



# SETTING UP BUSINESS IN **ARGENTINA**

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## General Aspects

Argentina is located on the southeastern coast of South America. It has borders with Bolivia and Paraguay to the north, Brazil, Uruguay and the Atlantic Ocean to the east, and with the Atlantic Ocean and Chile to the west and south.

Including the Antarctic Sector, Argentina claims a total area of 3,761,274 Km<sup>2</sup> of continental surface.

Argentina is a democratic republic consisting of 23 provinces, the autonomous Federal Capital, the Antarctic sector claimed to be Argentine, the Malvinas Islands, the southern Sandwich Islands, and several South Atlantic Islands.

Population around 45,5 million people

In this territory you will find the 3 main types of landscapes: mountains, plain and plateau.

Argentina has a temperate climate, but if you go north you can find a large subtropical area and in the south there is cold weather most of the year. In terms of their religion, it is a free country but the official religion is Catholicism.

The currency is the Argentine Peso (\$). The official exchange rate is about 93 pesos for each US dollar, in the free market is \$ 153 for each US dollar.

Argentina along with Paraguay, Brazil and Venezuela are part of MERCOSUR and Unión de Naciones sudamericanas.

The main economic resources for Argentina are:

- Agriculture and livestock.
- Oil, Mining, Forestry and Fisheries
- Manufacturing and petroleum
- Tourism

## Legal Forms of Business Entities

From the tax point of view, there are no differences between organizing the business under the form of a foreign company's Branch or a limited society by stocks constituted in Argentina, called "Stock Company" (SC) or "Limited Liability Company" (LLC). In all the cases, they would be taxing for their net income at a 30% rate in the income tax, and they have the same treatment over the profits distributed to the Head Office, or partners (LLC) or stockholders (SC); they also tax the same way for VAT and gross revenue Tax.



Legal form	Feature	Remarks
<b>Branch of the Foreign Company</b>	It is an extension of the Headquarters, it does not have independent judiciary personality. It can do all trade, industrial or services operations, which are foreseen in the Head Office' aim. It can or can not have capital.	Its creation must be decided by Headquarters' minute, its domicile must be in Argentina and a natural person must be appointed with real domicile also in Argentina, as a legal representative. The Head Office responds for all Branch's obligations, except for those related to banks.
<b>Stock Company (S.C.)</b>	It is made up by 2 partners (minimum), called "stockholders", they can be natural persons residents or not in Argentina, foreign societies and other stock companies. Its capital is represented by nominative stocks, being the minimum of \$AR 100.000.- i.e. U\$S 1.075.- From a capital of \$AR 50.000.000.-, i.e. U\$S 537.600.- they must have a mandatory control by a Trustee (legal control of actions).	It is the tool most used by middle and large scale companies. It limits the stockholders' responsibility to the capital being subscribed. The majority of Directors (administration organ) must have real domicile in Argentina as well as the President (legal representative).  They annually present the audited financial statements to the Control Organization.
<b>Limited Liability Company (L.L.C.)</b>	The minimum number of partners is 2 and the maximum is 50. Foreign capital companies or local SC can not be partners of LLC. There is no need of minimum capital, as it is represented by social fees. The fees transmission has more formal requirements than the stocks transfer of SC.  The legal representative is the Manager, same considerations for the domicile than the SC Directors. Certain activities by administrative decision are restricted in this type of society, such as banking and insurances.	It is also very used by foreign companies to carry out their activities in Argentina.  Since this organization is subject to less formal requirements than the Stock Companies, it shall only present the statute's statements (even though it must write it).  Partners' responsibility limited to the capital being subscribed.
<b>Unipersonal Stock Company (SAU)</b>	It is similar to a stock company, but made up by only one partner.  It was created in 2015 to allow unipersonal entities to use it as a way to limit responsibility.	Its capital must be fully integrated with the birth of the company, while the stock company may receive only 25% of its capital, and the rest in up to 2 years. It must have at least 3 Directors (administration organ), and a mandatory control.



## Organizational Questions

Topic	Feature	Remarks
<b>Enrolment before the Legal Control Authority</b>	All above-mentioned trade partnerships, i.e. Branch, SC or LLC, must obligatorily request the enrolment of their social contract and bylaws before the General Inspection of Justice if the legal domicile is fixed in the City of Buenos Aires, or before the Public Registry of Commerce of the Province the domicile corresponds to.	Partners are completely and unlimitedly responsible for the obligations of the company before the enrolment is being done.
<b>Enrolment before tax organizations</b>	In two levels:  At federal level before the AFIP, to register in the different federal taxes of which they are subject to (Income Tax, VAT, etc.) by obtaining the "Unique code of tax id", and as an employer, if staff is being employed.  At provincial level regarding gross revenue tax, applied by the provinces and the City of Buenos Aires, it shall be enrolled in the State Tax Agency corresponding to the domicile where it is working	For an industrial establishment, commercial shop or rendering of services shop, it shall previously request the working authorization rolled as taxpayer of the rate for services of security and hygienic control foreseen in the regulation of the most of municipalities
<b>Opening of bank account</b>	Non resident natural persons shall get a CDI (Id. Code) number from the AFIP with his/her passport. Judiciary persons shall attach copy of their statutes, evidence of enrolment before the Public Registry of Commerce and before the AFIP (CUIT number). Also, they must attach list of authorized signing persons and pertinent powers of attorneys. Signing persons must fulfill the same requirements than physical persons	Banks do not allow the registration of signing persons in the account who are foreigners or non residents if there are registered signing persons with domicile and permanent residence in the country.
<b>Exchange market restrictions</b>	Access to official foreign exchange market is restricted. Some operations require prior approval of the Central Bank of the Argentine Republic (B.C.R.A.)	Collections of exports and international operations must be liquidated in the official foreign exchange market. Access to official foreign exchange market to pay debt abroad requires prior approval of the Central Bank of the Argentine Republic (B.C.R.A.)
<b>Remittance of profits and dividends abroad</b>	Some restrictions apply in order to access to official foreign exchange market to pay dividends abroad.	Up to 30% of foreign investments made in the country can be remitted to the stockholder from abroad through dividends, as long as it is proved that they are approved in an audited balance.

# Employment

Topic	Feature	Remarks
<b>Work permit</b>	To work, it is necessary to be more than 18 years old, and if he/she is a minor, he/she must have the parents' or tutors' authorization. Argentina does not establish any expatriate restrictions or expatriates quota in the employment, as long as they fulfill with regulations regarding immigration, i.e. only if they have valid residence permit.	Companies hiring foreign scientists, professionals or technicians can request to be exempted from the payment of the greatest part of social security on these employees, as long as they are being hired to work for not more than 2 years.
<b>Labour law</b>	Workers enjoy the following protection: dignified and similar working conditions; limited working day; paid rest and leave/holidays; fair salary; minimum salary; same salary for same task; participation in the companies' profits, with control of production and cooperation in the direction; protection against arbitrary dismissal; stability for the public employee; free and democratic syndicate, being recognized by the enrolment in a special registry.	
<b>Labour /Working day</b>	The job's duration can not exceed eight daily hours or forty eight weekly hours, for every person being hired to work in any public or private company, even if they are non-profit companies.	There are exceptions for hours, ages, regions, industries, etc.
<b>Social System</b>	<p>The social security system is as follows: employers' contributions (18%) destined to Retirement, Family Allowances, Employment National Fund, Under-system of Retired People, also a (6%) destined to the National Regime of Medical Plans.</p> <p>There is also the business contribution to health Risk Insurance in case of accident that varies depending on the activity of the company and a mandatory life insurance in case of death at a cost of u\$s 0.22 per insured person.</p> <p>Employees also make their contributions of 17% destined to their own retirement and medical plan.</p> <p>There is also a business contribution to the Occupational Risk Insurance, which can range between 0.5% and 4%, depending on the activity of the company. This is intended to cover accidents and work-related diseases.</p>	There are benefits of reduction of employers' contributions for those companies promoting employment/jobs with new working positions.
<b>Social Security</b>	International agreements or treaties are agreements regarding social security being signed between two or more nations. They establish reciprocal rules to be fulfilled by the people rendering services in those countries, in order to obtain retirement contributions foreseen in the legislation of each of the signing countries.	Argentina keeps social security agreements with: Uruguay, Brazil, Chile, Italy, Paraguay, Greece, Portugal and Spain. Therefore, workers coming from those countries are exempted of contributing to the Argentine system of retirement if in their respective countries they are covered by similar systems.

# Taxation

Being a country whose form of government is federal, the tax system of the Republic of Argentina implies the existence of taxes collected by the different levels of government, being the most relevant ones as follows:-

Federal: income tax; debits and credits in bank transactions; simplified regime for small taxpayers value added

- tax; tax on personal property.
- Provincial: gross revenue tax and stamp tax.
- Municipal: remunerated rates of services.

Tax	Feature	Remarks
<b>Income Tax over companies</b>	The corporate tax rate is 30% for fiscal years beginning on or after January 1, 2018. The tax is levied on net income from expenses and costs, from Argentine and foreign sources, including capital gains. Allows the transfer of tax losses up to 5 periods after the one of origin.	Dividends distributed by SC or earnings assigned by LLC or Branches corresponding to exercises beginning on January 1, 2018 are taxed at 7%.
<b>Income Tax over Individuals</b>	<p>It also taxes income net of expenditures, from Argentine and foreign sources. It allows annual deductions such as a non-taxable minimum of U\$S 1,803, for spouse U\$S 1.681, for child U\$S 848, and special for personal work income up to U\$S 8,654. The rate is progressive, from 5% for the lower income segment, to 35 % for income superior to U\$S 11.102 annuals.</p> <p><b>Capital gains taxed at fixed rates:</b></p> <p>Local shares that are not listed on stock exchanges regulated by the CNV, shares of foreign companies listed on foreign exchanges, financial or administrative trusts, digital coins are taxed at 15%</p> <p>Sale or assignment of rights of real estate located in the Rep. Argentina, taxed the net profit at the rate of 15%</p>	<p>Deduction of interests for loans destined to the acquisition, or construction of housing up to annual U\$S 215 is allowed.</p> <p>Deduction of 40% of the rent of the taxpayer's house, if he does not own any property, up to U\$ 1,803.</p> <p>Deduction of life insurance expenses, up to U\$ 258,</p> <p>Deduction of domestic service, salaries and contributions paid annually, up to U\$ 1,803.</p> <p>Interest on savings accounts and bank deposits in pesos are exempt.</p> <p>Interest, and capital gains generated by government securities, negotiable obligations listed on the stock exchange, Open Common Investment Funds are exempt for individuals.</p> <p>Incomes generated by sale of local shares listed on stock exchanges regulated by the CNV are exempt.</p>

<b>Inclusive and Solidarity Argentina Tax</b>	<p><b>Objetc:</b> a) purchase of foreign currency and money bills for savings or without a specific destination b) purchase of foreign currency to cancel: 1) acquisition of goods or services abroad by credit card; 2) payment of importation of services, provided by non-residents, c) Travel agencies for services acquired abroad, d) Acquisition of tickets for land, air and water transportation of passengers destined abroad.</p> <p><b>Subjects:</b> resident human or legal persons.</p> <p><b>Rates:</b> general 30% and 8% on digital service payments.</p>	Temporarily exempt payments for land transport tickets to neighboring countries.
<b>Debits and credits in Financial Transactions Tax</b>	It taxes debits and credits in bank accounts, applying a rate of 6‰ (or six by one thousand) on each debit or credit. There are minor differential rates for certain activities. If checks are deposited in a savings account, the accredited funds are tax at 12‰ (twelve by one thousand). 33% of the total amount of the tax for credits and debits will be credit against income tax or presumed minimum income tax. This tax credit will go up to 100% for "Micro" and "Small Businesses".	
<b>Transfer of Real Estate Tax</b>	It taxes the sale of real estate, or the transfer of a sales contract. Subject is the natural person. The rate is 1,50 % and is applied on the sale price, usually is retained by the Selling part's notary at the moment of the signing of the title deed. If the seller is a non-resident, previously a legal representative in the country shall request a certificate to the AFIP in order to represent him/her at the signing of the title deed. Applied at the time of sale, and only for properties that were acquired until 31/12/17.	If the sale is of the unique place of residence and the funds will be used to acquire another one within a period of 1 year, the tax may not be paid by getting a certificate at the AFIP.
<b>Tax over personal property</b>	Patrimonial tax, it taxes natural persons, if they are residents, for their assets in the country and abroad; and if they are not residents, for the assets in the country. In both cases, existing ones up to the 31st December of every year. For residents, there is a non taxable minimum of U\$S 21,505, for the fiscal year 2019 and following. More than U\$S 21,505 up to U\$S 32,258, the rate is 0.50%, more than U\$S 32,258 up to U\$S 69,892 0.75% more than U \$S 69,982 up to U\$ 193,548, the rate is 1.00%, more than U\$ 193,548 the rate is 1.25 %, always on the surplus of the lower limit of the segment. Goods abroad are reached at the rate of 2.25%	<p>Non residents with assets in the country shall appoint a responsible person with real domicile in the country for the tax. There is no taxable minimum and the rate is 0,50 % for the fiscal year 2019 and following.</p> <p>The taxpayer's house is exempt, up to a valuation of U\$S 193,548</p> <p>Resident taxpayers who re-enter the country until March 31 of each year foreign currency or foreign financial assets for at least 5% of the total value of the goods abroad, will pay on them at the general scale not to 2, 25%</p>
<b>Value Added Tax (VAT)</b>	It taxes the sale of goods and rendering of services in the country. The general rate is 21%. Differential rate of 27% in the cases of public services / utilities (gas, electricity, water) rendered to other subjects reached by the VAT. Reduced rate of 10,5% is applied to: works in real estate for housing; sales and imports of living cattle; meat; leather; fruits; vegetables; cereals; capital assets; bank interests on loans subjects to VAT.	Exports are exempted and you can get the VAT credits on purchase of goods or services in the internal market related to the exported products.

<b>Simplified Regime For Small Taxpayers</b>	This regime is applicable to taxpayers who sell goods below U\$S 28,056.- annual, or provide services under U\$S 18,704.- annual. They can opt in this regime and pay a fixed monthly sum of between U\$S 21.- and U\$S 158.-, according the billing have obtained in the last calendar year. Using this option replaces the income tax and VAT, mentioned above.
<b>Gross Revenue Tax</b>	It is a tax applied by different provinces and the City of Buenos Aires, tax taxes the development of economic activities (trade, industry, services, primary and extractive activities, etc.). The taxable base is the total of billed gross income. Rates differ according to the activity and jurisdiction. Generally, the smaller rates are in primary, extractive and production activities (from 1% to 1, 75%); then sale of goods (between 3% and 4%), services in general (between 3,50%, and 5%), financing services (between 6% and el 7%) and intermediation services (approx. 6%).
<b>Stamp Tax</b>	It is also a tax applied by the provinces and the City of Buenos Aires.  It is an instrumental tax because it taxes the instrumentation of actions and contracts, signed or in effect in the province of in the City of Buenos Aires or related to assets located in it. Rates differ according to the type of action being instrumented and the jurisdiction in which the contracts are being signed.
<b>Remunerated Rate of Services</b>	Taxes being collected by local municipalities in exchange of certain services the municipal government renders to the taxpayers who have their industrial, commercial or services establishment in it. The existing rates differ according to the zone where the pertinent municipality is. Therefore, those in rural zones are completely different from urban municipalities with greater concentration of shopping malls or industrial centers.

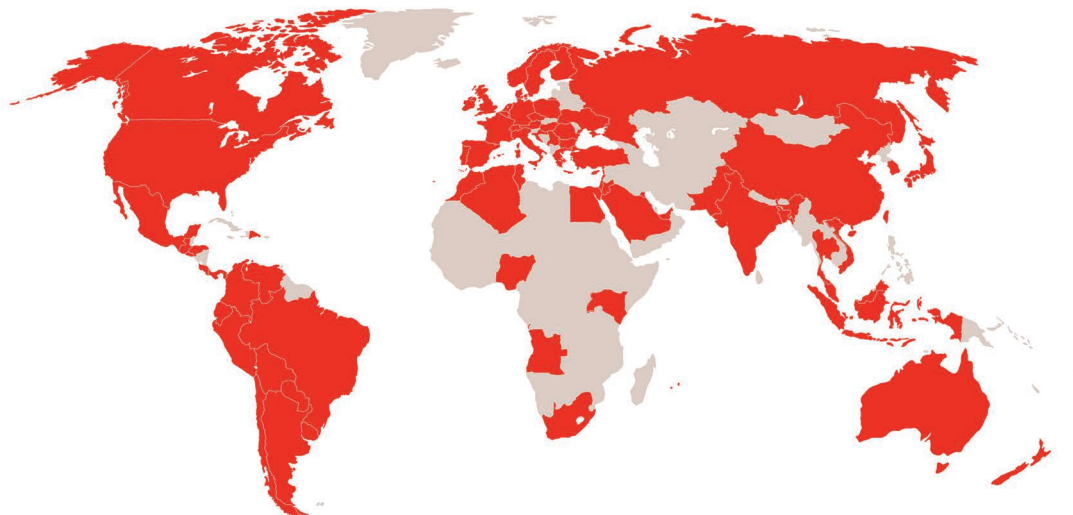


## Treatment of income for non-residents

Non residents have to pay income tax over the profits obtained from Argentine source, and subject to a withholding of 35% being applied on the net profit defined for each type of topic stated on the following table. The following is a table with different retention rates for different types of incomes; the first column states the percentage of net income subject to a retention on the gross amount of the payment; the second column is the effective rate of retention if the payment is net of retention; the third column is the retention rate with "grossing up" if the payment is free of income tax for the foreign beneficiary.

	Net Gain	Effective rate	Incremental Rate
Technology transfer contracts ruled by the corresponding law			
Technical Assistance, engineering or consulting.	60%	21,00%	26,582%
Exploitation rights o licenses (patents)	80%	28,00%	38,889%
Technical assistance and rights transfer , no amounts specified	80%	28,00%	38,889%
Author rights and artist residents abroad.	35%	12,25%	13,960%
Loan interests of any origin obtained abroad.	43%	15,05%	17,716%
Bank loans	43%	15,05%	17,716%
Imported Fixed assets - except automobiles – financed by the supplier.	43%	15,05%	17,716%
Bank of financial loans base don countries not considered to be a tax heavens, or with an existing information exchange agreement . The financial institution must be under supervision of the corresponding central bank.	43%	15,05%	17,716%
Bonds registered in countries with reciprocal investment protection agreements.	100%	35%	53,846%
Loans not included in previous items	43%	15,05%	17,716%
Bank deposits	70%	24,50%	32,450%
Salaries and fees derived form personal activities.	40%	14,00%	16,279%
rent of movable good.	60%	21,00%	26,582%
Real state rent.	50%	17,50%	21,212%
Transfers for good and valuable consideration	90%	31,50%	45,985%
Other gains	60%	21,00%	26,582%

Furthermore, there are a number of international treaties in order to avoid double taxation above Income tax between Argentina and other countries – most of them from America and Europe- , which can provide assenting conditions for the non Argentinean resident that the ones above-mentioned.



#### **EUROPE**

Andorra  
Austria  
Belgium  
Bulgaria  
Croatia  
Cyprus  
Czech Republic  
Denmark  
Finland  
France  
**Germany**  
Greece  
Hungary  
Ireland  
Italy

#### **Luxembourg**

Malta  
Montenegro  
Norway  
Poland  
**Portugal**  
Romania  
Russia  
Serbia  
**Spain**  
Sweden  
Switzerland  
**The Netherlands**  
Ukraine  
United Kingdom

#### **AMERICA**

**Argentina**  
Bolivia  
Brazil  
Canada  
**Chile**  
**Colombia**  
Costa Rica  
Dominican Republic  
Ecuador  
El Salvador  
Guatemala  
Honduras  
**Mexico**  
Panama

Paraguay  
Peru  
**Uruguay**  
USA  
Venezuela

#### **MIDDLE EAST AND AFRICA**

Algeria  
Angola  
Egypt  
**Israel**  
Jordan  
Kenya  
Kuwait

Lebanon  
Mauricio  
Morocco  
Nigeria  
Saudi Arabia  
South Africa  
Tunisia  
Turkey  
UAE  
Uganda

#### **ASIA-PACIFIC**

Australia  
Bangladesh  
China

India  
Indonesia  
Japan  
Malaysia  
New Zealand  
Pakistan  
Singapore  
South Korea  
Thailand  
Vietnam



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