

Operational Tax News

FATCA Update

12 June 2017

Updated Information for form W-8BEN-E

On 24 May 2017, the IRS has issued an update of the form W-8BEN-E, Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting (Rev. April 2016), that supplements the form and provides additional information for foreign persons submitting the form.

The update highlights some of the modifications introduced by the final and temporary regulations under chapters 3 and 4 of the Internal Revenue Code issued by the IRS on January 2017.

The main points of the update can be summarized as follows:

- Foreign TINs: foreign account holders of a financial account held at a US office of a financial institution that receives US source income must provide the taxpayer identification number (TIN) issued by its tax residence's jurisdiction on line 9b of the form. Nevertheless, the TIN can be omitted when:

(a) It has not been issued a TIN,

(b) The jurisdiction does not issue TINs, or

(c) The foreign person is a government, central bank of issue, international organization, or resident of a US possession.

In this case, the foreign person should provide the withholding agent with an explanation of why the TIN has not been issued on a separate attached sheet to the form W-8BEN-E or specify it in the margins of the form.

- Sponsored FFI, Sponsored Direct Reporting NFFE, and Nonreporting IGA FFI GIINs: as already informed in previous alerts, since 1 January 2017, a sponsored FFI that is a registered deemed-compliant FFI and a sponsored direct reporting NFFE, is required to obtain its own GIIN. The GIIN of the sponsored entity is reported on line 9a of form W-8BEN-E, but the GIIN of the sponsoring entity is no longer required to be entered on line 16 or 42. In addition, a Nonreporting IGA FFI (such as a Luxembourg-domiciled sponsored investment entity) that is a sponsored investment entity or controlled foreign corporation is no longer required to provide the GIIN of its sponsoring entity.



- Expiration of limited FFI and limited branch statuses: as limited FFI and limited branch statuses expired on December 2016, the reference to limited FFIs in line 5 should be disregarded. In addition, *"branch treated as nonparticipating FFI"* should be substituted for *"limited branch"* in line 11.
- Certain investments entities that do not maintain financial accounts: the wording in line 5 Part IX *"certified deemed-compliant investment advisors and investment managers"* will change to reflect its new name: *"certain investment entities that do not maintain financial accounts."*
- Electronic signatures: As included in the temporary regulations, Chapter 3 provides the possibility for electronically signed withholding certificates.

More information on this update can be found in the [IRS update](#).

Should you have any questions regarding the above, please do not hesitate to contact us.

Your contacts

Eric Centi

Partner - Tax - Global Financial Services

Industry

Tel/Direct: +352 451 452 162

ecenti@deloitte.lu

Pascal Eber

Partner – Operations Excellence

Tel/Direct: +352 451 452 649

peber@deloitte.lu

Nenad Ilic, CFA

Director - Tax - Global Financial Services

Industry

Tel/Direct: +352 451 452 046

neilic@deloitte.lu

Anthony Tremblier

Senior Manager - Tax - Global Financial

Services Industry

Tel/Direct: +352 451 452 203

atremblier@deloitte.lu

Alexandre Havard

Senior Manager – Operations Excellence

Tel/Direct: +352 451 453 148

ahavard@deloitte.lu

Deloitte Luxembourg

560, rue de Neudorf

L-2220 Luxembourg

Tel: +352 451 451

Fax: +352 451 452 401

www.deloitte.lu

Deloitte is a multidisciplinary service organisation which is subject to certain regulatory and professional restrictions on the types of services we can provide to our clients, particularly where an audit relationship exists, as independence issues and other conflicts of interest may arise. Any services we commit to deliver to you will comply fully with applicable restrictions.

Due to the constant changes and amendments to Luxembourg legislation, Deloitte cannot assume any liability for the content of this leaflet. It shall only serve as general information and shall not replace the need to consult your Deloitte advisor.

About Deloitte Touche Tohmatsu Limited:

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee, and its network of member firms, each of which is a legally separate and independent entity. Please see www.deloitte.com/lu/about for a detailed description of the legal structure of Deloitte Touche Tohmatsu Limited and its member firms.

Deloitte provides audit, tax, consulting and financial advisory services to public and private clients spanning multiple industries. With a globally connected network of member firms in more than 150 countries, Deloitte brings world-class capabilities and deep local expertise to help clients succeed wherever they operate. Deloitte has in the region of 200,000 professionals, all committed to becoming the standard of excellence.

© 2017 Deloitte General Services

Designed and produced by MarCom at Deloitte Luxembourg