pension fund system: 100% of the contributions;
- medical expenses: up to the lower of 40% of those expenses and 5% of the taxpayer's net income;
- interest on mortgages on the taxpayer's occupied dwelling: up to an annual limit of ARS 20,000;
- expenses related to the education of the taxpayer's children or stepchildren under 18 years old or incapacitated for work, and of those over 18 years old and up to 24 years old, to the extent that they pursue regular or professional studies of an art or trade. Children must be dependent on the taxpayer and have no income higher than the basic personal allowance. Items covered by the deduction are educational services and the purchase of tools for education. The deduction is capped at 40% of the basic personal allowance (article 85 of the ITL; applicable from tax year 2022).
- consideration for the services and social security contributions paid to servant/housekeeper, up to an annual limit of ARS 451,683.19 (for 2023);
- compensation for overtime if work is performed during holidays and weekends; and
- 40% of the rent paid for a dwelling subject to a cap of ARS 451,683.19 and provided that the taxpayer owns no real estate.

### 1.7.2. Allowances

In computing taxable income, resident individuals may deduct certain family and personal allowances as described below.

For tax year 2022, the following fixed annual allowances are applicable:

- with respect to family allowances:
  - dependent spouse and qualified partners: ARS 235,457.25;

- children<sup>1</sup> (biological or adopted under 18 years old): ARS 118,741.97; and
- children (disabled): ARS 237,483.94;
- with respect to personal allowances:<sup>2</sup>
  - basic personal allowance: ARS 252,564.84; and
- with respect to special allowances:<sup>3</sup>
  - employees: ARS 1,212,311.24;
  - self-employed (only if the taxpayer pays the annual social security contribution before filing a tax return): ARS 883,976.94;
  - self-employed “new entrepreneurs” and “new professionals”: ARS 1,010,259.36; and
  - the special allowance for employees is increased as necessary so that monthly salaries of up to ARS 280,792 (ARS 330,000 from 1 November 2022) will accrue no income tax liability.
- self-employed (only if the taxpayer pays the annual social security contribution before filing a tax return): ARS 1,580,891.18;
- self-employed “new entrepreneurs” and “new professionals”: ARS 1,806,732.78; and
- the special allowance for employees is increased as necessary so that monthly salaries of up to ARS 330,000 will accrue no income tax liability.

The allowances and tax brackets are to be updated on a yearly basis in accordance with an index reflecting the average increase in workers’ salaries.

The allowances and tax brackets are to be updated on a yearly basis in accordance with an index reflecting the average increase in workers’ salaries.

A one-time mandatory year-end bonus (maximum amount of ARS 24,000) was established for certain employees in the private sector with the aim of providing economic relief due to inflation hikes. Since the bonus has been qualified as a “non-remunerative” payment, it was excluded from income tax and from social security contributions.

For tax year 2023, the following fixed annual allowances are applicable:

- with respect to family allowances:
  - dependent spouse and qualified partners: ARS 421,088.24;
  - children<sup>4</sup> (biological or adopted under 18 years old): ARS 212,356.37; and
  - children (disabled): ARS 424,712.74;
- with respect to personal allowances:<sup>5</sup>
  - basic personal allowance: ARS 451,683.19; and
- with respect to special allowances:<sup>6</sup>
  - employees: ARS 2,168,079.35;

1. This is the total amount to be deducted for each child; either 100% of the amount by one parent or 50% of the amount by each parent, as provided by General Resolution 4286.
2. In the case of pensioners, this allowance is replaced by a specific allowance equivalent to six minimum guaranteed pensions, provided that the pensioner has no income other than the pension and does not exceed the threshold for being liable to personal assets tax.
3. In the case of pensioners, this allowance is replaced by a specific allowance equivalent to eight minimum guaranteed pensions, provided that the pensioner has no income other than the pension and does not exceed the threshold for being liable to personal assets tax.
4. This is the total amount to be deducted for each child; either 100% of the amount by one parent or 50% of the amount by each parent, as provided by General Resolution 4286.
5. In the case of pensioners, this allowance is replaced by a specific allowance equivalent to six minimum guaranteed pensions, provided that the pensioner has no income other than the pension and does not exceed the threshold for being liable to personal assets tax.
6. In the case of pensioners, this allowance is replaced by a specific allowance equivalent to eight minimum guaranteed pensions, provided that the pensioner has no income other than the pension and does not exceed the threshold for being liable to personal assets tax.

### 1.7.3. Credits

Taxes withheld at source as advance payments (*see* sections 1.4.2. and 1.9.2.) and other advance payments may be credited against the amount of tax due.

Foreign income tax paid on foreign-source taxable income may be credited by a resident against his Argentinian income tax liability. The credit is limited to the increase in the Argentinian tax arising from the computation of the foreign-source income (*see* section 6.1.3.).

## 1.8. Losses

### 1.8.1. Ordinary losses

The main rules on ordinary losses are found in article 25 of the ITL.

Losses incurred in a year may be carried forward to be set off against taxable income of other fiscal years, up to 5 years from the year in which the loss was incurred. Losses may not be carried back.

Losses incurred in derivative transactions (excluding hedging transactions) may only be set off against income from derivative transactions in the same tax period or in the following 5 years.

### 1.8.2. Capital losses

The main rules on capital losses are found in article 25 of the ITL.

Losses incurred by persons to whom Third Category rules apply upon the alienation of shares, ownership interests in companies or shares in common investment funds, may only be set off against net income derived from the alienation of similar property. Such losses may be carried forward up to 5 years from the year in which the loss was incurred, to be set off against income derived in other years from the same type of transaction.

### 1.8.3. Foreign-source losses

The main rules on foreign-source losses are found in article 25 of the ITL.

Losses from activities which could generate foreign-source income may only be offset against foreign-source income. These losses may be carried forward for 5 years. There is a further limitation for foreign-source capital losses from the disposal of shares or other participations in investment funds or similar entities. Such losses may

be set off only against capital gains from the same activity.

## 1.9. Rates

### 1.9.1. Income and capital gains

The main rules on applicable rates on income and capital gains are found in article 94 of the ITL.

Resident individuals are subject to income tax at the following progressive rates applicable for tax year 2022:

Taxable income (ARS)	Tax due on lower limit (ARS)	Marginal rate on the excess (%)
Up to 97,202.00	0	5
97,202.01 – 194,404.01	4,860.10	9
194,404.02 – 291,606.01	13,608.28	12
291,606.02 – 388,808.02	25,272.52	15
388,808.03 – 583,212.02	39,852.82	19
583,212.03 – 777,616.02	76,789.58	23
777,616.03 – 1,166,424.03	121,502.50	27
1,166,424.04 – 1,555,232.07	226,480.66	31
Over 1,555,232.07	347,011.16	35

Resident individuals are subject to income tax at the following progressive rates applicable for tax year 2023:

Taxable income (ARS)	Tax due on lower limit (ARS)	Marginal rate on the excess (%)
Up to 173,834.61	0	5
173,834.62 – 347,669.23	8,691.73	9
347,669.24 – 521,503.84	24,336.85	12
521,503.85 – 695,338.47	45,197.00	15
695,338.48 – 1,043,007.68	71,272.19	19
1,043,007.69 – 1,390,676.90	137,329.34	23
1,390,676.91 – 2,086,015.35	217,293.26	27
2,086,015.36 – 2,781,353.85	405,034.64	31
Over 2,781,353.85	620,589.58	35

The income of resident individuals is not subject to surcharges or surtaxes.

Capital gains derived from the alienation of real estate are subject to a 15% fixed rate on the net gain.

Domestic dividends are subject to a final tax of 7% (*see* section 1.5.) withheld by the paying entity. Such treatment applies irrespective of whether or not the beneficiary is a resident individual.

### 1.9.2. Withholding taxes

The main rules on withholding taxes are found in article 49 and 50 of the ITL.

Dividends derived from resident companies are taxed at a 7% rate on distribution of profits from fiscal years started from 1 January 2018. Distribution of profits accrued in previous fiscal years is exempt. The tax on dividends is withheld by the distributing company, *see* section 1.5.

The tax on dividends is withheld by the distributing company and is final.

A withholding tax is levied as an advance payment of the tax, to be offset against the final tax liability in certain cases, payment of interest, fees, royalties, etc., as regulated by General Resolution 830, as amended.

Employment income is also subject to withholding rules – *see* section 1.3.1.

For withholding taxes on payments to non-residents, *see* section 6.3.1.

## 1.10. Administration

### 1.10.1. Taxable period

The main rules on taxable period are found in article 11 of Law 11,683.

For individual income tax purposes, the tax year is the calendar year.

### 1.10.2. Tax returns and assessment

The main rules on tax returns and assessment are found in article 11 of Law 11,683.

The assessment and collection of taxes is normally based on signed returns to be filed by a taxpayer under the requirements and terms established by the tax authorities. Returns must be filed electronically.

Resident individuals and estates deriving taxable income must file annual returns, unless (i) their income is derived entirely from employment and the tax has already been withheld at source or (ii) taxable income is less than the available allowances; *see* section 1.7.2.

As provided by General Resolution 975, as amended, individuals and estates must file returns in June of the year following the tax year, the exact deadline depending on the last digit of the tax identification number of the taxpayer (*Clave Única de Identificación Tributaria*, CUIT), in accordance with the time frame that AFIP publishes each year for that purpose. The same deadlines apply to individuals obliged to file a tax return related to the schedular tax (that is, when they determine a tax obligation (*see* section 1.2.1.)) as provided by General Resolution 4468. However, Resolution 4488 established that resident individuals deriving ARS 200,000 or less from financial investments from an Argentine source may opt not to file the specific tax return that was established by General Resolution 4468. Such resident individuals can comply with their tax obligations by generating an electronic voucher indicating the applicable tax rate, in order to make an electronic transfer of the tax due.

Employees must file an informative affidavit which includes details of their net worth, income, allowances and deductions if the amount of gross salaries received exceeds a specific threshold (ARS 3.7 million as from fiscal year 2021).



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## Contact

**IBFD Head Office**

Tel.: +31-20-554 0100 (GMT+2)

Email: [info@ibfd.org](mailto:info@ibfd.org)

**Visitors' Address:**

Rietlandpark 301  
1019 DW, Amsterdam  
The Netherlands

**Postal Address:**

P.O. Box 20237  
1000 HE Amsterdam  
The Netherlands

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