



# China Services Group Seminar

德勤中国服务部

## Common Reporting Standard (CRS)

CRS金融账户涉税信息多边交换讲座

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# CRS roadmap CRS指南

The Common Reporting Standard (CRS) for the Automatic Exchange of Information was developed by the OECD to provide a framework for the collection, reporting and exchange of financial information between revenue authorities around the globe. It followed the implementation of the FATCA rules by the US Government and is based on very similar terms and requirements. The purpose is to assist in detection and deterring offshore tax evasion.

OECD制定的《金融账户涉税信息自动交换标准》中的CRS（共同报告标准）是为了提供给全球各国的税收机构一个收集，报告，交换金融账户信息的体系。CRS与美国政府设立的FATCA有很多共同之处。其目的在于提高税收透明度，打击利用跨境金融账户避税的行为。



# Entity classification 实体分类

## Depository institution

### 存款机构

- An entity that accepts deposits in the ordinary course of a banking or similar business.
- 银行或类似的机构，正常的业务过程中包括接受存款。

## Custodial institution

### 托管机构

- An entity that holds as a substantial portion of its business financial assets for the account of others.
- Substantial portion means at least 20% of the entities gross income is attributed to holding financial assets in the last three years (or since inception if shorter).
- 企业的大部分金融资产为代持的机构。
- “大部分”代表企业至少20%的总收入来自于过去三年（或自成立以来）持有的金融资产。

## Investment entity

### 投资机构

- Either:
- The entity “primarily” (50% or more) conducts as a business for or on behalf of customers specified investment activities. E.g trading in money market instruments, foreign exchange, swaps, futures; or
- It derives its income “primarily” from investing or trading in financial assets and is managed by another FI.
- 企业的“主要”业务（50%以上）是代表或是为了客户进行的指定投资活动，例如交易货币市场工具、外汇、掉期、期货交易；或是
- 企业“主要”收入来自于投资或交易金融资产，并由另一家金融机构代理。

## Specified Insurance Company

### 特定保险公司

- Any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.
- 发行或是有义务支付现金价值保险或年金保险的保险公司（或保险公司的控股公司）。

## Other considerations 其他考量:

- The OECD Standard is incorporated into the New Zealand law. [OECD标准已经融入在新西兰法律中。](#)
- A NZFI is defined as any FI that is incorporated in New Zealand, has its place of management in New Zealand, or is subject to financial supervision in New Zealand. This will include a branch regulated in New Zealand. [“NZFI（新西兰金融机构）”的定义为在新西兰注册成立的，或从新西兰管理的，或需受新西兰财务监督的任何FI（金融机构），包括受新西兰监管的分支/分行。](#)
- A Reporting NZFI (RNZFI) is any NZFI other than a Non Reporting NZFI (NRNZFI). [“RNZFI（须报金融机构）”的定义为不是“NRNZFI（非须报金融机构）”的NZFI。](#)
- A NRNZFI includes a Government entity (eg Central Bank), Broad participation retirement fund, Qualified credit card issuer and any other entity that the NZ Government determines. [“NRNZFI（非须报金融机构）”包括政府实体（如中央银行），广](#)

[泛参与退休基金、合格信用卡发行人和新西兰政府决定的任何其他实体。](#)

# Financial account identification

## 金融账户识别

Equity or Debt  
Interests

股权或债权

Depository  
Account

存款账户

Custodial  
Account

托管帐户

Cash Value  
Insurance  
Contract

现金价值保险合同

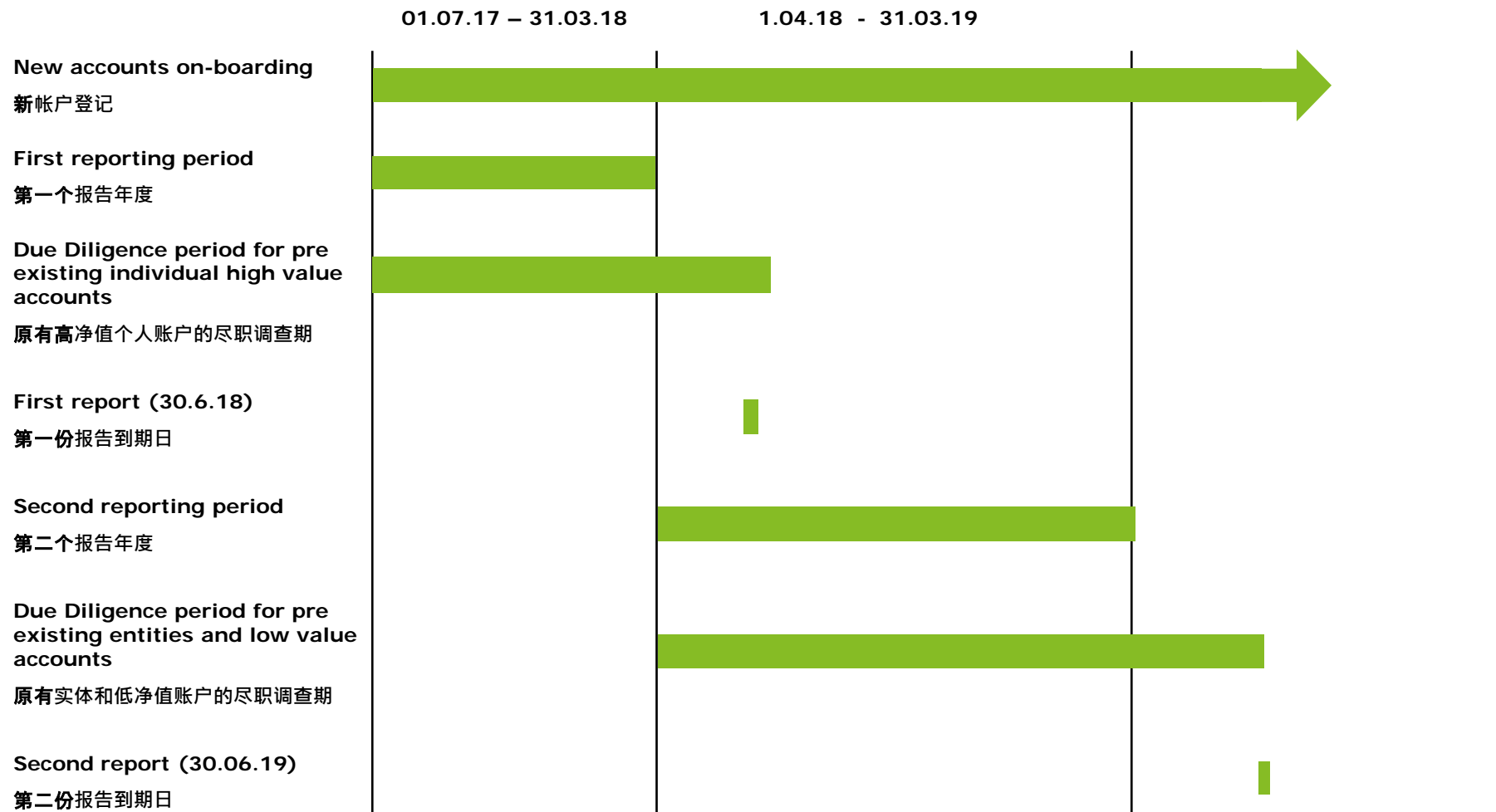
Annuity  
Contract

年金保险

### Excluded accounts include 不包括的账户:

- A Reporting FI 须报金融机构
- A listed entity 上市公司
- Retirement and pension accounts 退休金账户
- Estate accounts where deceased will or death certificate is held 遗产账户 (持有遗嘱或死亡证书)
- Escrow accounts 第三方保管帐户
- Accounts determined by the NZ Government to be excluded (still to be provided) 由新西兰政府决定被排除在外的账户 (尚待提供)

# CRS Time line CRS时间表



# New accounts opened from 1 July 2017

## 从2017年7月1日开启的账户

### Individuals 个人

- Obtain self certification from account holder of their 需开户人提供以下自我证明
  - i. Name 姓名
  - ii. Address 地址
  - iii. Tax Residence 税收居民情况
  - iv. TIN (where applicable) 税号 (如适用)
  - v. Date of Birth 生日
- RNZFI must validate self certification. Can rely on certificate unless it knows or has reason to know it is incorrect e.g. incomplete, information inconsistent, other known information is in conflict.
- RNZFI必须验证客户的自我认证，可以依靠证书（除非知道或有理由知道它是不正确的，如信息不完整，信息不一致，与其他已知信息存在冲突）。
- Should have procedures for changes. 须有更改程序的规定。
- There is no de minimis exclusion (compared with FATCA) 与FATCA相比，没有“最低”限制。

# New accounts opened from 1 July 2017 Cont...

## 从2017年7月1日开启的账户

### Entities (non-resident or passive NFE) 实体 (非居民或被动非金融外国实体)

- Obtain self certification from account holder of: 需开户人提供以下自我证明
  - i. Name 名称
  - ii. Address 地址
  - iii. Tax Residence 税收居民情况
  - iv. TIN (where applicable) 税号 (如适用)
- Validate against AML / KYC information 通过AML(反洗钱)/KYC(Know Your Customer)信息验证
- Where entity is a passive NFE: 如果为Passive NFE
  - i. identify entities controlling persons; 辨别实体控制人
  - ii. Obtain self certification from controlling persons. 获得实体控制人的自我证明

**RNZFI to keep records of self certification and procedures to obtain. Also maintain procedures to identify changes in circumstances.**

**RNZFI需保留自我认证及获得认证程序的记录，还要维持系统信息的更新。**

# Pre existing accounts due diligence (as at 1 July 2017)

## 原有账户的尽职调查 (从2017年7月1日起)

### Individuals 个人

- Low value accounts (<US\$1M) 低净值账户 (低于美金1百万)
  - Only required to report in 2019 (30.06.19) 只需在2019年通报 (2019年6月30日)
  - Residence address test **or** Indicia test (electronic records) 住址**或**记录测试 (电子记录)
  - Consider changes in circumstances 考虑情况的变化
- High value accounts (>US\$1M) 高净值账户 (高于美金1百万)
  - Required to report in 2018 (30.06.18) 需在2018年通报 (2018年6月30日)
  - Indicia test plus paper search if inconclusive; and 记录测试加上凭证搜查 (如果不确定)
  - Relationship manager test 客户经理测试
- If relevant foreign account holder must collect TIN and date of birth 必须收集相关外国账户持有人的税号和出生日期



# Pre existing accounts due diligence (as at 1 July 2017)

## 原有账户的尽职调查 (从2017年7月1日起)

### Entities 实体

- De Minimis (<US\$250,000) none required (test annually) 最低限制 (低于美金25万) 无需调查 (每年测试)
- Low value account (<US\$1M) 低净值账户 (低于美金一百万)
  - Reportable in 2019 (30.06.19) 需在2019年通报 (2019年6月30日)
  - Use AML / KYC information to determine whether entity is a foreign tax resident. If information indicate entity is non resident then treat as reportable. 通过AML/KYC信息了解实体是否为外国税务居民, 如果是非税务居民则需要通报。
  - If a New Zealand resident need to determine whether it is a Passive NFE, suggest self certification required. 如果是新西兰税务居民, 需要确定是否是被动NFE, 建议获得客户证明。
  - If a passive NFE required to determine whether controlling person is a relevant foreign tax resident. Suggest seek self certification. 如果是被动NFE, 需要确定实体控制人是否为外国税务居民, 建议获得客户证明。
  - Passive NFE is an entity that has at least 50% passive income (interest, dividends, royalties). 被动NFE 是一个拥有至少50%被动收入 (利息, 分红, 专利费) 的实体。
- High value accounts (>US\$1M) 高净值账户 (高于美金一百万)
  - Reportable in 2019 (30.06.19)需在2019年通报 (2019年6月30日)
  - Must obtain self certification 必须获得客户证明

# Reporting 通报

Must report reportable accounts where reportable person is from a reportable jurisdiction (approx. 100, incl China)

必须披露来自可通报的司法辖区的可通报帐户（约100个国家，包括中国）

May report on other jurisdictions 可以披露其他的司法辖区

Report 通报内容:

i. Identity information, e.g. name, address, tax residency status, TIN, date of birth. Also relevant information of controlling persons where passive NFE. 身份信息，如姓名，地址，税务居民情况，税号，生日，以及被动NFE控制人的相关信息。

ii. Financial account information including balances and income amounts. 金融账户信息，包括余额和收入金额。

# CRS Penalties 罚金

## NZRFI 新西兰需通报金融机构

- Civil = \$300 per failure capped at \$10,000 per year 民事处罚：每次\$300，每年最高罚款\$10,000
- Lack of reasonable care = \$20,000 for first failure, \$40,000 for each subsequent up to \$100,000 per year. 没有尽到合理注意的义务：第一次\$20,000，以后每次\$40,000，每年最高罚款\$100,000
- Criminal = \$25,000 for first offence \$50,000 for subsequent offences. 刑事处罚：第一次\$25,000，以后每次\$50,000

## Account holders 账户持有人

- Civil = \$1,000 per offence 民事处罚：每次\$1,000
- Criminal = \$25,000 for first offence, \$50,000 thereafter. 刑事处罚：第一次\$25,000，以后每次\$50,000

# Application of CRS to trusts

## 信托

- A trust could be a NZRFI e.g. where more than 50% of income from financial assets and investments are managed by an external manager (eg DIMS).

信托也可以是一个NZRFI，例如其50%以上的金融资产和投资收益是由外聘管理者（如DIMS）进行管理。

- A non FI trust could be reportable 一个非金融机构的信托也可能需要通报：
  - If trust non resident = reportable 如果信托是非税务居民
  - If trustee is a passive NFE and any foreign controlling person = reportable 如果信托是一个被动NFE并由外国控制人掌控
    - Passive NFE if more than 50% of income from passive income 被动NFE是指被动收入超过总收入50%的个体
    - Controlling person is the natural person(s) who have control over the trust including: Trustee, settler, beneficiaries. 控制人是控制信托的自然人，包括：受托人，委托人，受益人。



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