



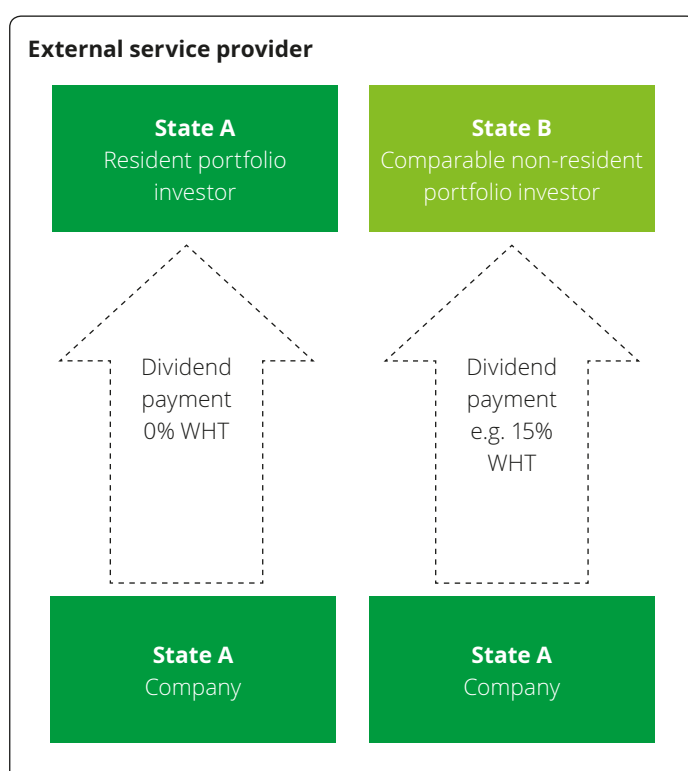
## EU Law based Withholding Tax Reclaims

### Opportunities for Swiss investment funds

Swiss investment funds can be entitled for a refund of discriminatory withholding taxes deducted on dividend payments from European stocks. Such refunds are based on EU law and are in addition to the withholding tax refunds potentially available under a double tax treaty.

#### Why could this be relevant for you?

All Swiss investment funds that suffered a discriminatory withholding tax treatment on portfolio investments in an EU member state may be eligible for a claim. This requires that a fund was invested in European stocks on a portfolio basis on which non-recoverable withholding taxes have been deducted. Further, a comparable investment fund in the local country must have suffered a lower tax cost on the same income and there was no reason to justify such discriminatory treatment.



#### What is the legal base?

The European Court of Justice (ECJ) confirmed in several court cases that discriminatory tax regimes are contradictory to EU law.

In April 2014 the ECJ decided in the EMS DFA Case (C-190/12) that the Polish tax treatment of outbound dividends to a U.S. investment fund was contradictory to EU law and discriminatory withholding taxes levied must be refunded.

This decision finally opened the door for third country investment funds, such as Swiss investment funds to claim back discriminatory withholding taxes suffered in EU member states.

## Why is professional assistance recommended?

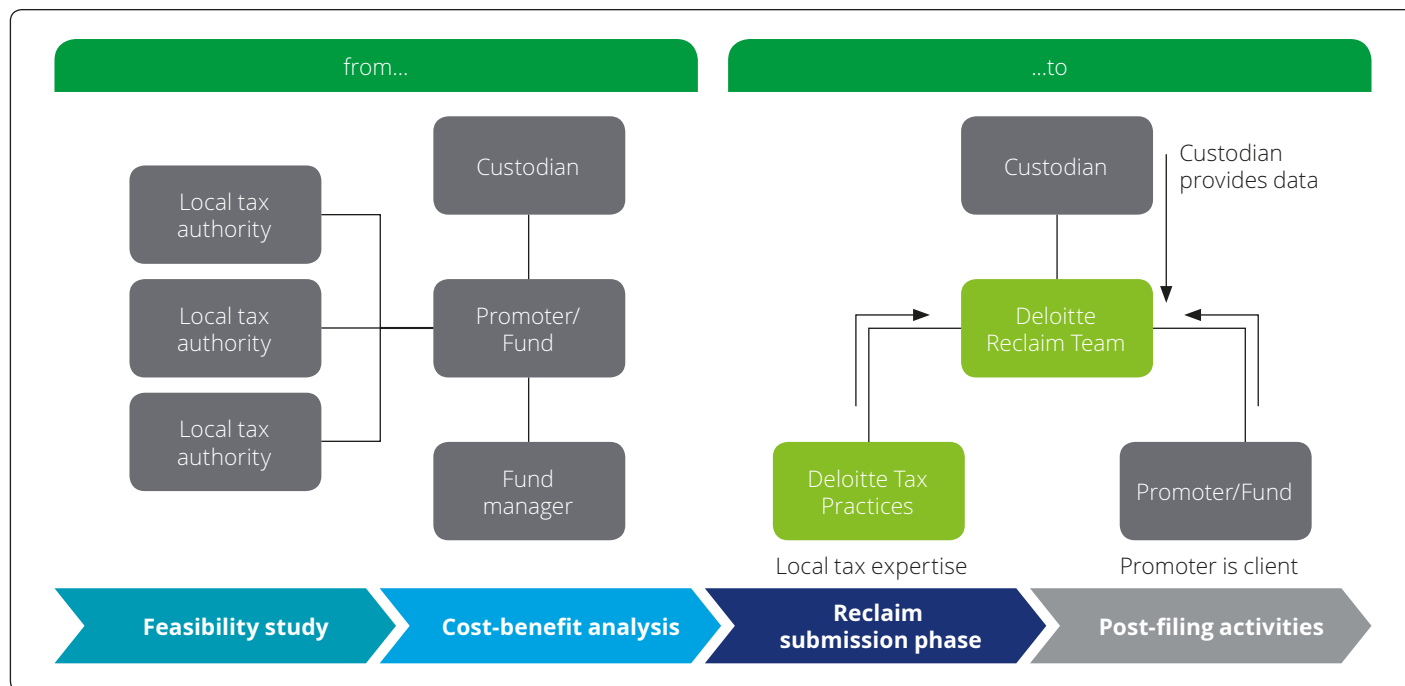
The EU member states that were forced to refund discriminatory withholding taxes have introduced strict requirements for documentation and substantiation for the claims to be accepted.

Deloitte helps you organize and speed up the data collection, documentation and filing process with the help of its own global network of subject matter experts and their established contacts with the respective tax authorities.

In the past few years, Deloitte has successfully supported a number of Swiss investment funds in their reclaims while helping them reclaim significant amounts.

## What is our process?

Deloitte takes care of the whole refund process from start to finish. All we require from you is the respective fund data and necessary documents from your custodian. All technical, administrative and procedural work will be outsourced to and taken care of by Deloitte.



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