



Information Reporting & Withholding

A Mid-Season Automatic Exchange of Information Reporting Update



Who is Impacted

Any financial institution with an obligation to report under the Foreign Account Tax Compliance Act (FATCA) or the Common Reporting Standard (CRS) will be interested in some mid-season Automatic Exchange of Information (AEOI) updates and reminders.

What Changed

At this point, most reporting financial institutions are about halfway through their AEOI reporting season – with a few jurisdictions already under their belts. Heading into the second half, there are a few items to keep in mind. Below is some jurisdiction specific information for certain countries with reporting deadlines in June and July 2019. It is important to note that this list is not comprehensive and does not include all reporting jurisdictions. Included also are hyperlinks to various sources.

British Virgin Islands (BVI)

- *Deadline.* The BVI Financial Account Reporting System Administrator indicated that they are experiencing technical issues that prevent financial institutions from uploading to the system. The International Tax Authority will issue a Press Release informing all financial institutions of the extended deadline to submit filings for FATCA and CRS. Stay tuned and see <http://www.bvi.gov.vg/fatca>.
- [*British Virgin Islands 2018 CRS Reportable Jurisdictions.*](#)

June 2019 Deadlines

Belgium

- *Deadline.* Remains June 30, 2019.
- [*Belgium 2018 CRS Reportable Jurisdictions.*](#)

Cyprus

- *Deadline.* Because June 30, 2019, falls on a Sunday or a weekend this year, the deadline for submission to the Cyprus Tax Department is the next one working day, or July 1, 2019.
- [*Cyprus FATCA and CRS Guidance Notes.*](#)
- [*Cyprus 2018 CRS Reportable Jurisdictions.*](#)

Germany

- *Deadline.* Remains July 1, 2019.
- [*Germany Authorities Website.*](#)
- [*Germany 2018 CRS Reportable Jurisdictions.*](#)

Guernsey

- *Deadline.* For FATCA and CRS reporting financial institutions, because June 30, 2019 falls on a weekend this year, the deadline for submitting information to the Director is the next working day, Monday, July 1, 2019.
- [*State of Guernsey Bulletin 2019/2.*](#)

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- [State of Guernsey Bulletin 2019/3](#)
- [List of Guernsey 2018 Reportable Jurisdictions.](#)
- [Guernsey CRS Guidance Notes.](#)
- Guidance Updates.
 - *Undocumented CRS Accounts.* This status occurs in limited circumstances. The Guernsey Tax Authorities have noted that many financial institutions are not applying this rule correctly. Be sure to review the additional clarifications in the guidance notes.
 - *Reporting an Undocumented Account in the CRS Schema.* Be sure to review the rules on reporting Undocumented Accounts. An Undocumented Account shall be identified in the CRS Schema by reporting the following:
 - “GG” as the tax residence country code in the ResCountryCode element of the Schema; and
 - “UndocumentedAccount” in the AccountNumber element of the Schema, in accordance with Section IV.d of the Schema guide in the Commentary.
 - *Reporting FATCA accounts with no TIN.* As a reminder, the concept of an undocumented account does not exist for FATCA and they are not supported by the U.S. Schema. Financial institutions must report a U.S. TIN; however, there is a permitted exception where nine capital A’s (AAAAAAAAA) may be used for calendar years 2017, 2018 and 2019 for pre-existing accounts in accordance with the conditions as specified in U.S. in [IRS Notice 2017-46](#). In the very limited circumstances in which a FI would be unable to report due to missing TIN and/or date of birth indicia, the Guernsey Director requires the following information to be emailed to eo@gov.gg with the subject header “FATCA Accounts not reported on IGOR”:
 - An excel spreadsheet with a schedule of all accounts not reported and with all the information as would have been reported in the FATCA report;
 - An explanation of the reason why no TIN or date of birth was available.; and
 - Confirmation that the accounts are “pre-existing” accounts.
 - *The Guernsey Director will make an enquiry for compliance purposes where a financial institution reports undocumented accounts.*

Ireland

- *Deadline.* Remains June 30, 2019.
- <https://www.revenue.ie/en/companies-and-charities/international-tax/aeoi/what-is-the-common-reporting-standard.aspx>.
- [Ireland List of 2018 CRS Reportable Jurisdictions.](#)

Luxembourg

- *Deadline.* Remains June 30, 2019.
- [Luxembourg CRS FAQs.](#)
- [Luxembourg List of 2018 CRS Reportable Jurisdictions.](#)



Samoa

- *Deadline.* Remains June 30, 2019.
- <https://www.revenue.gov.ws/sub-menu/121-aeoi>.
- Samoa List of 2018 CRS Reportable Jurisdictions.

South Korea

- [South Korea FATCA and CRS Regulations](#). See Article 16.
- [South Korea List of 2018 CRS Reportable Jurisdictions](#). See Table 3.

Uruguay

- *Deadline.* The CRS Reports, as well as the corrections of the submitted information, must be sent between April 1 and June 30. Likewise, the financial entities obliged to inform shall have an additional term of 30 calendar days, counted as of July 1, to remit exclusively the corrections of the information provided (Numeral 4º Res. Nº 6396/2017, of September 25 of 2017).
- [Uruguay Direccion General Impositiva Update](#).

July Deadlines

Australia

- *Deadline.* Remains July 31.
- [ATO CRS Software Developer Page](#).
- *New Contact Element.* Financial institutions must include a name and contact phone number or email address in the new Contact element contained in the message header (MessageSpec) of their XML submissions.
- [ATO FATCA Software Developer Page](#).
- *Missing Taxpayer Identification Numbers on U.S. Reports.* If a financial institution does not have a U.S. TIN for a pre-existing account holder that is an individual, then the financial institution must comply with the required due diligence actions outlined in [IRS Notice 2017-46](#), meaning they must:
 - Obtain and report the date of birth for each account holder and controlling person whose U.S. TIN is not reported.
 - Annually request missing U.S. TINs from each account holder.
 - Search electronically searchable data maintained by the reporting institution for any missing U.S. TINs, before reporting each year.
- If due diligence actions are taken the Internal Revenue Service (IRS) will not determine that there is significant non-compliance for the calendar years 2017, 2018 and 2019,
- *How to report missing U.S. TINs.* For 2018 reporting, when lodging with the ATO, if, after due diligence actions have been undertaken U.S. TINs are not found, then:
 - For the 2018 year and subsequent year reports, financial institutions must use nine capital A's (AAAAAAAAA) to populate the U.S. TIN data element.
- [Australia 2018 CRS Reportable Jurisdictions](#). See Section 4.19.



Bahamas

- **Deadline.** The Bahamas Competent Authority advises that its AEOI Portal will open on Monday July 15, 2019, at 9am EDT and close on Friday, August 30, 2019 at 5pm EDT.
- Announcement on the [Bahamas International Tax Information Exchange Website](#).
- [Bahamas 2018 CRS Reportable Jurisdictions](#).

Cayman Islands

- **Deadline.** Although the original deadline was May 31, 2019, the Cayman Islands AEOI Portal is currently online and open for notifications and reporting for all years. Completion of 2018 CRS and U.S. FATCA reporting obligations on or before 31 July 2019 will not result in compliance measures being taken for late filing and will not be penalized. The Department of International Taxation Cooperation will take note of any reports submitted after this date and they may be subject to compliance reviews.
- **AEOI Portal User Guide (new)** The AEOI Portal User Guide has been updated to v5.0. This is a non-exhaustive quick-reference summary of changes between v5.0 and the previous v4.0. [Cayman AEOI Portal V5.0 User Guide](#).
- [Cayman AEOI Portal Updates and User Advisories](#).
- [Cayman 2018 CRS Reportable Jurisdictions](#).

Gibraltar

- **Deadline.** Remains July 31, 2019.
- [Gibraltar CRS Regulations](#).
- [Gibraltar 2018 CRS Reportable Jurisdictions](#).

Mauritius

- **Deadline.** Remains July 31, 2019. See Communiqués: <http://mra.mu/download/CRS110619.pdf> and <http://mra.mu/download/FATCA110619.pdf>
- [2019 Amended Mauritius Common Reporting Standard Regulations](#). Key updates
 - **Antiavoidance** – Guidance now includes details on what constitutes antiavoidance.
 - **Penalties.** Guidance now includes penalties for a persons' failure to comply with obligations under the regulations, repeat offenders of these failures, and providing inaccurate information. Luckily, there is a 'reasonable ground' clause for person's able to satisfy the Director-General that there is reasonable ground for not complying with the regulations or providing accurate information. It is important to note that reasonable ground does not include failure to carry out an act either due to insufficiency of funds or reliance on another person.
 - **Dormant Accounts.** Updated guidance on what constitutes dormant accounts.
- [2019 Amended Mauritius Common Reporting Standard Guidance Notes](#).
 - **Controlling persons.** Updated to align the CRS definition of controlling persons to match that of FATCA. Both have a 20 percent threshold for determining controlling persons or substantial U.S. owners.

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- *Dormant accounts* – Updated to align with the amended regulations.
- [Mauritius 2018 CRS Reportable Jurisdictions.](#)

How to Implement

There is no easy way to implement anything mid-reporting season; however, the following are a few items to keep in mind:

- *Be consistent in your methodologies.* If you are making updates based on new guidelines, be sure to document the rules and update your methodologies, so that they are consistent from year to year.
- *Document Controls around AEoI Policies and Procedures.* Policies and procedures are no longer a 'nice to have,' because in many jurisdictions they are a regulatory requirement.
- *Identify any formatting changes.* Consider if your system requires changes to accommodate entering alpha type characters in the account holder TIN data element. Some other countries may be using nine As. This change may affect reporting from/for branches in other countries.
- *Confirm your systems and reporting applications are update to date – even mid-reporting season!*
- *Confirm tax reporting vendors are aware of and will be able to implement the forthcoming updates to 2018 and 2019 reporting templates, schemas, formatting, and rules – even mid-reporting season!*
- *Keep checking for updated deadlines, portal User Guides, regulations, along with your own internal contact updates.*
- *Update process and procedure manuals to incorporate any changes required.*
- *Update any educational materials and make sure those in your organization that need to be notified of changes are contacted.*

What are you finding to be the most difficult task involved in the 2018 AEoI reporting season? Add your insight to the comment section on [LinkedIn](#) or [email us](#)! Best of luck to you in AEoI reporting this year!