

CRS – What is Real?

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I. Background

- A. Treaty exchanges – not necessarily automatic
- B. FATCA
- C. CRS
- D. Automatic reporting by FI to government, exchange
- E. How It Works
 1. Collection of Information
 2. IT
 3. Confidentiality



II. Who Reports?



An (1) Entity (2) in a Participating Jurisdiction that is a (3) Financial Entity and is not a (4) Non-Reporting Financial Institution

- A. Entity is corporation, partnership, trust, foundation
- B. Not individual

C. In a Participating Jurisdiction?

1. Resident
2. Branch of Foreign Entity Located in Jurisdiction
3. Trust is located where trustee is located (unless reported elsewhere)

D. Financial Entity?

1. Banks
2. Brokers
3. Investment Entities
4. Life Insurance Companies



- E. Non-Reporting FI
1. Governments
 2. Retirement Funds



III. Reportable Accounts

A. Accounts of Passive NFEs

1. Passive Income and not publicly traded

B. Must Have Controlling Persons who are Reportable Persons

1. Controlling Person = Beneficial Owner
2. Trusts – settlor, trustee, protector, beneficiary, beneficiary or other exercising control

C. Individuals

D. From Reportable Jurisdiction

IV. Trust – FI or NFE?

A. Trust is an Entity for CRS

B. Probably FI if passive income

1. Resident where trustee is resident

2. Must report accounts as to Reportable Persons

C. Otherwise usually NFE

D. Report account balances, payments