



Common Reporting Standard (“CRS”) & Foreign Account Tax Compliance Act (“FATCA”) Compliance Information

**Please note that this notice does not constitute guidance or instruction
and is issued for information purposes only.**

The purpose of this information notice is to provide additional pointers and sources of information to provide practical support to financial institutions.

1. When is reporting required by?

All Guernsey Reporting Financial Institutions must submit their CRS & FATCA return, (including nil returns if applicable) by 30 June of the year following the calendar year to which the return relates. For example, CRS & FATCA returns relating to the calendar year 2020 must be submitted by 30 June 2021. The Revenue Service issue an annual Bulletin stating the date reporting must be completed by, however Reporting Financial Institutions are encouraged to provide a return prior to the final date in order to ensure delivery is achieved on time. Late returns are subject to a potential penalty.

2. When should I register on IGOR?

Prior to submitting a report on IGOR, an FI must register on IGOR.

Registration on IGOR can be undertaken immediately. Refer to the [IGOR User Guide](#) for further information.

When registering please ensure that IGOR contact names and emails are accurate and kept up to date.

3. What checks are undertaken by the Revenue Service?

As FATCA and CRS have been in place since 2014 & 2016 there is an expectation that financial institutions will be accustomed to the requirements and have embedded robust controls and procedures to achieve successful reporting of accurate information. Controls include compliance and management oversight to confirm the accuracy and completeness of the data contained in reports, prior to submission to the Revenue Service.

As part of the supervisory assurance of Guernsey’s obligation to provide accurate data to reportable partner jurisdictions the Revenue Service’s AEOI Team have implemented a programme of compliance activities that range from a desk top analysis of data received to site visits.

The activities undertaken and analysis of previously reported data has evidenced that there continue to be some failings or misunderstanding, therefore the following subjects and topics are highlighted as components of the reporting process for review.

4. Compliance Pointers

Self-Certification

- Ensuring a self-certification is obtained in accordance with the requirements for all new accounts.
- Validating that the self-certification can be relied upon.
- Maintaining a review of all pre-existing accounts.

TAX Identification Numbers, (“TIN”).

- On-boarding includes obtaining a Tax Identification Number.
- Check that the TIN is consistent with the relevant jurisdiction’s domestic structure or accounts without a TIN or where the customer claims not to have a TIN are reviewed.
 - The OECD CRS Implementation and Assistance webpage includes the database of jurisdictions valid TIN structures.
 - Bulletin 2021/3 & 4, IRS TIN field codes.
- For FATCA if the TIN is not known then the appropriate IRS agreed TIN codes should be used.

Data Accuracy

- Some financial institutions have only completed mandatory fields or entered N/A, or similar, even though additional information is held and legally required.
- Country codes, dates of birth and financial account addresses should be complete and accurate.
- Reportable data must not include dummy or ambiguous data used to complete an entry in a mandatory data field.
- Beneficial owners and controlling person details must be full and complete.

Other Areas of Attention

- Review accounts to identify whether they are correctly classified for CRS purposes.
- Joint accounts are required to be reported as individual accounts with the entire balance or value of the joint account, as well as the entire amounts paid or credited to the joint account.
- Partnerships are entities for reporting purposes.
- Inclusion of high-risk CBI/RBI schemes in CRS due diligence procedures.
- Ensure the use of ‘undocumented’ is correct and that undocumented accounts are periodically reviewed. Previous reports have included incorrect use of undocumented on the basis that a self-certification has not been completed.

- System changes or upgrade should include ensuring data is carried forward, accessible or retrievable if archived.
- Controlling person include Protectors.
- When a merger, acquisitions and transfer of business occurs the receiving financial institution should ensure all previous reporting was complete and accurate.
- Financial institutions and reporting entities are reminded to be mindful of the amendments to the Income Tax Legislation set out in Billet d'Etat No XXIV passed on 12 December 2019, International Tax Measures – Miscellaneous Amendments to the Income Tax Legislation:
 - <https://www.gov.gg/CHttpHandler.ashx?id=122601&p=0>
 - The amendments include:

"(c) Enable the Revenue Service to issue a notice to a financial institution to complete corrective remedial actions, related to CRS and/or FATCA reporting and in the case of significant non-compliance to be required at its own cost to appoint a suitably qualified independent person for the purposes of determining the full extent of the non-compliance, overseeing the repair, validating that the corrective measures have moved the financial institution into a compliant position, and making a relevant disclosure to the Revenue Service confirming this position;"

5. Governance

The Board or Senior Management equivalent should be aware of the financial institution's obligations and that it is their responsibility for ensuring the financial institution provides complete and accurate data.

Financial institutions should review whether there are appropriate compliance assurance reviews and/or audits undertaken to ensure completeness and accuracy.

The Board or Senior Management equivalent are responsible for ensuring that there are procedures that accurately detail the financial institution's CRS & FATCA obligations.

Review product and promotional material that includes information about CRS and FATCA, and confirm it is current and accurate.

6. Training

Financial institutions should provide training for all personnel and stakeholders involved in the CRS & FATCA process including account onboarding personnel and relationship managers.

Ensure the training is current and regularly reviewed.

7. What is the correct format required for the CRS returns?

From the 1 February 2021, all CRS submissions must be submitted using CRS XML Schema Version 2.0. Full details were provided in [Bulletin 2021.2](#)

8. What other changes have been introduced?

Commencing from the 2020 reporting period all Guernsey Reporting Financial Institutions will be required to classify what type of reporting institution they are. For example, this will be required for the 2020 calendar year returns submitted by 30 June 2021. Full details were provided in Bulletin 2021.2.

9. Compliance Assurance Statement

All Guernsey Reporting Financial Institutions are required to complete the Compliance Assurance Statement, which provides an indication of the controls and checks that should be made prior to submission. Details of the Compliance Assurance Statement were provided in [Bulletin 2021.3](#)

10. Keeping Informed

The Revenue Service regularly issues CRS & FATCA Bulletins, either on specific topics, or general reference to clarify compliance obligations on the States of Guernsey CRS & FATCA web pages.

Information is also cascaded via the IGOR system and therefore please ensure your contact addresses are current and that messages are reviewed as they include reminders of key deadlines.

11. Information

The following are links to CRS & FATCA information sources.

States of Guernsey website pages:

- www.gov.gg/crs
- www.gov.gg/fatca

OECD Automatic Exchange of Information Portal

- [Common Reporting Standard \(CRS\) - Organisation for Economic Co-operation and Development \(oecd.org\)](http://www.oecd.org/tax/automatic-exchange/crs/)

Residence/Citizenship by Investment

- [Residence/Citizenship by investment - Organisation for Economic Co-operation and Development \(oecd.org\)](http://www.oecd.org/tax/residence-citizenship-by-investment/)

IRS FATCA Registration & FFI List: Global Intermediary Identification Number (“GIIN”) Composition Information

- [FATCA Registration and FFI List: GIIN Composition Information | Internal Revenue Service \(irs.gov\)](http://www.irs.gov/efile/fatca-ffilist)

IRS e-news subscriptions

- [e-News Subscriptions | Internal Revenue Service \(irs.gov\)](http://www.irs.gov/efile/e-news)

OECD Tax Identification Numbers

- [Tax identification numbers \(TINs\) - Organisation for Economic Co-operation and Development \(oecd.org\)](http://www.oecd.org/tax/identification-numbers/)

12. Contact Points

Contact the AEOI Compliance Team by the IGOR messaging facility or by email at AEOI@gov.gg