

**Q & A: Revenue Jersey Virtual Training Session:  
CRS/FATCA Reporting (June 2021)**

<b>Q1</b>	<b>Can you provide a link to the OECD TIN country guidance?</b>
<b>A1</b>	Refer to section 11.5 of Revenue Jersey's <i>Practical guidance in respect of reporting under the Common Reporting Standard (CRS)</i> : <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf</a>
<b>Q2</b>	<b>If an entity has been incorrectly classified as an FI in previous years and upon review should in fact be Passive and therefore not reportable, would a final report need to be submitted?</b>
<b>A2</b>	No. An OECD3 (Void) file would need to be submitted for the years involved to remove the incorrectly submitted reports. Entities in this position should ensure they notify any Financial Institution with which they hold accounts, such as banks, to ensure that reporting is done correctly.
<b>Q3</b>	<b>Could you please elaborate on point 4.8 not identifying/reporting all the controlling persons of corporate trustees in the common errors document?</b>
<b>A3</b>	Refer to <i>Standard for Automatic Exchange of Information of Financial Information in Tax Matters (Implementation Handbook, Second Edition)</i> , Chapter 6, Page 104: <a href="https://www.oecd.org/tax/exchange-of-tax-information/implementation-handbook-standard-for-automatic-exchange-of-financial-information-in-tax-matters.pdf">https://www.oecd.org/tax/exchange-of-tax-information/implementation-handbook-standard-for-automatic-exchange-of-financial-information-in-tax-matters.pdf</a> It is noted that the application of the guidance in Chapter 6 will depend on the facts and circumstances of the trust.
<b>Q4</b>	<b>According to the Jersey AEOI Guidance, date of birth is not required. However, XMLs with no date of birth are not accepted. Could you please advise if the Guidance will be changed to avoid future confusion?</b>
<b>A4</b>	Revenue Jersey requires a date of birth be included in CRS reports. A default date of birth is to be used when a valid date of birth is not available. A date of birth must be reported if known at the time of

	<p>reporting. See paragraph 11.6 of Revenue Jersey's <i>Practical guidance in respect of reporting under the Common Reporting Standard (CRS)</i>:  <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf</a></p>
<b>Q5</b>	<b>If we have indicia of residency or tax residency but no address and not self-certified, what should we put in the address field?</b>
<b>A5</b>	Whatever address(es) that are held on record should be included in the CRS report, even if not in the jurisdiction(s) of residence.
<b>Q6</b>	<b>Could you please clarify the point on the second last presentation slide regarding trust companies incorrectly reporting account holders of the entity account?</b>
<b>A6</b>	<p>Refer to Revenue Jersey's <i>Compliance Note 1 (CN1)</i>: CRS reporting by third party service providers:  <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/LD%20CRS%20third%20party%20reporting%20Compliance%20note%201%20VP.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/LD%20CRS%20third%20party%20reporting%20Compliance%20note%201%20VP.pdf</a></p> <p>See also section 8 of Revenue Jersey's <i>Practical guidance in respect of reporting under the Common Reporting Standard (CRS)</i>:  <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf</a></p>
<b>Q7</b>	<b>Are you able to confirm where the guidance is location in relation to trust and company reporting (under common errors)?</b>
<b>A7</b>	<p>Refer to Revenue Jersey's <i>Compliance Note 1 (CN1)</i>: CRS reporting by third party service providers:  <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/LD%20CRS%20third%20party%20reporting%20Compliance%20note%201%20VP.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/LD%20CRS%20third%20party%20reporting%20Compliance%20note%201%20VP.pdf</a></p> <p><a href="#">See also section 8 of</a> Revenue Jersey's <i>Practical guidance in respect of reporting under the Common Reporting Standard (CRS)</i>:  <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf</a></p>
<b>Q8</b>	<b>Have you considered implementing an option to manually report, similar to the UK?</b>
<b>A8</b>	At present, there are no plans to permit manual reporting.
<b>Q9</b>	<b>Could you please provide some guidance on correcting for errors; for example distinguishing between an FFI error vs a change of</b>

	<b>information from either the account holder or service provider (after the reporting deadline)?</b>
<b>A9</b>	Refer to <i>Revenue Jersey's Correction Guidance (CRS)</i> : <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20CRS%20Corrections%20and%20Void%20Guidance.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20CRS%20Corrections%20and%20Void%20Guidance.pdf</a> and <i>Revenue Jersey's Correction Guidance (FATCA)</i> : <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20USFATCA%20Corrections%20and%20Void%20Guidance.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20USFATCA%20Corrections%20and%20Void%20Guidance.pdf</a>
<b>Q10</b>	<b>Will the MDR process go some way to providing comfort in a FI procedures?</b>
<b>A10</b>	Although well-implemented Mandatory Disclosure Regime processes and systems would go some way towards demonstrating that an entity has a good understanding of CRS, it will still be expected to demonstrate effective internal governance and controls which can be tested as part of a compliance intervention.
<b>Q11</b>	<b>There is a Jersey private company which is a reportable entity with a 31 December year end. Per Company Law, we have 10 months to finalise/sign off these financial statements. However, under CRS reporting we have six months to submit. There can be instances where the reporting isn't finalised by the time the CRS report is submitted because of waiting for valuations. Therefore, the net asset value (equity interest) could change after the CRS report is submitted.</b>
<b>A11</b>	Financial Institutions are expected to take all necessary steps to ensure that information reported under the CRS by 30 June in any year is complete and correct.
<b>Q12</b>	<b>Last year we had an extension due to Covid. Why is an extension not being considered this year?</b>
<b>A12</b>	The OECD and the IRS both agreed in 2020 to extend the deadline for exchanging CRS and FATCA from 30 September to 31 December, which allowed Revenue Jersey to extend the domestic reporting deadline by three months. As no such extension has been agreed in 2021, no extension on the grounds of Covid will be granted.
<b>Q13</b>	<b>In a situation where there is no TIN, what should we do when an individual claims they are not tax resident anywhere by virtue of spending time in different jurisdictions?</b>
<b>A13</b>	An FI would be expected to exercise a reasonable level of scrutiny over any declaration by an individual that they were not tax resident in any

	jurisdiction, and would be expected to obtain proof in the form of legal or tax advice which was regularly updated.
<b>Q14</b>	<b>Can you elaborate on the level of documentation you expect?</b>
<b>A14</b>	It is expected that the level of documentation requested and maintained should be to the extent that an RFI is satisfied that reporting is complete and accurate. As such, they would be expected to maintain records of efforts made to identify account holders, obtain and review self-certifications, undertake any enhanced processes, explain the classification of entities and demonstrate the correctness of balances and payments reported.
<b>Q15</b>	<b>Many FIs outsource reporting to their Service Providers, yet responsibility for reporting remains with the FI. Please can you touch on what checks you expect FIs to do on their service providers.</b>
<b>A15</b>	It is the responsibility of the FI to ensure that the final reports submitted are complete and accurate. As such, an FI would be expected to undertake the normal due diligence when appointing any service provider in order to establish that it is capable of providing that service.
<b>Q16</b>	<b>CRS states that beneficiaries are controlling persons of a Passive NFE, but that an FI can align the scope of a beneficiary treated as a controlling person with the scope of beneficiaries of a trust treated as a reportable person of a trust that is an FI. In practice how should an FI do this?</b>
<b>A16</b>	Refer to paragraph 16 of the Jersey CRS Guidance Notes at: <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Jersey%20CRS%20guidance%20notes%2010272017%20VP.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Jersey%20CRS%20guidance%20notes%2010272017%20VP.pdf</a>  and Chapter 6 of the <i>OECD Implementation Handbook: Standard for Automatic Exchange of Financial Information in Tax Matters</i> : <a href="https://www.oecd.org/tax/exchange-of-tax-information/implementation-handbook-standard-for-automatic-exchange-of-financial-information-in-tax-matters.pdf">https://www.oecd.org/tax/exchange-of-tax-information/implementation-handbook-standard-for-automatic-exchange-of-financial-information-in-tax-matters.pdf</a>
<b>Q17</b>	<b>When does Jersey update the list of reportable CRS jurisdictions and is this normally updated on the Revenue Jersey website?</b>
<b>A17</b>	The current list of reportable CRS jurisdictions are reflected in Schedules 2 – 4 of the Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Jersey) Regulations 2015. The most up to date version is always available at: <a href="http://www.jerseylaw.je">www.jerseylaw.je</a> . Any updates to the Schedules will be notified.

	<p>The current version of the Regulations are available at:  <a href="https://www.jerseylaw.je/laws/unofficialconsolidated/Pages/17.850.35.aspx">https://www.jerseylaw.je/laws/unofficialconsolidated/Pages/17.850.35.aspx</a></p>
<b>Q18</b>	<b>In relation to the information that the Revenue Jersey receives from other Tax Authorities, what is the Jersey Tax Authority doing with this information?</b>
<b>A18</b>	<p>CRS and FATCA information is routinely reviewed in the course of conducting compliance interventions.</p> <p>Refer to: Code of Practice on Revenue Jersey Compliance Interventions:  <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Revenue%20Jersey%20Interventions%20Code%20of%20Practice%20v1.0.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Revenue%20Jersey%20Interventions%20Code%20of%20Practice%20v1.0.pdf</a></p>
<b>Q19</b>	<b>What level of TIN validation is expected for non-US tax residency? Should FIs be checking against the OECD formats?</b>
<b>A19</b>	<p>FIs are expected to routinely check that TINs reported by clients are in line with the format of TINs issued by that jurisdiction and to verify this by referring to the OECD's list of TIN formats for CRS jurisdictions at:  <a href="https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/">https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/</a>.</p> <p>Refer to Revenue Jersey's <i>Practical guidance in respect of reporting under the Common Reporting Standard (CRS)</i>, at section 11.5:  <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf</a></p>
<b>Q20</b>	<b>Should missing TIN numbers be reported as NOTINS or left blank on CRS reporting?</b>
<b>A20</b>	<p>Refer to paragraph 11.5 of Revenue Jersey's <i>Practical guidance in respect of reporting under the Common Reporting Standard (CRS)</i>:  <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf</a>.</p> <p>NOTIN should be used to populate the TIN element when a TIN is not available.</p>
<b>Q21</b>	<b>Are FATCA and CRS nil returns still non-mandatory or should FIs be following best practice and still submit?</b>
<b>A21</b>	<p>It is best practice to submit a nil return, however this is currently not mandatory. If no return is not submitted, it may be subject to a compliance intervention.</p>

<b>Q22</b>	<b>Can you clarify/confirm that nil reporting will now become mandatory in June 2022 (for 2021 accounts) and NOT this June as previously anticipated.</b>
<b>A22</b>	It is anticipated that nil reporting will be mandatory for reporting for the financial year 2021 (due by 30 June 2022).
<b>Q23</b>	<b>We have seen the Cayman Islands implement the CRS compliance form. Will Jersey follow suit? Is there any compliance program under discussion where Revenue Jersey requests the FIs to confirm its compliance with the AEOI rules and regulations?</b>
<b>A23</b>	Not at present.
<b>Q24</b>	<b>Is it only entities classified as FI's who must report or do other classifications such as ANFE &amp; PNFE need to report?</b>
<b>A24</b>	Reporting Financial Institutions are required to submit FATCA and CRS reports. In other circumstances, the reporting responsibilities of Sponsored Entities (FATCA only) and Trustee Documented Trusts (both FATCA and CRS) may be undertaken by a sponsor or trustee.  Institutions which are unsure of their obligations under FATCA and the CRS are advised to seek professional advice.
<b>Q25</b>	<b>Is a separate report for each reporting entity required or can numerous entities be reported in a single report by the administrator?</b>
<b>A25</b>	Refer to Section 8 of Revenue Jersey's <i>Practical guidance in respect of reporting under the Common Reporting Standard (CRS)</i> : <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Practical%20guidance%20for%20CRS%202021.pdf</a>
<b>Q26</b>	<b>Should accounts be reported as undocumented where we hold no address details for the account holders? These accounts are pre-existing accounts; however, we do not hold PO Box addresses for them.</b>
<b>A26</b>	Refer to paragraph 10.2 of the Jersey CRS Guidance Notes: <a href="https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Jersey%20CRS%20guidance%20notes%2010272017%20VP.pdf">https://www.gov.je/SiteCollectionDocuments/Tax%20and%20your%20money/ID%20Jersey%20CRS%20guidance%20notes%2010272017%20VP.pdf</a>  And to Section III: Due Diligence for Preexisting Individual Accounts of the <i>OECD Implementation Handbook: Standard for Automatic Exchange of Financial Information in Tax Matters</i> :

	<a href="https://read.oecd-ilibrary.org/taxation/standard-for-automatic-exchange-of-financial-account-information-in-tax-matters-second-edition_9789264267992-en#page1">https://read.oecd-ilibrary.org/taxation/standard-for-automatic-exchange-of-financial-account-information-in-tax-matters-second-edition_9789264267992-en#page1</a>
<b>Q27</b>	<b>We have a corporate account registered on the AEOI portal which we use to file CRS and FATCA returns on behalf of our clients. We always state the name of the client entity (the RFI) as the sending company, however the email confirmations provide our corporate entity's name as the FI, instead of the client entity name. Is this a mistake or it is sufficient we provide the sending company name in the XML file?</b>
<b>A27</b>	Email confirmations generated by the AEOI Portal are issued in the name of the entity whose registered account on the Portal was used to submit the report, regardless of which entity or entities were named as RFIs in the report submitted.