

## Structured finance and securitisation in Argentina: overview

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A Q&A guide to structured finance and securitisation law in Argentina.

This Q&A provides an overview of, among others, the markets and legal regimes, issues relating to the SPV and the securities issued, transferring the receivables, dealing with security and risk, cash flow, ratings, tax issues, variations to the securitisation structure and reform proposals.

To compare answers across multiple jurisdictions, visit the *Structured Finance and Securitisation Country Q&A tool*.

This Q&A is part of the global guide to structured finance and securitisation. For a full list of contents visit [www.practicallaw.com/securitisation-mjg](http://www.practicallaw.com/securitisation-mjg).

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## Market and legal regime

### 1. Please give a brief overview of the securitisation market in your jurisdiction. In particular:

- How developed is the market and what notable transactions and new structures have emerged recently?
- What impact have central bank programmes (if any) had on the securitisation market in your jurisdiction?
- Is securitisation particularly concentrated in certain industry sectors?

The securitisation market has been developing in Argentina since 1996, after Trust Law No. 24,441 was passed, which introduced comprehensive provisions relating to securitisation transactions.

The market is moderately sophisticated. However, Standard and Poor's (S&P) special report, *Securitisation in Latin America (July 2000)*, stated that "market players agree that securitisation has not reached its potential, especially for existing asset-backed transactions".

However, as a result of the economic crisis that hit the country in 2001 and its long-lasting consequences, including but not limited to the reduction in the amount of direct loans and the lack of availability of financing, the securitisation market has seen a remarkable growth. It has proven to be an effective financing tool for small, middle-sized and large companies, becoming one of the most dynamic instruments for obtaining new financing. In this regard, the most important transactions that have taken place in the past few years are:

- Debt securities under the Supervielle Créditos financial trust, totalling ARS3 billion in 2014.
- Debt securities under the SIFER (Sistema Ferroviario Integrado) financial trust, totalling ARS1.275 billion.
- Debt securities under the EISA/Vialnoa financial trust, totalling ARS400 million.

The securitisation market in Argentina has not been affected by the global economic downturn. At present, securitisation is mainly focused on consumer credit, although since 2009 it has increasingly been used to finance infrastructure.

### 2. Is there a specific legislative regime within which securitisations in your jurisdiction are carried out? In particular:

- What are the main laws governing securitisations?
- What is the name of the regulatory authority charged with overseeing securitisation practices and participants in your jurisdiction?

As a general principle, there is no specific legislative regime under which securitisations are carried out, other than regulations issued by the Argentine Central Bank relevant to vehicles purchasing receivables from financial institutions.

However, financial trusts are used as vehicles in securitisation transactions. Financial trusts are currently governed by Law No. 24,441, which was recently repealed by Law No. 26,994. As a consequence, from 1 August 2015 financial trusts are governed by Sections 1,666 - 1,707 of the new Argentine Civil and Commercial Code.

Additionally, when securitisation involves a public offering of securities, the offer must be authorised by the National Securities Commission (*Comisión Nacional de Valores*) (CNV), a regulatory authority created by Law No. 17,811. Since Law No. 24,441 delegates to the CNV the power of regulation of securitisation transactions, when trust securities are publicly issued, the provisions of Chapter IV, of Title V of the Rules of the CNV apply. In addition, the trustee must be admitted by the CNV to act as trustee of financial trusts.

## Reasons for doing a securitisation

**3. What are the main reasons for doing a securitisation in your jurisdiction? How are the reasons for doing a securitisation in your jurisdiction affected by:**

- **Accounting practices in your jurisdiction, such as application of the International Financial Reporting Standards (IFRS)?**
- **National or supra-national rules concerning capital adequacy?**
- **Risk retention requirements?**
- **Implementation of the Basel III framework in your jurisdiction?**

### Usual reasons for securitisation

The main reasons for doing a securitisation usually include:

- Cheaper borrowing and credit arbitrage.
- Balance sheet benefits.
- Capital adequacy.
- Efficient alternative source of funding.

### Accounting practices

Under Section VI of Chapter IV of the Rules of the CNV, both financial trustees registered with the CNV's Registry of Trustees and all financial entities that act as trustees in the terms of Law No. 21,526 are subject to the corporate control rules applicable to issuers. As a consequence, the application of International Financial Reporting Standards (IFRS) is compulsory.

However, Technical Resolutions No. 26 and No. 29 of the Argentine Federation of Councils of Professionals of Economic Sciences state that trusts and financial trustees are not obliged to apply the IFRS, even though they can discretionally adopt them. This exception does not apply if the trust is listed as an issuer.

When the originator applies IFRS, in order to derecognise assigned assets, the special purpose vehicle (SPV) must have no variable returns and have no influence on income. These conditions can affect the reasons behind securitisation. Although trust equity securities (certificates of participation) are offered in the domestic market, they cannot be placed on the public markets and consequently the originator must keep them in their portfolio. If the originator applies IFRS and keeps a significant holding of these securities, it must consolidate its financial statements with those of the SPV. This will mean that the company cannot derecognise assets and issued securities will appear as payables on the balance sheet.

### Capital adequacy

The Central Bank applies the International Convergence of Capital Measurement and Capital Standards, Revised Framework of June 2004 (Basel II). Additionally, the Third Basel Accord (Basel III) global, voluntary regulatory framework on bank capital adequacy, stress testing and market liquidity risk is currently in an advance process of enforcement.

## The special purpose vehicle (SPV)

### Establishing the SPV

#### 4. How is an SPV established in your jurisdiction? Please explain:

- What form does the SPV usually take and how is it set up?
- What is the legal status of the SPV?
- How the SPV is usually owned?
- Are there any particular regulatory requirements that apply to the SPVs?

### Setting up the SPV

In Argentina, the SPV generally takes the form of a financial trust. In the case of a financial trust which publicly offers its securities, under Section III of Chapter IV of the Rules of the CNV, the trustee is one of the following:

- A financial entity authorised to act as such in the terms of Law No. 21,526.
- A corporation incorporated in Argentina.

The CNV regulations impose certain requirements on the appointment of trustees for the SPV, such as a minimum net worth of ARS6 million.

A financial trust is the trust established by a party (the originator) who transfers title of certain assets to a financial entity or other institution specially authorised by the regulation authority of the capital markets (the trustee) (*Section 1,690, new National Civil and Commercial Code*). The trustee holds the assets off-balance sheet and manages them for the economic benefit of holders of debt securities and/or pass-through certificates (the beneficiaries). On the expiration of a certain term or the fulfilment of a certain condition the trustee is bound to transfer those assets to the originator, the beneficiaries, or to a final beneficiary.

Under the new National Civil and Commercial Code, the following general requirements must be fulfilled to ensure that the trust is effective against third parties in a securitisation process, as well as to constitute the trust as a separate entity and the originator as no longer owner of the assets held in trust:

- There must be a contract between originator and trustee (Contract), which must specify, among other things:
  - a description of the assets to be held in trust, or objective parameters for their individualisation;
  - determination of how other assets can be incorporated to the trust;
  - the term (in principle, no more than 30 years) or condition to which the trust property is subject to;
  - appointment of the beneficiary or the criteria to appoint the beneficiary thereafter;
  - the rights and obligations of the trustee and how to replace the trustee, if necessary; and
  - what will happen to any assets held in trust on termination of the trust.
- In the case of financial trusts, the Contract must also include:
  - the name of the financial trust;

- the rules for decision making by the beneficiaries, which will include provisions for the case of insufficiency or insolvency of the assets held in trust; and
  - the terms and conditions for the issuance of securities.
- The Contract must be registered with the corresponding public registry.
  - The originator must concurrently, or thereafter, transfer the assets to the trustee to be held in trust, according to the rules applicable to the type of assets (for example, assignment, endorsement, public notice requirements, public deed, and delivery of possession of real goods, among others).
  - The transfer of assets to be held in trust must not be fraudulent against the originator's creditors.

### Legal status of the SPV

The SPV is usually a financial trust, that is, an autonomous trust fund held by a trustee. It is not considered an independent legal entity.

### Ownership of the SPV

In a financial trust the trustee is a financial entity authorised to act as such in the terms of Law No. 21,526, or corporations incorporated in Argentina, within the terms and conditions set out by the Rules of the CNV (that is, registered with the CNV as financial trustee) (*section 1,690, new National Civil and Commercial Code*).

### Regulatory requirements

If the trust securities are to be offered to the public, the provisions of Chapter IV, of Title V of the Rules of the CNV regulate financial trusts, contents of agreements and information to be provided in the corresponding prospectus. Additionally, some other related provisions of the Rules of the CNV apply.

**5. Is the SPV usually established in your jurisdiction or offshore? If established offshore, in what jurisdiction(s) are SPVs usually established and why? Are there any particular circumstances when it is advantageous to establish the SPV in your jurisdiction?**

The vast majority of SPVs are established in Argentina.

### Ensuring the SPV is insolvency remote

**6. What steps can be taken to make the SPV as insolvency remote as possible in your jurisdiction? In particular:**

- **Has the ability to achieve insolvency remoteness been eroded to any extent in recent years?**
- **Will the courts in your jurisdiction give effect to limited recourse and non-petition clauses?**

Under section 1,685 of the new Argentine Civil and Commercial Code, the assets held in trust form a separate estate from the originator's, the trustee's and the beneficiaries' estates. The assets held in trust are therefore protected from both the originator's and the trustee's creditors, except in the event of fraud.

Additionally, because the financial trust is a separate estate, in the absence of fraud, assets transferred to a financial trust are not affected by the bankruptcy of the grantor or of the trustee. Therefore, Argentine trusts operate as bankruptcy-remote SPVs.

The following methods of protection are achieved:

- Ensuring the SPV is operated on a solvent basis.
- Placing restrictions on the SPV that prevent it from incurring liabilities outside those contemplated by the securitisation.

- Inserting non-petition and limited recourse wording into all significant transaction documents.

## Ensuring the SPV is treated separately from the originator

### 7. Is there a risk that the courts can treat the assets of the SPV as those of the originator if the originator becomes subject to insolvency proceedings (substantive consolidation)? If so, can this be avoided or minimised?

If all legal requirements to establish and operate a trust are fulfilled (see *Question 4*), in the event of bankruptcy proceedings the courts will treat the assets held in trust as part of an estate different from that of the originator.

## The securities

### Issuing the securities

#### 8. What factors will determine whether to issue the SPV's securities publicly or privately?

Trust securities are usually publicly issued.

#### 9. If the securities are publicly issued:

- Are the securities usually listed on a regulated exchange in your jurisdiction or in another jurisdiction?
- If in your jurisdiction, please identify the main documents required to make an application to list debt securities on the main regulated exchange in your jurisdiction. Are there any share capital requirements?
- If a particular exchange (domestic or foreign) is usually chosen for listing the securities, please briefly summarise the main reasons for this.

Publicly issued trust securities are usually listed on a regulated exchange in Argentina. There are no share capital requirements.

The most commonly used stock exchanges are *Mercado de Valores de Buenos Aires* (MERVAL) and *Mercado Abierto Electrónico* (MAE). Publicly issued trust securities are rarely listed in foreign exchanges due to the general economic and political situation of the country and the strict foreign exchange regulations in currently in force.

The main documents and requirements to both obtain the authorisation of public offering and to make an application to list trust securities are as follows:

- The trustee's name, domicile and main office address, registration data and, if applicable, registration data as a financial trust in the relevant registry of the CNV, including the specific trust name.
- The decision to create the trust and submit an application to obtain the public offering authorisation and the listing of the trust securities (copy of the relevant minutes of the management entity or power of attorney).
- Affidavits provided by all the participants of the trust stating their will to participate in the trust.
- A report by the corresponding agent of control and revision.
- A copy of the corresponding prospectus, drafted in accordance with the CNV's rules.
- A copy of the trust agreement and other related agreements.
- A model of the securities to be issued.
- Any other document and/or information that the CNV might discretionally request.

- Any other document and/or information that the exchange might discretionally request on the trust's authorities.
- Payment of corresponding fees.
- Authorisation to list issued by the CNV.

## Constituting the securities

### 10. If the trust concept is not recognised in your jurisdiction, what document constitutes the securities issued by the SPV and how are the rights in them held?

The trust concept is recognised under Argentine law (see *Question 4*).

## Transferring the receivables

### Classes of receivables

#### 11. What classes of receivables are usually securitised in your jurisdiction? Are there any new asset classes to have emerged recently or that are expected to emerge in the foreseeable future?

The most common classes of receivable for securitisation are:

- Consumer loans.
- Banking loans.
- Mortgage loans.
- Credit card repayments and interest payments.
- Commercial documents (invoices, notes and deferred payment checks).
- Lease agreements.
- Tax collection.

There is no legal restriction applicable to any class of receivable. This reflects the importance of the securitisation market compared to other financing alternatives, such as traditional bank financing or the issuance of debt securities by originators.

Securitisations of consumer credit enable sellers of durable goods to obtain financing using their own stock of receivables. In these transactions, consumer short-term credits originated by the sellers through the financing of the sales of their own products are assigned to a financial trust. Such receivables are therefore usually securitised since they have not only proven to be a cheaper source of credit with several tax advantages, but also provide the originator with substantial means of publicity.

As a result, the ability of sellers to obtain off-balance sheet financing through securitisation of consumer loans has encouraged them to make available alternative forms of financing to their clients.

These two factors have caused consumer loans securitisation to have the highest market share among securitisation transactions in terms of amount issued in the past years.

### Transferring receivables from the originator to the SPV

#### 12. How are receivables usually transferred from the originator to the SPV? Is perfection of the transfer subject to giving notice of sale to the obligor or subject to any other steps?

Under section 1,683 of the new Argentine Civil and Commercial Code, the transfer of ownership in trust is effective against third parties when the formal requirements applicable to the transfer of each type of assets are fulfilled (for example, for assets subject to registration requirements, the transfer of ownership to a trustee must be adequately registered with the corresponding authority).

Therefore, assets transferred to trusts must fulfil the same formal and public notice requirements as any transfer of assets. Receivables are usually transferred by assignment.

**13. Are there any types of receivables that it is not possible or not practical to securitise in your jurisdiction (for example, future receivables)?**

All types of receivables can be securitised, even future receivables with the exception of future inheritance.

**14. How is any security attached to the receivables transferred to the SPV? What are the perfection requirements?**

The assignment of receivables includes the transfer of any security attached. For mortgages and pledges, the assignment must be registered in the real estate registries.

### Prohibitions or restrictions on transfer

**15. Are there any prohibitions or restrictions on transferring the receivables, for example, in relation to consumer data?**

### Contractual restrictions

Contractual restrictions applicable to a transfer to one or more specific people are forbidden by law. Consequently, if any apply, they would restrict the transfer to an SPV. Nonetheless, such contractual provisions are extremely rare.

### Legislative restrictions

There are no general legal prohibitions on transferring receivables. However, credit contracts should abide by all applicable regulation with regards to data protection.

### Avoiding the transfer being re-characterised

**16. Is there a risk that a transfer of title to the receivables will be re-characterised as a secured loan? If so:**

- **Can this risk be avoided or minimised?**
  
- **Are true sale legal opinions typically delivered in your jurisdiction or does it depend on the asset type and/or provenance of the securitised asset?**

Provided that the requirements in *Question 4* are fulfilled, there is no risk of a transfer of title being re-characterised as a loan with security. True sale legal opinions are delivered depending on the asset type and/or origin of the securitised asset.

### Ensuring the transfer cannot be unwound if the originator becomes insolvent

**17. Can the originator (or a liquidator or other insolvency officer of the originator) unwind the transaction at a later date? If yes, on what grounds can this be done and what is the timescale for doing so? Can this risk be avoided or minimised?**

The Bankruptcy Law No. 24,522 allows scrutiny of the originator's transactions during the period of time between the date of suspension of payments and the final judgment or declaration of bankruptcy (known as the look-back period). The date established for the suspension of payments cannot be earlier than two years before the date bankruptcy is adjudicated or preventive insolvency proceedings are filed.

The transfer of assets may be declared void if it is proven to have occurred to defraud creditors. Moreover, the transfer of assets may be declared void without it being necessary to produce evidence, if it is one of the following:

- The advance payment of debt with maturity on the date of the bankruptcy adjudication or later. In a securitisation, this can occur if the

trust securities are provided by the bankrupt's creditors, through offsetting the subscription price against the receivables.

- The creation of a priority over a non-matured obligation that was originally unsecured (for example, an exchange of an obligation for trust securities that are secured by the assets held in trust, therefore sharply improving the creditor's position).

Transfers made during the look-back period can also be declared void if the transferee is aware of the originator's suspension of payments and the transfer damaged the originator's general creditors.

To avoid a transfer being declared void, the trustee must prove that there has been adequate consideration for the transfer in trust of the relevant assets and, consequently, that the originator's estate has not been affected. This can be easily proved if trust securities were placed through public offering, as the subscription price of the securities (which generally is the consideration received by the originator) results from the interaction of supply and demand.

## Establishing the applicable law

**18. Are choice of law clauses in contracts usually recognised and enforced in your jurisdiction? If yes, is a particular law usually chosen to govern the transaction documents? Are there any circumstances when local law will override a choice of law?**

Choice of law clauses in contracts are recognised and enforced in Argentina, but are not usual. There are no circumstances when local law overrides a choice of law, other than cases in which the choice of law affects public order and/or is conducted to defraud Argentine law.

## Security and risk

### Creating security

**19. Please briefly list the main types of security that can be taken over the various assets of the SPV in your jurisdiction, and the requirements to perfect such security.**

Two types of securities are issued in securitisations:

- **Trust debt securities.** Trust debt securities (senior or subordinated) are most commonly issued by the trustee or can be issued by the originator.
- **Trust equity securities (certificates of participation).** Certificates of participation can only be issued by the trustee.

Trust securities are documented in various ways including:

- In individual nominative, non-endorsable certificate.
- A global certificate deposited in a securities depository (Caja de Valores).
- Non-certified form (book entry/registered), fulfilling the requirements set out in the new Argentine Civil and Commercial Code and the private securities registration law.

**20. How is the security granted by the SPV held for the investors? If the trust concept is recognised, are there any particular requirements for setting up a trust (for example, the security trustee providing some form of consideration)? Are foreign trusts recognised in your jurisdiction?**

The SPV is a financial trust and the trustee must be a financial institution or company registered in the registry of financial trustees of the CNV.

The general requirements described in *Question 4* must be fulfilled in order to create a trust.

Foreign trusts are recognised in Argentina.

## Credit enhancement

**21. What methods of credit enhancement are commonly used in your jurisdiction? Are there any variations or specific issues that apply to the credit enhancement techniques set out in the Guide to a standard securitisation (Guide)?**

The following methods of credit enhancement are commonly used:

- Over-collateralisation.
- Creating subordinated tranches.
- Replacement of assets.
- Insurance.

## Risk management and liquidity support

**22. What methods of liquidity support or cash reservation are commonly used in your jurisdiction? Are there any variations or specific issues that apply to the provision of liquidity support as set out in the Guide?**

Cash reserve funds are commonly used as method of liquidity support.

## Cash flow in the structure

### Distribution of funds

**23. Please explain any variations to the cash flow index accompanying Diagram 9 of the Guide that apply in your jurisdiction. In particular, will the courts in your jurisdiction give effect to "flip clauses" (that is, clauses that allow for termination payments to swap counterparties who are in default under the swap agreement, to be paid further down the cash flow waterfall than would otherwise have been the case)?**

There are no variations to the cash flow structure in Diagram 9 of the Guide.

### Profit extraction

**24. What methods of profit extraction are commonly used in your jurisdiction? Are there any variations or specific issues that apply to the profit extraction techniques set out in the Guide?**

In general there are no variations or specific issues that apply to the profit extraction techniques set out in the Guide.

The following techniques are most commonly used:

- The originator earning fees for administration and collection services in connection with the receivables and arranging or managing the portfolio of receivables.
- The originator holding equity securities in the SPV.

## The role of the rating agencies

**25. What is the sovereign rating of your jurisdiction? What factors impact on this and are there any specific factors in your jurisdiction that affect the rating of the securities issued by the SPV (for example, legal certainty or political issues)? How are such risks usually managed?**

Argentina is currently rated:

- SD (selective default) by S&P.
- RD (restricted default) by Fitch.
- Caa1 by Moody's.

Argentina has found it difficult to sustain economic growth in recent years. Argentina's economy is saddled with an inflation rate some believe to be as high as 35%. Moreover, its labour market is also weakening. In July 2014, Argentina defaulted after failing to make a US\$539 million interest payment.

Factors that directly or indirectly impact on ratings include:

- Structural risk.
- High unemployment rate.
- Low availability of long-term, fixed rate debt capital.
- Investment as a percentage of GDP does not guarantee sustained growth.
- High inflation.
- More regulation and controls in the economy.
- Restricted international financing.

## Tax issues

**26. What tax issues arise in securitisations in your jurisdiction? In particular:**

- **What transfer taxes may apply to the transfer of the receivables? Please give the applicable tax rates and explain how transfer taxes are usually dealt with.**
- **Is withholding tax payable in certain circumstances? Please give the applicable tax rates and explain how withholding taxes are usually dealt with.**
- **Are there any other tax issues that apply to securitisations in your jurisdiction?**
- **Does your jurisdiction's government have an inter-governmental agreement in place with the US in relation to FATCA compliance, and will this benefit locally-domiciled SPVs?**

### Transfer taxes

Some political divisions (provinces) apply stamp duties to the transfer of certain types of receivables. The general tax is 1% of the consideration. Most provinces have created stamp tax exemptions applicable to operations related to receivables that are publicly quoted.

### Revenue taxes

Revenue taxes apply to the SPV's income from receivables, but interest accrued on trust debt securities can be deducted.

### Withholding tax

The securities issued by the SPV are normally structured in such a way that withholding tax will not be payable in certain defined circumstances (these are normally set out in the prospectus).

## Resident investors

Resident investors may be subject to the following tax liabilities.

**Income tax.** Investment returns received by individuals, as well as capital gains, are exempt from income tax, provided that the securities are publicly quoted. This exemption does not apply to holders of quotas domiciled in Argentina that are "companies" (generally, companies created under Argentine laws, local branches of foreign companies, single-person developments and individuals developing commercial activities) to which a 35% tax rate applies.

The disbursement of dividends to the holder of equity securities issued by a trust is taxed at a 10% rate if the holder is an individual (not applicable if the holder is a legal entity).

**Tax on personal assets (wealth tax).** Individuals domiciled or residing in Argentina, whose assets exceed ARS305,000 are subject to a wealth tax. Trust securities are considered personal assets for the purposes of this tax. The tax is levied at the following rates:

- 0.5% on assets exceeding ARS305,000 up to ARS750,000.
- 0.75% on assets exceeding ARS750,000.
- 1% on assets exceeding ARS2 million.
- 1.25% on assets exceeding ARS5 million.

**Tax on minimum presumed income.** Artificial persons and other entities must include trust securities held when determining taxable assets subject to tax on minimum presumed income. The tax is levied at 1%, except for financial institutions to which a 0.2% rate is applied as long as the asset value exceeds ARS200,000.

The estimated income tax for a specific fiscal year is considered payment on account of the tax on minimum presumed income to be paid for the same fiscal year. If after the deduction of the tax on minimum presumed income there is an income tax surplus, this surplus is not considered a credit for the taxpayer and no reimbursement or compensation can be requested. If, however, the income tax deductible on account of the tax on presumed minimum income is not enough and the taxpayer must pay the tax on presumed minimum income for a specific fiscal year, the tax on presumed minimum income can be considered a credit for the income tax during the following ten fiscal years.

## Non-resident investors

Non-resident investors may be subject to the following tax liabilities.

**Income tax.** Investment returns received by individuals, as well as capital gains, are exempt from income tax, provided that the securities are publicly quoted. This exemption does not apply to holders of quotas domiciled in Argentina that are "companies" (generally, companies created under Argentine laws, local branches of foreign companies, single-person developments and individuals developing commercial activities) to which a 35% tax rate applies.

The disbursement of dividends to the holder of equity securities issued by a trust is taxed at a 10% rate if the holder is a foreign resident (individual or legal entity).

**Tax on personal assets (wealth tax).** The Surrogate Regulations under section 26 of the Tax on Personal Assets Law apply to quotas held by non-resident individuals. Under these regulations any individual or artificial person holding title, possession, use, disposal, deposit, custody, administration or custodianship of quotas will pay, only once, 1.25% of the value as of 31 December each year, without calculating the minimum exempt amount. However, the tax does not apply if the amount is lower than ARS255.75.

## Recent developments affecting securitisations

**27. Please give brief details of any legal developments in your jurisdiction (arising from case law, statute or otherwise) that have had, or are likely to have, a significant impact on securitisation practices, structures or participants.**

There are no current legal developments that have had or are likely to have a significant impact on securitisations.

## Other securitisation structures

### 28. What other structures, including synthetic securitisations, are sometimes used in your jurisdiction?

Synthetic securitisations are possible in Argentina. They were occasionally used in the 1990s but are not used at present.

The securitisation market in Argentina has been developed using single issue structures.

## Reform

### 29. Please summarise any reform proposals and state whether they are likely to come into force and, if so, when. For example, what structuring trends do you foresee and will they be driven mainly by regulatory changes, risk management, new credit rating methodology, economic necessity, tax or other factors?

There are no reform proposals currently in progress.

### 30. Has the nature and extent of global, regional and domestic reforms had a positive or negative affect on revitalising securitisation in your jurisdiction?

Although it is still too soon to comprehensively evaluate substantial effects, the recent reform in applicable legislation to securitisation in Argentina (from Law No. 24,441 to sections 1,666 to 1,707 of the new Argentine Civil and Commercial Code) has not affected securitisations in Argentina.

## Online resources

### InfoLEG

**W** [www.infoleg.gov.ar](http://www.infoleg.gov.ar)

**Description.** All Argentine statutes (in Spanish) can be found on this website. It is an official site managed by the Ministry of Economy.

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**Products:** PLC Cross-border, PLC UK Corporate, PLC UK Finance, PLC UK Law Department, PLC UK Tax, PLC US Finance, PLC US Law Department, Structured Finance and Securitisation multi-jurisdictional guide

Series: Country Q&A

#### **Related content**

##### **Topics**

Structured Finance (<http://uk.practicallaw.com/topic8-103-1105>)

##### **Article**

Guide to a standard securitisation (<http://uk.practicallaw.com/topic2-501-2997>)

##### **Country Q&A**

Debt capital markets in Argentina: regulatory overview (<http://uk.practicallaw.com/topic9-526-7985>)

Lending and taking security in Argentina: overview (<http://uk.practicallaw.com/topic9-517-1836>)

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