



# States of Guernsey

## Income Tax

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### **Notices issued for the US IGA and CRS Reporting Deadlines**

This Notice is issued in accordance with Regulation 4 of the Income Tax (Approved International Agreements) (Implementation) (United Kingdom and United States of America) Regulations, 2014, to Reporting Guernsey Financial Institutions (“RGFIs”) for registration with and reporting through the Information Gateway Online Reporter (“IGOR”) ahead of the US Intergovernmental Agreement (“US IGA”) reporting deadline of 30 June 2018.

This Notice is also issued in accordance with Regulation 4 of the Income Tax (Approved International Agreements) (Implementation) (Common Report Standard) Regulations, 2015, to Reporting Financial Institutions in Guernsey (“RFIs”) for registration with and reporting through the Information Gateway Online Reporter (“IGOR”) ahead of the Common Reporting Standard (“CRS”) reporting deadline of 30 June 2018.

For consistency, in this Bulletin references to “RGFI” should be read to apply equally to the terms RGFI and RFI from the respective above named regulations i.e. those Financial Institutions in Guernsey with reporting obligations to the Director of Income Tax (“the Director”) for information from the Calendar Year 2017.

### **Bulletin 2018/2**

#### **US IGA Reporting (FATCA)**

The Director requires all RGFIs to make reports under the US IGA, implementing FATCA, in respect of the calendar year 2017 on or before **30 June 2018**. This is in accordance with The Income Tax (Approved International Agreements) (Implementation) (United Kingdom and United States of America) Regulations, 2014 and The Income Tax (Approved International Agreements) (Implementation) (United Kingdom and United States of America) (Amendment) Regulations, 2015.

All RGFIs are required to submit the reports electronically, using the IGOR system and the reports must be made using FATCA XML Schema v2.0.

#### **CRS Reporting**

The Director requires all RGFIs to make reports under the CRS, in respect of the calendar year 2017 on or before **30 June 2018**. This is in accordance with The Income Tax (Approved International Agreements) (Implementation) (Common Reporting Standard) Regulations, 2015.

All RGFIs are required to submit the reports electronically, using the IGOR system and the reports must be made in the OECD’s CRS XML Schema v1.0.

## **Practical Guidance in respect of IGOR Registration**

The following information in this Bulletin is intended to provide practical guidance in relation to the IGOR registration process.

Prior to making returns in accordance with either the US IGA, or the CRS the RGFI will need to register with IGOR. A Global Intermediary Identification Number (GIIN) is a requirement for registration with IGOR (for the purposes of reporting under the US IGA only). This number is generated by the IRS and may be obtained by using the [online FATCA registration tool](#).

### **CRS Registration**

If a RGFI is registering with IGOR for the purpose of reporting under the CRS only and has no US reporting obligations, it will not be a requirement to supply the GIIN when registering, instead the Director will authorise the registration based upon the name of the RGFI. If a GIIN is held by the RGFI, this can, however, still be supplied on registration and will pre-populate the name of the RGFI based upon the US registered name. If the US registered name is not correct, however, this must be amended prior to proceeding with registration, as the correct legal name is used when verifying and authorising the RGFI.

### **US IGA Registration**

When registering a RGFI on IGOR for the purposes of reporting under the US IGA this registration is verified by cross referencing the most recent FATCA GIIN list, and a RGFI is only able to register with IGOR (for the purposes of reporting under the US IGA) once they have registered with the IRS AND the GIIN list has been updated to include them.

Once online registration has been completed, it will be reviewed and approved by the Director. Only once registration has been approved, will the RGFI be able to submit reports for any of the above mentioned reporting regimes.

RGFIs should be aware, that the IRS only refresh the GIIN list on the first day of the month, and applications for a GIIN made and approved in the last 5 days of the preceding month are not likely to make that month's updated list. The Director understands that typically a GIIN may take a minimum of 1-2 weeks to be approved following application.

Accordingly, it is recommended that if RGFIs have not already registered, that they ensure they do this as a matter of urgency, in order to receive approval and a GIIN to then be in a position to register with IGOR for timely reporting of 2017 data by 30 June 2018.

## **Practical Guidance in respect of Registration of Sponsoring/Sponsored Entities**

For the calendar year 2017 US IGA reporting, a Sponsoring Entity that agrees to perform the due diligence, withholding, and reporting obligations of one or more Sponsored Entities will need to be registered with the IRS as a Sponsoring Entity. The Sponsoring Entity can then further register its Sponsored Entities.

Guidance on how to report Sponsored Entities on IGOR has been previously provided in [Bulletin 2016/5](#), which remains applicable.

In prior US IGA reporting years, transitional provisions enabled a Sponsoring Entity to provide the GIIN of its Sponsoring Entity.

The [IRS FAQs](#) “Sponsoring/Sponsored Entities” (Q1) confirms that **from 1 January 2017 onwards, Sponsored Entities are now required to obtain their own GIIN.**

**Further to the above, there are additional special rules that apply for the following:-**

### **Sponsored Closely Held Investment Vehicles (SCHIVs)**

If a Guernsey Financial Institution satisfies the definition of a SCHIV (in accordance with Annex II, Section C of the [US IGA Regulations](#)) it will be treated as a certified deemed-compliant FFI.

IRS FAQs “IGA Registration” (Q7), confirms that a certified deemed-compliant FFI, such as a SCHIV, is not required to register with the IRS and obtain a GIIN in its own right.

Therefore, SCHIVs should use the reporting method detailed previously in [Bulletin 2016/5](#).

### **Trustee-Documented Trusts (TDT)**

The IRS FAQs “Registration Update” (Q3) confirms that there is no requirement for a TDT to register with the IRS and obtain a GIIN in its own right. Therefore, trustees reporting TDTs through IGOR should use the reporting method detailed previously in [Bulletin 2016/5](#).

This means that when submitting an XML file on IGOR, the Trust’s name should be included in the <ReportingFI> element, but with the GIIN of the Sponsoring Entity. The Trustee would then be included in the <Sponsor> element. There is no requirement to separately register the TDT in its own right with IGOR for the purpose of FATCA reporting.

For **CRS** reporting, the TDT is treated as the Reporting FI and therefore **must** be registered in its own right in order for reports to be made. There is no requirement for a GIIN as explained above. Guidance on how to report TDTs on IGOR has also been previously provided in [Bulletin 2017/3](#).

For RGFIs reporting under both the US IGA and CRS as TDTs or under a sponsoring relationship this will therefore require separate IGOR registrations to be made for US IGA and CRS reports, respectively.

**Any messages or queries from the Director arising from the submitted schemas will be communicated to the RGFIs using the IGOR messaging service. RGFIs should, therefore, ensure that their contact details are up to date and messages are monitored regularly.**

**Should you wish to obtain further information concerning the US IGA or the CRS please visit the relevant Income Tax Office webpages which are dedicated to these matters:**

<https://gov.gg/article/119720/Intergovernmental-agreements-FATCA>

<https://gov.gg/crs>

**18/05/2018**