



**STANDARD
FOR THE
AUTOMATIC EXCHANGE
OF
FINANCIAL ACCOUNT
INFORMATION
GUIDELINES
SAINT LUCIA**

VERSION 4.0

June 2020

Table of Contents

1	ABBREVIATIONS	5
2	GLOSSARY OF TERMS	6
3	CRS FACT SHEET	17
4	INTRODUCTION	18
5	DETERMINATION OF RELEVANT JURISDICTION	20
6	DETERMINE IF AN ACCOUNT REPORTABLE.....	21
7	REQUIRED INFORMATION.....	24
7.1	General Reporting Requirements:	24
7.1.1	Payments to be reported by Account Type	25
	Custodial account.....	25
	Depository account	25
7.1.2	Fillers to be used when filing	27
7.1.3	Special Rules.....	28
7.1.4	Jointly Held Accounts	28
7.1.5	Closed accounts.....	29
8	DUE DILIGENCE REQUIREMENTS	29
8.1	PRE EXISTING ACCOUNTS.....	30
8.1.1	Pre existing Individual Accounts	30
8.1.2	Pre existing Entity Accounts.....	34
8.2	NEW ACCOUNTS.....	36
8.2.1	New Individual Accounts.....	36
8.2.2	New Entity Accounts	37
8.3	SPECIAL DUE DILIGENCE RULES.....	38
8.3.1	General	38
8.3.2	Cash Value Insurance and Annuity Contracts	39
8.3.3	Group Cash Value Insurance and Annuity Contracts	39
8.3.4	Aggregation Rules	40
8.3.5	Relationship Manager	40
8.3.6	Currency Rule	40

8.3.7	Undocumented Accounts.....	41
8.3.8	Look Through Provision.....	42
9	FILING A CRS REPORT	44
9.1	CREATE A FILING	44
9.2	CRS XML UPLOAD FILING	45
9.2.1	Errors in CRS XML Filing Submission	47
9.3	CRS MANUAL ENTRY FILING.....	49
9.3.1	Submitting a CRS Manual Report.....	62
9.4	FILING A NIL REPORT.....	64
9.5	CORRECTING A CRS SUBMISSION	71
9.5.1	Delete records when:.....	71
9.5.2	Correct records when:.....	71
9.5.3	Manual Correction of CRS filing	71
9.5.4	XML Correction of CRS Filing.....	75
10	MONITORING AND AUDITING.....	75
10.1	Audits	75
11	CONFIDENTIALITY.....	76
12	REFERENCES	77
13	APPENDIX	78

List of Diagrams

Diagram 1	Reporting Saint Lucia Financial Institution	20
Diagram 2	Types of Accounts and Treatment.....	22
Diagram 3	Determine if an Account is Reportable	23
Diagram 4	Required Information for CRS Reporting.....	26
Diagram 5	Payments to be Reported.....	27
Diagram 6	Approved Fillers.....	28
Diagram 7	Look through provision.....	43
Diagram 8	Creating a CRS Filing 1	44
Diagram 9	Creating a CRS Filing 2	45
Diagram 10	Filing a CRS XML Report 1	45
Diagram 11	Filing a CRS XML Report 2.....	46
Diagram 12	Filing a CRS XML Report 2.....	46
Diagram 13	Filing a CRS XML Report 3.....	47

Diagram 14 Filing a CRS XML Report 4.....	47
Diagram 15 Review CRS XML Upload Error 1.....	48
Diagram 16 Review CRS XML Upload Error 2.....	48
Diagram 17 CRS XML Error Report.....	49
Diagram 18 Create CRS Manual Entry Filing 1.....	49
Diagram 19 CRS Manual Entry General Information 1.....	50
Diagram 20 CRS Manual Entry General Information 2.....	51
Diagram 21 CRS Manual Entry General Information 3.....	51
Diagram 22 CRS Manual Data Entry 1.....	52
Diagram 23 CRS Manual Data Entry 2.....	52
Diagram 24 CRS Manual Data Entry 3.....	53
Diagram 25 CRS Manual Data Entry 4.....	54
Diagram 26 CRS Manual Data Entry 5.....	55
Diagram 27 CRS Manual Data Entry 6.....	56
Diagram 28 CRS Manual Data Entry 6- Entering Individual Account Holder Information.....	57
Diagram 29 CRS Manual Data Entry 7 Entity Account Holder Information.....	58
Diagram 30 CRS Manual Data Entry 8 Entity Account Information.....	58
Diagram 31 CRS Manual Data Entry 9- Adding Controlling Persons.....	59
Diagram 32 CRS Manual Data Entry 10 Adding Controlling Person Information.....	60
Diagram 33 CRS Manual Entry 11 Controlling Person Type.....	61
Diagram 34 CRS Manual Data Entry 12- Entering Account Information.....	62
Diagram 35 Submit CRS Manual Filing 1.....	62
Diagram 36 Submit CRS Manual Filing 2.....	63
Diagram 37 Submit CRS Manual Filing 3.....	63
Diagram 38 Submit CRS Manual Filing 4.....	63
Diagram 39 Submit CRS Manual Filing 5.....	64
Diagram 40 CRS Manual Filing NIL Report 1.....	64
Diagram 41 CRS Manual Filing NIL Report 2.....	65
Diagram 42 CRS Manual Filing NIL Report 3.....	65
Diagram 43 CRS Manual Filing NIL Report 4.....	66
Diagram 44 CRS Manual Filing NIL Report 5.....	67
Diagram 45 CRS Manual Filing NIL Report 6.....	68
Diagram 46 CRS Manual Filing NIL Report 6.....	69
Diagram 47 CRS Manual Filing NIL Report 7.....	69
Diagram 48 CRS Manual Filing NIL Report 8.....	70
Diagram 49 CRS Manual Filing NIL Report 9.....	70
Diagram 50 CRS Manual Filing NIL Report 10.....	71
Diagram 51 CRS Manual Correction Filing 1.....	72
Diagram 52 CRS Manual Correction Filing 2.....	72
Diagram 53 CRS Manual Correction Filing 3.....	73
Diagram 54 CRS Manual Correction Filing 4.....	73
Diagram 55 CRS Manual Correction Filing 5.....	74

Diagram 56 CRS Manual Correction Filing 6	74
---	----

List of Tables

Table 1 Determination of the jurisdiction where an entity is located	21
Table 2 Treatment of jointly held accounts	29
Table 3 Summary of Pre existing Individual Accounts	30
Table 4 Due Diligence Procedures for Pre existing Low Value Accounts	30
Table 5 Due Diligence Procedures for Pre existing High Value Accounts	32
Table 6 Due Diligence of Pre existing Entity Accounts	34
Table 7 Due Diligence for New Individual Accounts	36
Table 8 Due Diligence New Entity Accounts	37
Table 9 When is an account deemed UNDOCUMENTED?	41

1 ABBREVIATIONS

AEOI- Automatic Exchange of Financial Account Information

AML- Anti Money Laundering

CA- Competent Authority

CRS- Common Reporting Standard

FATCA- Foreign Account Tax Compliance Act

FATF- Financial Action Task Force

FI- Financial Institution

KYC- Know Your Client

MAC- Multilateral Convention on Mutual Administrative Assistance in Tax Matters

NFE- Non Financial Entity

OECD- Organization for Economic Cooperation and Development

TIN- Tax Identification Number

USD- United States Dollar

2 GLOSSARY OF TERMS

Account Holder Person listed or identified as the holder of a financial account. [Person(s) holding financial account(s) on behalf of others (agent, custodian, nominee, signatory, and investment advisor, intermediary) are not deemed account holders]. In the case of cash value insurance contract or annuity contract each person entitled to payment is an account holder.

Active NFE (Non Financial Entity) A non financial entity (NFE) which meets any of the criteria below:

- a. Less than 50% of the entity's gross income for the reporting period is passive income and less than 50% of the assets held by the entity for the period produce or are held for the production of passive income;
- b. The stock of the NFE is traded on established securities markets regularly (a meaningful volume of stock is sold on a regular basis in an established securities market).
- c. The NFE is a government entity, international organization, central bank or wholly owned by one or more of these entities;
- d. Most of the NFE's activities consist of holding outstanding stock of, or providing financing and services to one or more subsidiaries that engage in trades or businesses which are not that of a financial institution. (Investment funds such as private equity funds; venture capital funds; leveraged buyout funds; or any such fund which exist to acquire or fund companies and hold interests in these; in the form of capital assets which will be used for investment purposes do not qualify for this status);
- e. The NFE is not operating a business and has no prior operating history (but invests capital into assets; with the intention of operating a business other than a financial institution. Entity does not qualify for FI status 24 months after its initial date of organization);
- f. NFE was not a financial institution in the past five years and is in the process of liquidating assets or reorganizing to recommence business (but not as a financial institution);
- g. NFE primarily engages in financing and hedging transactions with **only** related entities which are not financial institutions; provided that the group is primarily not engaged in the business of a financial institution.
- h. The NFE meets all the criteria below:
 - i. It is **established and operated in its jurisdiction** of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic or educational purposes; or **operated in its jurisdiction of residence** as a professional organization, business league, chamber of commerce, labour organization, agricultural or horticultural organization, civic league established exclusively to promote social welfare;
 - ii. It is exempt from income tax in its jurisdiction of residence;
 - iii. It has no shareholders or members who have proprietary or beneficial interest in its income or assets;
 - iv. Applicable laws of its jurisdiction of residence or the entity's formation documents prevent the assets of the NFE from accruing to private individuals or a non charitable entity (except

			through the entity's charitable activities, or reasonable payment for services, or payments made at fair market value);
			v. Upon its dissolution, all the entity's assets will be distributed to a government entity or political subdivision or other non-profit organizations.
Annuity Contract			Contract where an issuer agrees to make payments for a predetermined period which is usually determined by the life expectancy of the individual(s). Said contract is also considered to be an annuity by law, regulation or practice in the jurisdiction of issuance.
Beneficial Owner			Is the natural person(s) who ultimately owns or controls a customer and/or the natural person(s) on whose behalf transaction(s) are conducted. It also includes persons who exercise ultimate effective control over a legal person or arrangement.
Broad Participation Retirement Fund			<p>Fund which provides retirement, disability or death benefits (or a combination of these) to current or former employees (or the designates) of more than one employer in consideration of services rendered.</p> <p>Provided that the fund does not have a single beneficiary with right to more than 5% or the fund; is subject to government regulation and provides information to the tax authorities and satisfies at least one of the criteria below:</p> <ul style="list-style-type: none"> ○ Investment income of the fund is tax favoured (either exempt, taxed a reduced rate or taxes on income are deferred); ○ At least 50% of total contributions are received from the sponsoring employers; ○ Distribution or withdrawal from the funds are only allowed if certain conditions are met; ○ Contributions made by employees are limited (must be a proportion of income earned and must not exceed 50,000 USD).
Cash Value			<p>The greater of the amount:</p> <ol style="list-style-type: none"> i. Policy holder is entitled to upon surrender or termination of the contract or ii. Policy holder can borrow under or with regard to the contract. <p>Does not include amounts paid under an insurance contract which :</p> <ul style="list-style-type: none"> ○ Are paid solely by reason of death of the insured party; ○ Are personal injury or sickness benefit or benefits in relation to economic loss paid as a result of an the occurrence event insured against; ○ Are refunds of a previously paid premium due to cancellation or termination, decrease in risk exposure during a period, or error correction (other than an investment linked insurance or annuity contract); ○ Are dividends paid to a policyholder (other than termination dividend); ○ Are paid as a return of an advance premium or premium deposit for an insurance contract, where the premium is payable at least annually (provided that advance premium or premium deposit does not exceed the annual premium payable).

Cash Value Insurance Contract	An insurance contract (other than an indemnity reinsurance contract between insurance companies) which has a cash value.
Central Bank	Principal authority issuing currency by law or government sanction. Whether or not it is owned by the jurisdiction.
Controlling Person	The natural person(s) who exercises ultimate control over an entity. (Said individual owns more than 25% shares or voting rights). In the case of trusts this is the settler, trustee, protector and beneficiaries and any other persons who have control over the trusts. <i>(This term corresponds to the definition of beneficial owner described in recommendation 10 of the FATF recommendations and Interpretative Notes.)</i>
Custodial Account	An account (except an insurance or annuity contract) which holds one or more financial assets for the benefit of other person(s).
Custodial Institution	An entity which earns 20% or more of its gross income from holding financial assets for the account of others (<i>during the shorter of the three year which ends on Dec 31st (or final day of the accounting year or the period) prior to the year the determination is being made or the time within which the entity has been in existence.</i> Some custodian institutions include custodian banks, brokers and central security depositories. Income earned from financial assets includes custody fees, account maintenance fees and transfer fees, commissions, fees from executing and pricing securities transactions, fees for advisory services on assets, fees for clearance and settlement services.
Depository Account	Includes any commercial chequing, savings, time, thrift account, or an account which has a certificate of deposit, thrift certificate, investment certificate, certificate of indebtedness, or other similar instrument maintained by a financial institution in the ordinary course of banking or similar business. It also includes an account held by an insurance company in relation to a guaranteed investment contract or similar agreement to pay or credit interest on such account.
Depository Institution	An entity that accepts deposits in the ordinary course of banking or a similar business. This institution should regularly engage in at least one of the following: <ul style="list-style-type: none"> a) make personal, mortgage and industrial extensions of credit; b) purchase and sell, discount or negotiate accounts receivable, instalment obligations notes, drafts, cheques, bills of exchange, acceptances or other evidence of indebtedness. c) Issue letters of credit and negotiate related drafts d) provide trust and fiduciary services e) finance foreign exchange transactions f) Enters into, purchases or disposes of finance leases or leased assets. An entity which solely accepts deposits in the form of collateral or security in relation to the sale or lease of property or similar arrangement is not deemed to be a depository institution. Some examples of depository institutions include commercial banks, savings and loans associations, credit unions.
Documentary Evidence	Includes: A certificate of residence issued by an authorized government body which shows that the individual is a resident;

Valid identification issued by a government body;
Any official document issued by an authorised government body that shows either the principal address of an entity or the jurisdiction in which it was established or organized;
Any audited financial statement, third party credit report, bankruptcy filing or securities regulator report.

Dormant Account

An account (other than an annuity contract) is considered dormant if the account holder has not initiated any transactions with the account or other accounts held by the institution for the past three years; if the account holder has not communicated with the FI regarding the account or other accounts held by the institution for the past six years; it is so deemed dormant under applicable laws and regulations or normal operating procedures (if they are similar to the foregoing stipulations).

An account therefore ceases to be dormant once the client conducts transactions or communicates with the bank or is deemed active by local laws and regulations.

The balance or value of dormant accounts must be reported. However, in accordance with S.I. 8 of 2019, *Designation of an Excluded Account*; **a dormant account with a balance of less than one thousand 1,000 USD, which meets the criteria above, is not a reportable account.**

Effective Place of Management

Is the location where the key management and commercial decisions of an entity are made. An entity can only have **one effective place of management at a time** (whether or not there are different places of management).

Equity Interests

Capital or profit interests in a partnership; interests held by the settlor or beneficiary of a trust or natural person who has control over a trust.

(A reportable person will be considered the beneficiary of the trust if the person can receive mandatory or discretionary distributions from the trust (whether directly or indirectly).

The beneficiary of a discretionary trust will only be deemed beneficiary if a distribution has been paid or made payable.

Established Securities Market

An exchange which is officially recognised and supervised by a government authority.

Excluded Account

- a. In accordance with S.I. 119 of 2017 and S.I. 8 of 2019, (*Designation of an Excluded Account*):
 - i. A pension fund approved under Section 63 of the Income Tax Act Cap 15.02.
 - ii. A dormant account with a balance of 1,000 USD or less where the account holder has not conducted transactions for three years or as not communicated with the reporting financial institution for at least six years (in relation to said account or any other managed by the institution).

In the case of an annuity contract the financial institution has not communicated with the account holder for at least six years.

In general, an excluded account has the following meaning:

- b. A retirement or pension account which:
 - i. Is subject to regulation;
 - ii. Is tax favoured (contributions are tax deductible, or taxed at a lower rate, or tax on investment income of which is deferred or taxed at a reduced rate);
 - iii. Is required to be reported to tax authorities;
 - iv. Has conditional withdrawals (based on retirement age, disability, death, or where penalties apply for early withdrawal);
 - v. Has a limit on annual contributions (not over 50,000 USD and has a maximum lifetime contribution which is less than 1,000,000 USD).
- c. Non retirement tax favoured accounts which satisfies the following:
 - i. It is a non retirement account which is regulated as an investment vehicle and is regularly traded on the securities market;
 - ii. The account is tax favoured;
 - iii. Has conditional withdrawals (based on retirement age, disability, death, or where penalties apply for early withdrawal);
 - iv. Annual contributions are limited to 50,000 USD or less.
- d. A life insurance contract with a coverage period which ends before the insured reaches the age of 90 if the contract:
 - i. Has periodic annual premiums which do not decrease overtime while the contract is in existence or till the insured is 90 years old;
 - ii. No contract value will be withdrawn without terminating the contract;
 - iii. The amount payable upon cancellation or termination cannot exceed the aggregate sums paid for the contract, less the sum for mortality, morbidity and expense charges over the life of the contract; and any amounts paid prior to the cancellation or termination of the contract;
 - iv. The contract is not held by the transferee for value.

An account held solely by an estate if its associated documents include the deceased will or death certificate.

- e. Escrow accounts formed:
 - i. By court order or judgment;
 - ii. The sale, exchange or lease of real or personal property where:
 - o The account is funded solely with a down payment, earnest money , deposit to secure a transaction or similar payment, or is

funded by a financial asset deposited in relation to a sale, exchange or lease;

- The account is established and used solely to secure an obligation on the part of the purchasers to facilitate the purchase of property, for the seller to pay a contingent liability, or for the lessor and lessee to pay for damages related to a leased property;
- The assets of the account will accrue to the purchaser, seller, lessor to lessee, when the property is sold, exchanged or the lease is terminated;
- The account is not a margin or similar account established in connection with the sale or exchange of financial assets.
- The financial institution servicing the loan is obligated to set aside a portion of the payments to pay taxes or insurance related to the property at a later time.

f. A depository account which:

- i. Exists because a depositor makes an excess payment with respect to the balance due on a credit card or other revolving credit facility. The overpayment is not immediately refunded.
- ii. Beginning on or before January 1st 2017 the financial institution makes arrangements to prevent the overpayment of deposits in excess of 50,000 USD or to ensure that such overpayments are returned within 60 calendar days. (Balance does not include disputed charges or monies used to make purchases).

g. Any other low risk account meaning that such account has a low risk of being used to evade taxes as listed by law (Please see a , above).

Exempt Collective Investment Vehicle

An investment entity which is regulated as a collective investment vehicle provided that all of the interests in the collective vehicle, whether individuals or entities are not reportable persons. (Except a passive NFE with controlling persons who are reportable persons).

Financial Account

An account maintained by a financial institution. This includes i) a depository account ii) a custodial account iii) debt and equity interests in certain investment entity iv) a cash value insurance and v) an annuity contracts issued or maintained by a financial institution (Except non investment-linked, non transferable immediate life annuity which is issued and monetized in a pension or disability benefit placed in an excluded account).

Financial account does not include interests in an entity which exists to give investment advice; act upon or behalf of customers or manage customer portfolios in the process of investing; managing or administering financial assets deposited in the name of the customer with another financial institution.

Any debt or equity interests created to avoid reporting.

Financial account does not include an excluded account. See S.I. 119 of 2017 and S.I. 8 of 2019.

Financial Asset Includes securities, partnership interest, commodity, swap, insurance or annuity contract, any interest in the aforementioned instruments, but does not include a non debt , direct interest in real property

Financial Institution Custodial, depository, special insurance company or investment entity.

Government Entity The government of a jurisdiction, any political subdivision (state, county, municipality) or any wholly owned agency or instrumentality of a jurisdiction (including integral parts and controlled entities).

- Integral part means any person, organization, agency, bureau, fund, instrumentality or other body that forms part of the governing authority of a jurisdiction. Net earnings must accrue to the government’s accounts. No portion must go to individuals. This definition does not include a private person or individual affiliated or working with government in his/her private capacity.
- A controlled entity means an entity separate in form from the government but wholly owned and controlled by governmental entities (whether directly or through other entities); entities net earnings must be credited to the accounts of government entities and no portion must go to private individuals; the entity’s assets must be vested in one or more government entities upon its dissolution.

(Income is not deemed to benefit private individuals if it paid from government assisted programmes intended for the common welfare of the general public).

Group Annuity Contract Group contract where obligees are affiliated through an employer, trade association, labour union or any such group.

Group Cash Value Insurance Provide group coverage to persons affiliated through an employer, trade association, labour union or any such group; charges are uniformed per class (not determined by health or personal characteristics of members).

High Value Account Means a pre-existing individual account with aggregate balance(s) or values that exceed 1,000,000 USD as at December 31st 2016 or December 31st of any subsequent year. Once an account is identified as a high value account it maintains this status until it closes.

Insurance Contract A contract (other an annuity contract) where the issuer agrees to pay a certain sum upon the occurrence of an event (death, accident, injury, property risk etc.).

International Organization Any international organization or wholly owned agency of such an organization and includes intergovernmental organisations (which consist primarily of governments; that has a headquarters or similar agreement with the jurisdiction. The income of such an organization must not accrue to private individuals).

Investment Entity	<p>An entity which earns more than 50% of its gross income from trading in money market instruments (cheques, bills, certificates of deposit, derivatives etc.), transferable securities, or commodity futures trading, foreign exchange, interest rate and index instruments; individual and collective portfolio management; or investing, administering or managing financial assets on behalf of persons.</p> <p><i>(During the shorter of the three year which ends on Dec 31st (or final day of the accounting year or the period) prior to the year the determination is being made or the time within which the entity has been in existence.)</i></p> <p>Investment Entity does not include an active NFE.</p> <p>Some examples of investment entities include collective investment vehicles, hedge funds, mutual fund, private equity fund, and venture capital fund.</p>
Lower Value Account	<p>Means a pre-existing individual account with balance or value that did not exceed 1,000,000 USD on December 31st 2016</p>
Narrow Participation Retirement Fund	<p>Fund which provides retirement, disability or death benefits (or combination) to current or former employees of more than one employer in consideration of services rendered provided that the fund:</p> <ul style="list-style-type: none"> ○ Has fewer than 50 participants; ○ Is sponsored by one or more employers which are not investment entities or passive NFEs; ○ Contributions (both from employee and employer) are limited (must reference income earned); ○ Participants, that are not residents of the jurisdiction in which it is established, are not entitled to more than 20% of the fund’s assets; ○ Is subject to government regulation and provides information to tax authorities.
Non reportable Person	<p>Includes person(s) in the categories below</p> <ul style="list-style-type: none"> ○ A corporation with stocks which are regularly traded on established securities market (and any other related entity of such a corporation) ○ A Government Entity ○ An International organisation ○ Central Bank ○ Financial Institution
Non Reporting Financial Institution	<p>In accordance with S.I. 107 of 2017 and S.I. 7 of 2017 (Designation of Non-Reporting Financial Institution) Order, the following entities are non reporting financial institutions:</p> <ol style="list-style-type: none"> 1) The National Insurance Corporation in relation to the Pension fund established under Section 3 of the National Insurance Corporation Act Cap 16.01. 2) Accountant General’s Department 3) The Eastern Caribbean Central Bank 4) Invest Saint Lucia

5) The Education Trust Fund established under the Education Trust Fund Act, Cap. 18.04”.

In general however, the following types of financial institutions are generally categorised as non reporting financial institutions:

- a) A government entity, international organization, central bank (except with respect to payments derived from commercial financial activities engaged in by a specified insurance company, custodial institution or depository institution).
- b) Broad participation retirement fund; narrow participation retire fund; pension fund of government entity, international organization or central bank, qualified credit card issuer.
- c) Any other entity at low risk of evading tax (*similar to a and b above*). Must be defined in domestic law as a non reporting financial institution.
- d) Exempt collective investment vehicle. (See pages 170 and 171 of the Standard for the Automatic Exchange of Financial Account Information in Tax Matters, for further details on low risk entities).
- e) A trust where the trustee is a reporting financial institution which reports all required information on the reportable accounts of the trust.

Participating Jurisdiction Financial Institution

Includes a i) financial institution resident in a participating jurisdiction (but excludes the branch of a financial institution located in another jurisdiction), ii) and any branch of a non resident financial institution located in the participating jurisdiction.

And entity is considered to be resident if it is subject to laws made in the jurisdiction. A trust is considered subject to a jurisdiction if one or more of its trustees are resident in the participating jurisdiction unless the trust reports all information to another participating jurisdiction where it is tax resident.

If a financial institution does not have any tax residency, then it is treated as a resident in a jurisdiction where is has been incorporated by law; has a place of management or is subject to financial supervision.

Passive Income

Generally includes interest; dividends; income equivalent to interest; rents and royalties; annuities; excess of gains over loss from sale or exchange of financial assets; excess of gains over losses from transactions in financial assets, excess of foreign currency exchange gains over losses; net income from swaps, amounts received under cash value contracts.

Passive NFE

NFE which is not an Active NFE or investment entity as described in A(6)(b). (which is not in a participating jurisdiction) The controlling persons of passive NFEs may be reportable persons.

Person

Includes an individual, a trust, a body corporate or an unincorporated body and a partnership and every other juridical person. (International Tax Cooperation Act Cap 15.41).

Pre-existing Account	An account existing by December 31st 2016 . May be an individual account (held by one or more individuals) or an entity account (held by one or more entities).
Publicly Available Information	Includes information provided by authorised government body, information in a publicly accessible register maintained or authorised by an authorised government body; information available on an authorised securities market; publicly accessible information obtained from a coding system developed by a chamber of commerce or trade organisation.
Qualified Credit Card Issuer	Financial institution which: Solely issues credit cards and accepts deposits only when customers make an overpayment. The overpayment is not immediately returned. From Jan 1 st 2017 the issuer has policies and procedures in place to prevent overpayments in excess of 50,000 USD from being made or to ensure that such overpayments are returned within 60 days (disputed charges are not taken into consideration here). New FI must have this measure in place within 6 months of being formed or organised.
Regularly Traded	A meaningful volume of stock is sold on a regular basis in an established securities market.
Related Entity	Where one entity has control (more than 50% vote and value in the entity) of another entity or when entities are under common control or common management.
Reportable Account	An account held by one or more reportable person or by a passive NFE with controlling person(s) that are reportable persons, provided that this can be shown by employing the due diligence procedures of the CRS.
Reportable Jurisdiction Person	Individual or entity that is resident, for tax purposes , in a reportable jurisdiction, or the estate of a deceased individual in a reportable jurisdiction. For entities which have no place of residence, for tax purposes, (e.g. partnership, limited liability partnership, or similar legal arrangements) the place of effective management is the jurisdiction of residence.
Reportable Person	Person in a reportable jurisdiction who is not exempt.
Reporting Financial Institution	A participating jurisdiction financial institution which is not a non reporting financial institution. All units, offices and businesses of a reporting financial institution shall be treated as a single branch.
Self Certification	Is a certification by the Account Holder that provides the Account Holder's status and any other information that may be reasonably requested by the Reporting Financial Institution to fulfill its reporting and due diligence obligations, such as whether the Account Holder is resident for tax purposes in a Reportable Jurisdiction or the type of business the entity engages in. With respect to New Individual Accounts, a self-certification is valid only if it is signed (or otherwise positively affirmed) by the Account Holder, it is dated on or before its date of receipt, and it contains the Account Holder's: a) Name b) Residence address c) Jurisdiction(s) of residence for tax purposes d) TIN with respect to each Reportable Jurisdiction

e) Date of birth

Persons with authority to sign a self certificate of an entity generally include director or officer of a corporation, a partner in a partnership, a trustee of a trust and equivalent titles or forms.

Self certification may be provided in various forms (electronically, scanned documents, hard copy).

If the validity of the self –certification cannot be ascertained (within 90 days of an inquiry) , then the reporting financial institution must report the account holder as resident in both the jurisdiction on the original self certification form and any other jurisdictions in which the account holder may be resident.

Inconsequential errors on a self certification may be overlooked provided that there is sufficient documentary evidence to cure the error. Contradictory information is not deemed inconsequential.

Self certification must be deemed reasonable.

Special Insurance Company

An insurance company or holding company of an insurance company which is obligated to make payments to fulfil cash value insurance contracts and/or annuity contracts.

The company is regulated as an insurance business by law, gross income arising from insurance exceeds 50% of gross income, aggregate value of assets associated with insurance, at any time during the preceding year , exceeds 50% of the total assets.

Undocumented Account

An account for which neither documentary evidence nor self certification have been received.

3 CRS FACT SHEET

IRD CRS Portal	aeoi.govt.lc
CRS Due Date	31 st July of every year (HOWEVER, DEADLINE FOR 2020 IS OCTOBER 15TH 2020)
CRS Schema	https://www.oecd.org/tax/automatic-exchange/common-reporting-standard/schema-and-
CRS Legislation	http://slugovprintery.com/template/files/document_for_sale/laws/3919/Act%2022%20of%
Email Queries to	aeoisupport@ird.gov.lc
List of Exchange Partners	http://irdstlucia.gov.lc/index.php/fatca-section/automatic-exchange-of-information

4 INTRODUCTION

The Automatic Exchange of Financial Account Information (AEOI) became a global standard in 2013 and was derived from Article 26 of the OECD Model Tax Convention. Under this regime, reporting financial institutions are required to provide information related to reportable financial accounts held by non resident individuals, from reportable jurisdictions. The list of reportable jurisdictions with respect to Saint Lucia is available on the Inland Revenue Department website¹. Saint Lucia currently has over ninety (90) exchange partners under AEOI (see pages 80 and 81).

AEOI emerged out of the need for sovereigns to protect much needed government revenue². This need has become more critical as globalization has made it easier for taxpayers to hold and manage their assets outside of their country of residence. A global approach to combat tax evasion and avoidance is therefore required to ensure that persons do not shift assets to avoid the correct reporting of income.

The Common Reporting Standard (CRS) and its associated commentaries provide the reporting and due diligence standards which must be used by jurisdictions to gather and transmit financial account information. In an attempt to reduce costs and maximize efficiency, the CRS was developed in a manner very similar to the intergovernmental approach used for the Foreign Account Tax Compliance Act (FATCA). A standardized reporting approach was also adopted to simplify the exchange process. The use of this approach was critical, as the use of different platforms and schemata to exchange information with different countries would undoubtedly prove challenging.

Saint Lucia signed the Multilateral Convention on Mutual Administrative Assistance in Tax Matters (MAC) in November 2016 and submitted the first AEOI reports in September 2018. **The deadline for all reporting**

¹ http://www.ird.gov.lc/images/Documents/Notice%20of%20Exchange%20Partners_January_2018.pdf

² Tax evasion and avoidance has become a cause of concern for OECD and NON OECD countries alike.

financial institutions to submit CRS reports is July 31st of each year. Please note however, that the reporting deadline for 2020 has been extended to October 15th as a result of the COVID-19 pandemic.

The following information is to be reported annually:

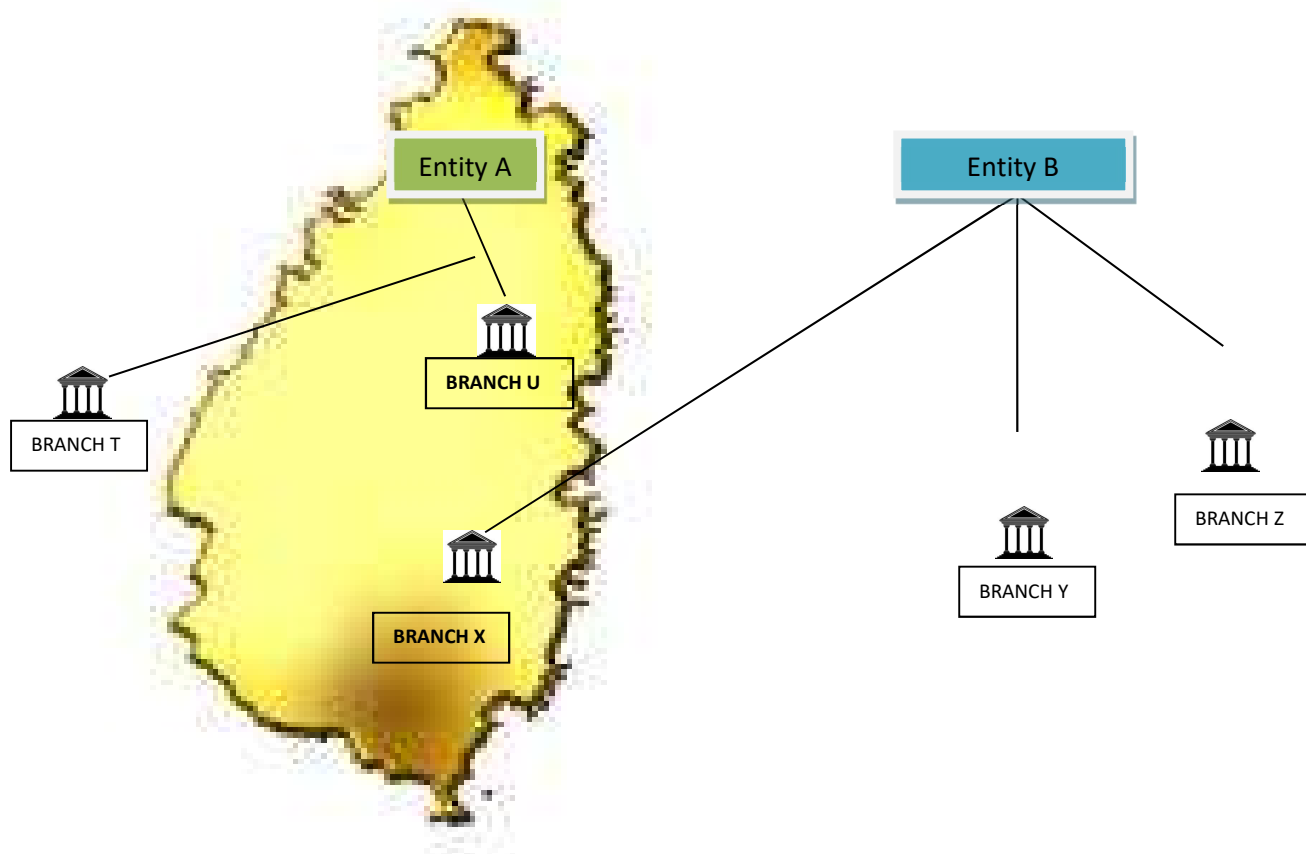
- ✓ **Account balance or value**
- ✓ **Interests**
- ✓ **Dividends**
- ✓ **Sales proceeds from financial assets**
- ✓ **Other income generated from assets held on account**
- ✓ **Income from certain insurance products**
 - ✓ Account Status (if closed) or undocumented

These guidelines should be used in conjunction with the Standard for Automatic Exchange of Financial Account Information in Tax Matters, the Automatic Exchange of Financial Account Information Act No. 22 of 2016 and its associated amendments and regulations and any other guidance notes provided by the Competent Authority of Saint Lucia and/or the OECD.

5 DETERMINATION OF RELEVANT JURISDICTION

Only entities can be reporting financial institutions under the CRS. The definition of financial institution therefore includes all legal persons and arrangements but **excludes individuals**. Reporting Saint Lucia Financial Institutions are therefore entities and the branches of entities resident in Saint Lucia, and the branches of any other foreign entities located in Saint Lucia (see Diagram 1). Only the branches of entities in Saint Lucia will be required to report to the Competent Authority in Saint Lucia. As illustrated in Diagram 1 below, Branch U and Branch X will report in Saint Lucia.

Diagram 1 Reporting Saint Lucia Financial Institution



Entities listed as Non Reporting Financial Institutions, in accordance with S.I. 107 of 2017 and S.I. 7 of 2019, also will not be required to report. For entities to be deemed non reporting, they must meet the criteria stipulated in Section VIII B of the Standard for the Automatic Exchange of Financial Account Information. **All entities not listed in the aforementioned piece of legislation are therefore required to file annually.**

The place/location of residence of various entities can be determined using the criteria in Table 1 below.

Table 1 Determination of the jurisdiction where an entity is located

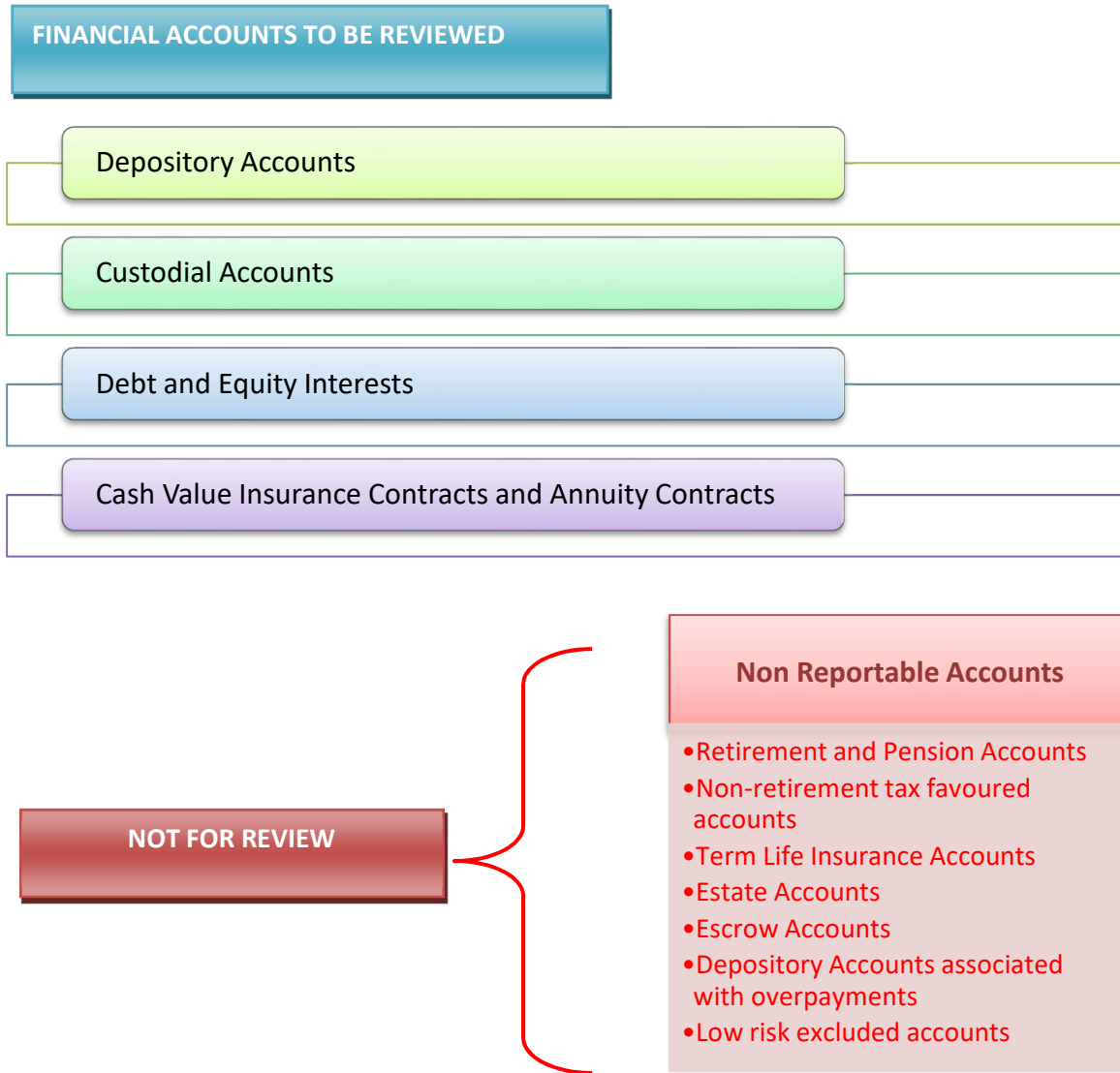
Entity	Location of residence
Tax Resident Entities	Place of residence for tax purposes.
Non Tax Resident Entities	Place of incorporation, place of effective management or place where the entity is subject to financial supervision.
Multiple Resident Entities	Where the accounts are maintained.
Trusts	Where one or more trusts are resident, unless the required information is being reported elsewhere.

6 DETERMINE IF AN ACCOUNT REPORTABLE

Each reporting financial institution (FI) must determine which of the accounts that it maintains will be subject to CRS. Once these accounts have been identified, the FI is then required to determine which of these accounts are reportable (refer to Diagrams 2 and 3 below).

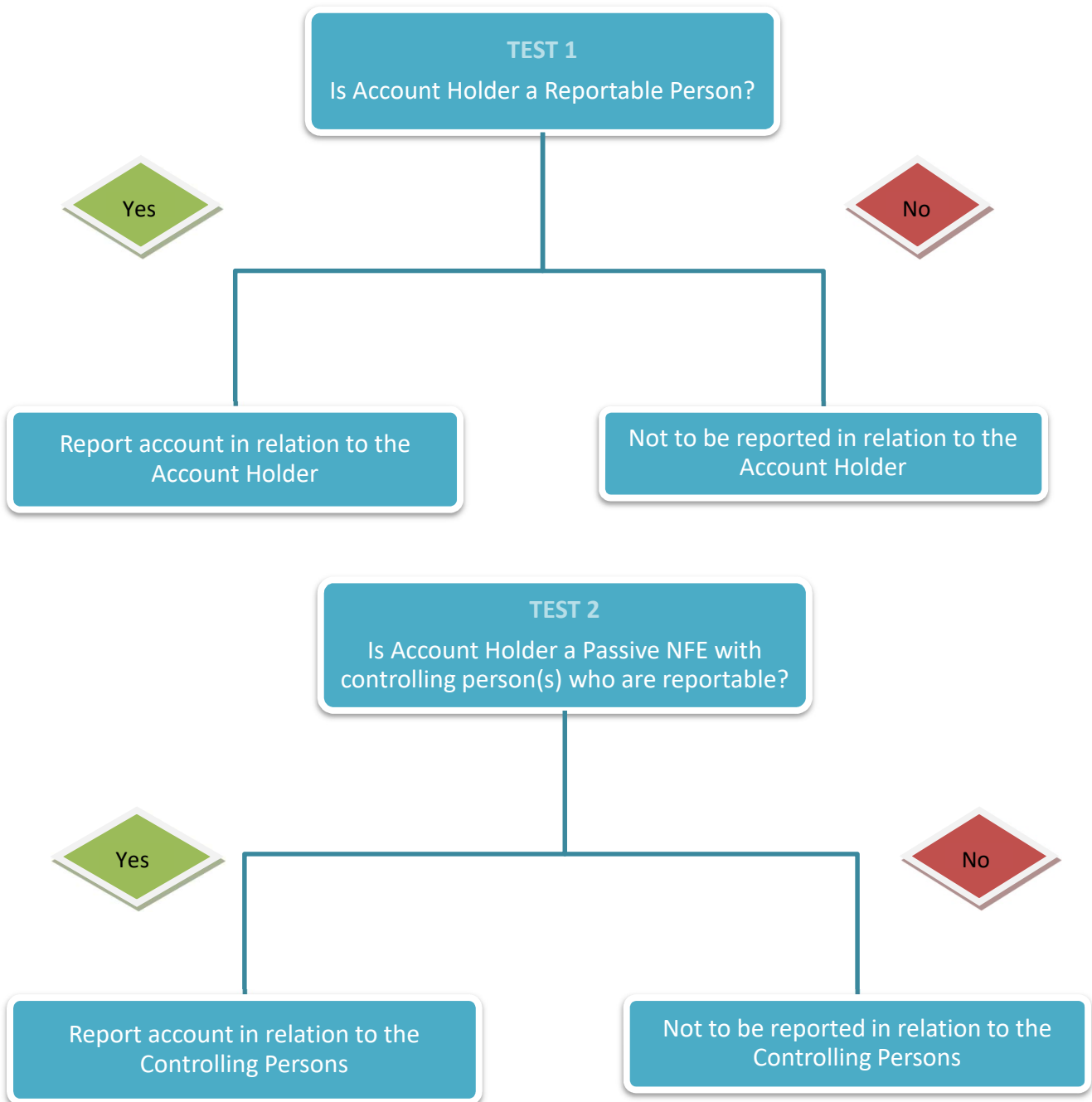
A reportable account is an account held by one or more reportable person or by a passive NFE with one or more controlling persons who are reportable persons.

Diagram 2 Types of Accounts and Treatment



Refer to the glossary for definition of the various types of accounts listed above.

Diagram 3 Determine if an Account is Reportable



Entities are only required to provide information in relation to reportable accounts as indicated in the Diagram 3 above.


7 REQUIRED INFORMATION


7.1 General Reporting Requirements:

1. For each reportable person that is an account holder or for entities with controlling persons who are reportable persons, the following are required:

 **Name ; Address; Jurisdiction of Residence; TIN**

In the case of a reportable individual account; the current residence address is to be reported. If this is not available the mailing address should be used. For reportable entity account: the name, address and jurisdiction of residence of the entity ; and for a passive NFE with more than one controlling person the name ,address and jurisdiction of residence of the entity and name address and jurisdiction of residence of each controlling person that is reportable (in accordance with relevant due diligence rules).

 **Jurisdiction(s) of residence-** If more than one jurisdiction of residence is identified for a person during the employment of due diligence procedures, then all the jurisdictions of residence should be reported.

 **TIN-** The taxpayer identification number (TIN) assigned by the **jurisdiction of residence** should be used. Date and place of birth (Place of birth is optional).

(For each reportable person)

Please see diagram 4 below for a summary of the information above.

Note:

- i) If the date of birth and TIN are not available in the first year that a preexisting account is deemed reportable, because this information was not required under domestic law, then the financial institution need not report it. However, reasonable efforts must be made to obtain this information by the second reporting year.*
- ii) TIN is not required if it is not issued by the reportable jurisdiction or if it is not a requirement under the domestic laws of the reportable jurisdiction.*
- iii) Place of birth is not required if it is not required under the domestic law of the reporting jurisdiction and is available in an electronic, searchable database.*
- iv) The TIN or date of birth (DOB) must be reported if they are in the FI's records, whether or not they are required by law.*

Reasonable efforts should still be made to obtain TIN and DOB information (mail, email, in-person etc.)

v) *A TIN is not required if it is not relevant to the reportable jurisdiction. For example if said jurisdiction does not issue TINs.*

2. **Account Number (functional equivalent)** - The identifying number assigned by the FI, contract or policy numbers can be used as functional equivalents.
3. **Name and Company Registration number**, as provided by the Registrar of Companies, of Reporting Financial Institution (If there is no such number then the name and address of the entity should be used.)
4. **Account Balance or value including cash surrender value of an annuity contract or insurance contract** as of the end of the relevant calendar year or reporting period. (If the account is closed during the year, then this must be indicated. The reporting financial institution is not required to provide the balance at or before closure of any accounts which have been closed).

5. Payments made to the account

A summary of the payments which need to be reported according to account type is provided below and summarised in Diagram 5.

7.1.1 Payments to be reported by Account Type

Custodial account

With respect to custodial accounts, the following must be reported:

1. Total gross interest, dividends and other income generated by the asset which have been paid or credited to the account during the calendar year or reporting period.
2. Total gross proceeds for the sale of or redemption of financial assets.

Depository account

With respect to depository accounts the following must be reported:

1. Total gross amount of interest or credits paid during calendar year or reporting period.

If the account is neither custodial nor depository

1. The total gross amount paid or credited during the calendar year or period.

Diagram 4 Required Information for CRS Reporting

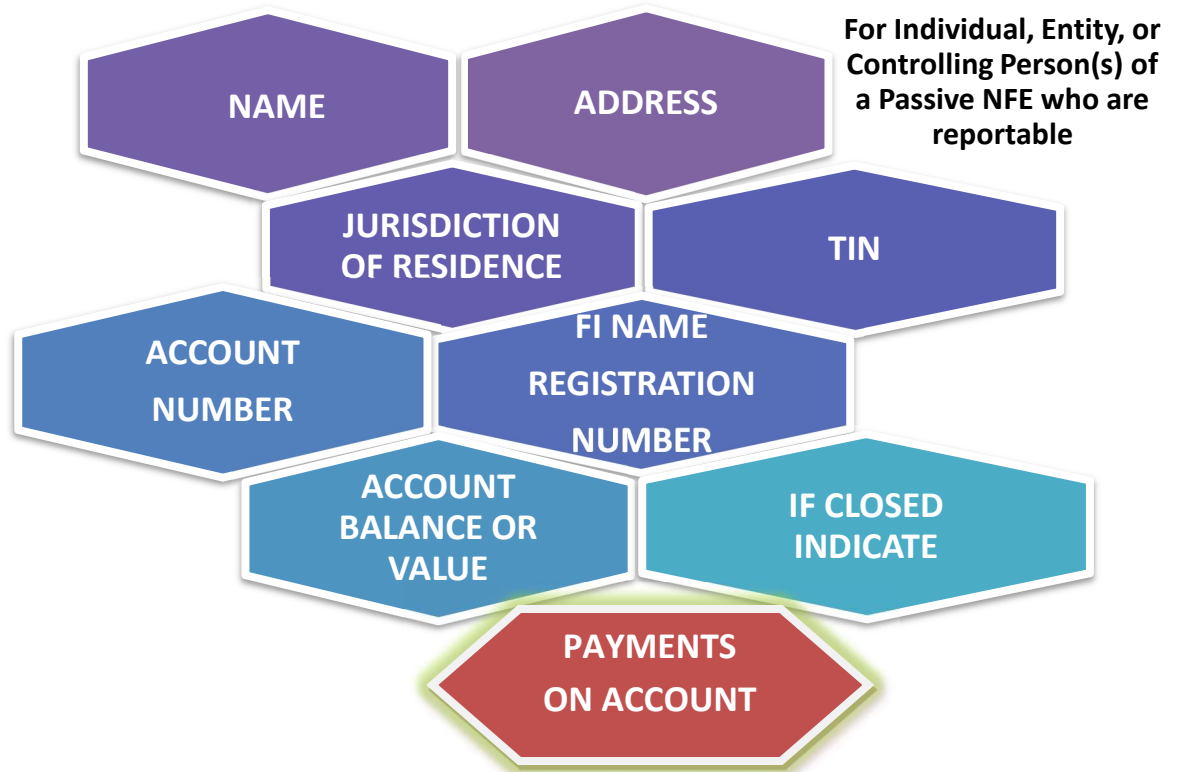
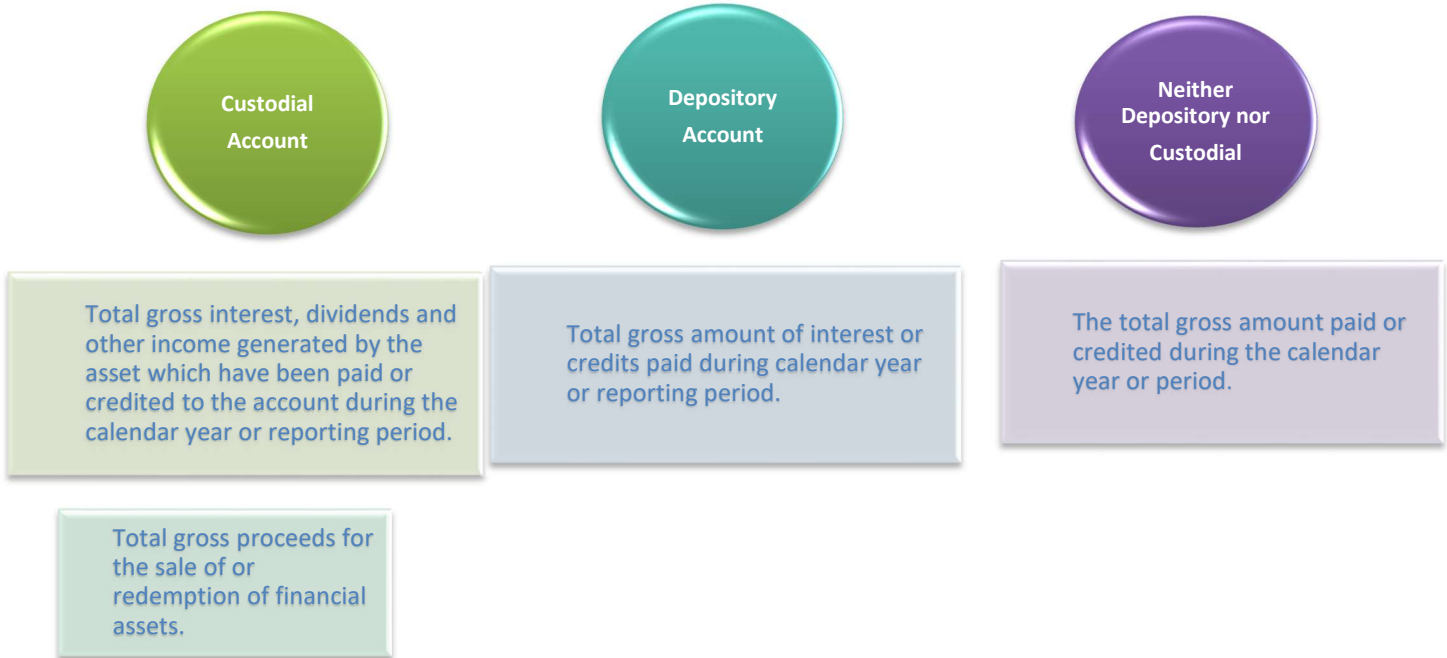


Diagram 5 Payments to be Reported

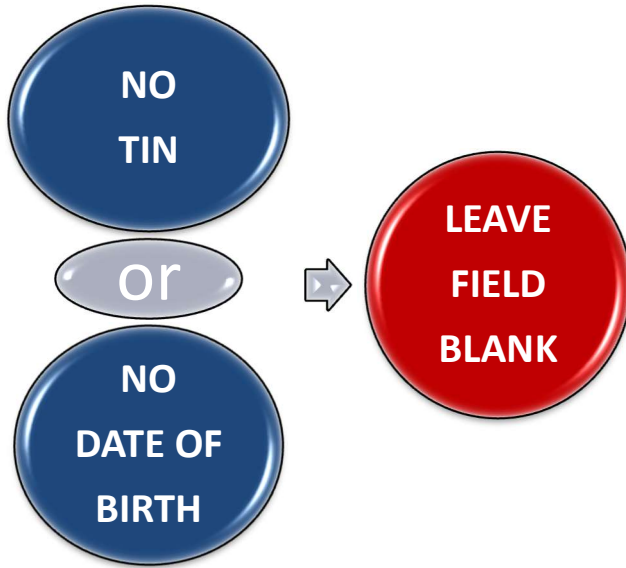


7.1.2 Fillers to be used when filing

Financial institutions are encouraged to obtain all required information. In the event that all information is not available however, **only approved fillers may be used.**

- ❖ If the TIN is not available, then leave the **field blank.**
- ❖ If the Date of Birth is not available, then leave the **field blank.**

Diagram 6 Approved Fillers



7.1.3 Special Rules

1. **Negative account balances are to be reported as Nil.**
2. The currency in which information is denominated must be indicated. If the balances or values are denominated in a currency other than that of the participating jurisdiction, then the balances should be converted using the gazetted rate or the prevailing spot rate as at December 31st of the year being reported.
3. The value of equity interests is the value obtained by the method most frequently used by the FI.
4. The value of debt interest is the principal amount.
5. Liabilities and obligations should not be used to reduce the value of accounts

7.1.4 Jointly Held Accounts

Each Holder of a jointly held account should be allocated the full value of the account in addition to the amounts paid or credited to the account.

Table 2 Treatment of jointly held accounts

Each controlling person in a passive NFE is attributed the full balance or value of the account in addition to all payments and credits.

The entire balance or value, including all credits and payments of a jointly held account must be reported to each jurisdiction of residence where indicia are found.

When a passive NFE has controlling persons within more than one jurisdiction, the full balance or value of the account in addition to all payments and credits must be reported to each jurisdiction of residence.

The entire balance or value, including credits and payments must be reported for both the reportable passive NFE and the reportable Controlling Person(s).

Each Holder of a jointly held individual or entity account shall be attributed the full balance or value of that account.

7.1.5 Closed accounts

A reporting FI is not required to report the account balance or value of a closed account. However, the FI must report that the account has been closed.

An account will be considered closed in accordance with the normal operating procedures of the FI.

8 DUE DILIGENCE REQUIREMENTS

An account is treated as reportable from the day it is identified as such. Information pertaining to such an account must be reported annually from the year following the year in which it was deemed reportable. An account is identified as reportable based on its status at **the end of a calendar year or reporting period**. When an account is deemed reportable, at the end of the relevant period, information pertaining to the account must be reported for that full calendar year or reporting period where it is identified as such.

The balance or values of accounts are determined as at the last day of the calendar year or reporting period.

In accordance with Section 15 of the Automatic Exchange of Financial Account Information Act, financial institutions may use service providers to fulfil due diligence and reporting requirements.

8.1 PRE EXISTING ACCOUNTS

8.1.1 Pre existing Individual Accounts

Table 3 Summary of Pre existing Individual Accounts

ACCOUNT TYPE	DESCRIPTION
Pre existing Individual Low value	Existed by December 31 st 2016; value or balance below 1,000,000 USD
Pre existing Individual High Value	Existed by December 31 st 2016; value or balance above 1,000,000 USD

8.1.1.1 Pre existing Individual Accounts Not Required to be Reviewed, Identified or Reported

Pre existing individual account that is a cash value or insurance annuity contract, **provided that domestic law prevents the sale of these to residents of a reportable jurisdiction.**

8.1.1.2 Pre existing Individual Low Value Accounts

Table 4 Due Diligence Procedures for Pre existing Low Value Accounts

-
1. **Residence Address Test-** FI may use the residence address on file (in care of or P.O. Box are not generally deemed residence on their own), provided that the residence is current and the residence address is based on documentary evidence. Current residence address must be corroborated with recent government authorised documentation; utility bill, or declaration under penalty of perjury. This can be used for dormant accounts as well. In accordance with FATF requirements, FI should make efforts to obtain relevant information with respect to accounts formed before the introduction of AML/KYC legislation.
-

2. Electronic Record Search. If documentary evidence above is not available, then the FI must review electronically searchable data for the following in relation to a reportable jurisdiction:

- a) Identification of the Account Holder as a resident of;
- b) Current mailing or residence address in;
- c) Telephone number(s) from;
- d) Standing instructions to transfer funds into an account maintained in;
- e) Current effective power of attorney or signatory authority granted to a person with an address within;
- f) A hold mail or in care of address within.

If no indicia are found, then no further steps are required until there is a change in these circumstances or the account becomes a high value account.

3. If any Indicia from (a) to (e) above are found, then the FI must treat the client as resident for tax purposes.

4. If only (f) is discovered, then a paper record search must be employed or the FI must try to obtain self certification from the Account Holder. If further information is not received, then the account is **reportable as an undocumented account. The account will maintain this status until further information is received.**

a) **Although indicia are found, an account holder is not to be treated as resident in a reportable jurisdiction if:**

The current mailing address or residence address is in the reportable jurisdiction; one or more telephone numbers are in the reportable jurisdiction (and no telephone number in the jurisdiction of the reporting FI); or standing order instructions (not for depository account) to transfer funds to an account maintained in a reportable jurisdiction.

AND

The FI has reviewed or maintained records of:

- A self certification that does not include the reportable jurisdiction and;
 - Documentary evidence establishing the Account Holder(s) non reportable status.
- b) The Account Holder information contains a current effective power of attorney or signatory authority granted with an address in a reportable jurisdiction.

AND

The FI has reviewed or maintained records of:

- A self certification that does not include the reportable jurisdiction or;
- Documentary evidence establishing the Account Holders(s) non reportable status

Self certification or documentary evidence may be relied upon unless the FI has reason to believe that the information is incorrect or unreliable.

8.1.1.3 Pre existing Individual High Accounts

Table 5 Due Diligence Procedures for Pre existing High Value Accounts

1. Electronic Record Search must be conducted.

2. Paper Record Search: **If electronically searchable records do not include all relevant information then a paper record search is required to find missing information. This includes a review of the customer master file and where necessary other documents, obtained within the previous 5 years, to search for indicia.**

Such documents include:

- Most recent documentary evidence;
- Most recent opening documents;
- Most recent AML/KYC documentation;
- Power of attorney and signatory authorizations in effect and;
- Standing orders in effect (except for depository accounts).

3. Paper search is not required to the extent that the electronically searchable database contains: (only unavailable information should be sought).

- Account Holder residence status;
- Account Holder resident address;
- Account Holder(s) telephone number(s);
- Whether standing order instructions exist (other than to depository account);
- Whether there is a current in care of or hold mail;
- Whether there is a power of attorney or signatory authority.

4. If relationship manager has actual knowledge that the account holder is reportable then the account is reportable (*only for high value accounts*).

5. If no indicia are discovered– no further action is required until circumstances change.

6. If indicia are discovered then the account is treated as reportable for each reportable jurisdiction where indicia are found (unless the criteria in point 4(a) and (b) in Table 4 are met).

7. If 'hold mail' or 'in-care-of' addresses are found and no other indicia are found, the FI must request self certification from the account holder or obtain documentary evidence. **If further information cannot be obtained, the account must be reported as an undocumented account.**

8. If a pre existing individual account was not a high value account but subsequently became a high value account, then the FI must complete the advanced review procedures for this account in the subsequent calendar year. If the account is identified as reportable, then the FI must report the account with respect to the year it is deemed reportable (until the account holder ceases to be a reportable person).

9. Enhanced review procedures do not need to be repeated unless the account is deemed undocumented. All undocumented accounts must continue to be reported until circumstances change.

10. An account is reportable to each reportable jurisdiction (unless the criteria in point 4(a) and (b) in Table 4 are met).

11. A reporting FI must have procedures in place to ensure that the relationship manager identifies all changes in the circumstances of an account. For example, the relationship manager should be notified when an account has a new mailing address in a reportable jurisdiction. A change in address is deemed a change in circumstances and documentary evidence to support the change must be obtained.

12. Review of pre existing accounts should have been completed by 31st December 2017 for High Value Accounts and 31st December 2018 for Low Value Accounts.

13. An account should be reported until the account holder ceases to be a reportable person.

8.1.2 Pre existing Entity Accounts

8.1.2.1 Pre existing Entity Accounts Not Required to be Reviewed, Reported or Identified

A pre existing entity account with an aggregate account balance or value which does not exceed 250,000 USD at as December 31st 2016 is not required to be reviewed, reported or identified until the balance or value exceeds 250,000 USD as at the last day of any calendar year.

8.1.2.2 Pre existing Entity Accounts Subject to Review

Table 6 Due Diligence of Pre existing Entity Accounts

1. Pre existing Entity Account with Balance/Value or **aggregate balance** which exceeds 250,000 USD.

2. Only **accounts held by one or more entities** which are reportable persons or by **Passive NFEs with one or more controlling persons who are reportable** are deemed reportable accounts. This can be determined using the review procedures in 3 and 4 below.

3. Determine if the Entity is a Reportable Person:

- i. Review information maintained by FI to determine residence of Account Holder. This includes the place of incorporation or organisation in a reportable jurisdiction; an address in a reportable jurisdiction such as registered address, principal office or place of effective management; or an address of one or more trustees of a trust in a reportable jurisdiction. (These should not be used in isolation).
- ii. If the Account Holder is in a reportable jurisdiction then, the account is treated as reportable unless self certification or publicly available information state otherwise. (FI should retain the information reviewed, date sourced, etc.).

4. Determine if the Account Holder is a passive NFE with one or more controlling persons:

- i. Obtain self certification of the Account Holder to establish status unless the FI has information showing that the entity is an Active NFE or FI [**other than an Investment Entity such as described in Section VIII A. 6(b) of the standard which is not in a participating jurisdiction**].
- ii. Determine the controlling persons of an Account Holder (AML/KYC information may be used).
- iii. Determine if the controlling persons are reportable. [AML/KYC information provided that the entity account or aggregate account balances or values do not exceed

1,000,000 USD. Self certification is required for account holder or controlling person or accounts with balances over 1,000,000 USD.]

Please note that both steps 3 and 4 must be carried out on all pre-existing entity accounts.

(See Diagram 2 and Appendix for further details.)

The review of all entity accounts with an aggregate value or balance that exceeds 250,000 USD as at December 31st 2016 must be completed by December 31st 2017.

The review of all entity accounts with an aggregate value or balance that does not exceed 250,000 USD as at December 31st 2016, but exceeds 250,000 USD in a subsequent calendar year must be completed within the calendar year, following the year it exceeded said value.

When requesting a self certification, the FI should provide the account holder with sufficient information to assist in the determination of the entity's status.

If it is suspected or known that the original self certification is incorrect then the FI must repeat the procedures in Table 4 above. If the status of an entity cannot be determined then the entity should be **treated as a passive NFE.**

If it is suspected or known that the self certification or any other documentation associated with an account is incorrect, then the FI should take steps to obtain the information by the later of relevant calendar year (or relevant period) or within 90 days of the discovery. **Accounts must be reported if their status is not clarified.**

8.2 NEW ACCOUNTS

8.2.1 New Individual Accounts

Due diligence procedures for new individual accounts commenced from **1st January 2017**.

Table 7 Due Diligence for New Individual Accounts

Self certification must be presented when an account is being opened in order to determine an Account Holder's tax residence. AML /KYC documentation should also be used to determine the reasonableness of the information provided. *(Individuals with dual tax residence can rely on tiebreaker rules contained in tax conventions to determine residency).*

If an Account Holder is a resident of a reportable jurisdiction, then the account is reportable and the Account Holder's TIN (where applicable) for the reporting jurisdiction and date of birth must also be obtained.

If a reporting FI has reason to believe that the original self certification is; unreliable, inaccurate, or that circumstances have changed, then a valid self certification must be obtained.

Self certification for new individual accounts is only valid if it has been signed or positively affirmed by the Account Holder. *This certification may be in electronic format but its validity must be checked. Individual Account Holders must be able to furnish the FI with a hard copy of the document as well. An authorised representative may sign the self certification.*

An FI should put procedures in place to flag when circumstances have changed with respect to an account. The FI should also notify Account Holder(s) of their obligation to inform the institution of such changes. An FI may rely on self certification unless it has reason to believe that changes have occurred.

8.2.2 New Entity Accounts

Table 8 Due Diligence New Entity Accounts

1. Determine if the Entity is a Reportable Person

- i. Obtain self certification [may form part of the opening documents]. Confirm the reasonableness of the documentation. If the entity is not tax resident in any jurisdiction then rely on the address of the principal office of the entity.
- ii. If the self certification reveals that Account Holder is tax resident in a reportable jurisdiction, then the account is reportable [unless publicly available information or other evidence proves otherwise].

2. Determine if the Entity is a Passive NFE with one or more controlling persons who are Reportable [if any of the controlling persons are reportable then the account is reportable].

- i. Account Holder must establish its status through self certification [unless self certification and/or publicly available information show that the entity is an Active NFE or FI **(other than an Investment Entity which is not in a participating jurisdiction)**].
- ii. Determine the controlling person(s) of an Account Holder(AML/KYC information may be used).
- iii. Determine if the controlling persons are reportable (may rely on self certification). (If any controlling person in a passive NFE is reportable then its account is also reportable, even if they belong to the same jurisdiction).

Please note that this is a two step process. Both steps must be taken with respect to the new entity account.

(Please note that the threshold of 250,000 USD does not apply here.)

See Diagram 2 and the Appendix

8.3 SPECIAL DUE DILIGENCE RULES

8.3.1 General

A reporting financial institution **may not rely on self certification or documentary evidence if it has reason to know that the information is inaccurate or unreliable** (once the claims made are questionable or conflicting).

Self certification is unreliable if it:

- Is incomplete;
- Contains inconsistent information;
- Conflicts with information on record.

Documentary Evidence is unreliable if:

- It does not identify the source of the information;
- It presents evidence contrary to an individual's claims;
- The FI has contrary information on file;
- It lacks relevant information to substantiate claims made.

An FI may look at audited financial statements to obtain evidence.

An FI does not know that information is unreliable or incorrect solely because:

- Of a change of address within the same jurisdiction; or
- Additional indicia are discovered which contradicts the self certification or documentary evidence.

Timing

If an account is determined to be reportable at the end of a calendar year or reporting period, then it should be reported from that year until it is no longer deemed reportable.

Trusts

Reporting Financial Institutions should obtain and report information on the type of controlling persons within a trust. That is, if the individual is a settlor, protector, beneficiary, etc. This information must be collected and reported for all new accounts.

8.3.2 Cash Value Insurance and Annuity Contracts

An FI may assume that an individual beneficiary of a Cash Value insurance or Annuity Contract receiving a death benefit is not a reportable person unless there is information proving otherwise. If the FI has knowledge that the beneficiary is a reportable person, then the procedures in Table 4 should be followed.

8.3.3 Group Cash Value Insurance and Annuity Contracts

A financial account that is a member's interest in the Group Cash Value Insurance or Annuity Contract may be treated as not reportable until the date the amount is payable, if the following criteria are met:

The group cash value insurance:

1. Is issued to an employer and covers at least twenty five (25) employees/certificate holders;
2. The employees/certificate holders are entitled to receive and contract values related to their interests and have named beneficiaries.
3. The aggregate amount payable to individual employees does not exceed 1,000,000 USD.

8.3.4 Aggregation Rules

8.3.4.1 Individual Accounts

In order to determine the aggregate balance or value of financial accounts held by an individual, all financial accounts should be aggregated (including those held by a related entity that is a passive NFE) but only to the extent that the reporting FI has a computerized system linked by a reference point (like a client number or TIN) which allows the balances or values to be aggregated.

8.3.4.2 Entity Accounts

In order to determine the aggregate balance or value of financial accounts held by an entity, all financial accounts should be aggregated (including those held by a related entity) but only to the extent that the reporting FI has a computerized system linked by a reference point (like a client number or TIN) which allows the balances or values to be aggregated.

8.3.5 Relationship Manager

All accounts that a relationship manager is aware of which are owned, controlled or established by the same person (whether directly or indirectly) must be aggregated in order to determine if a financial account is a high value account.

8.3.6 Currency Rule

The dollar amounts quoted in the standard are all in USD. Please review Section 10(4) of the principal Act.

8.3.7 Undocumented Accounts

Financial institutions are urged to ensure that financial accounts are classified correctly. If the only indicia found on an account is the “hold mail” or “in care of” and the financial institution is unable to received self-certification or other documentary evidence, then the account must be classified as undocumented. **(Please note that this is the only instance in the Standard, which requires this classification).**

If a phone number, address or other indicia are found, then the account should not be classified as undocumented. Only accounts that meet this criterion should be classified as such in the XML file or by selecting this option on the screen when filing manually.

Table 9 When is an account deemed UNDOCUMENTED?

An account is UNDOCUMENTED when <u>ONLY</u> “hold mail” or “in care of” information is available:
✗ Identification that the Account Holder is a resident of a reportable jurisdiction;
✗ Current mailing or residence address in a reportable jurisdiction;
✗ Telephone number(s) from a reportable jurisdiction;
✗ Standing instructions to transfer funds into an account maintained in a reportable jurisdiction;
✗ Current effective power of attorney or signatory authority granted to a person with an address within a reportable jurisdiction;
✓ If only a “hold mail “or “in care of” address within a reportable jurisdiction is available.

8.3.8 Look Through Provision

Investment Entities, described in subparagraph A (6) (b) of the Standard which are resident for tax purposes in a non participating **jurisdiction** must be treated as passive NFEs. If the entity account holder is a passive NFE, then the Financial Institution must “**look-through**” the Entity to identify its controlling persons. If the controlling persons are reportable persons then information in relation to the account must be reported to the Competent Authority; including information related to the account holder and each reportable person. Diagram 4 and the explanation below illustrate the look through provision further.

In Diagram 6 below, Jurisdictions A and B have a reciprocal exchange agreement. However, Jurisdiction A and C have no such agreement. While performing due diligence checks, a financial institution in jurisdiction A realizes that it maintains accounts for two investment entities as described by A (6) (b)³. One entity is resident for tax purposes in Jurisdiction B while the other is resident for tax purposes in Jurisdiction C. Intuitively, one would expect not to review the entity in C further as there is no exchange agreement between jurisdictions A and C. However, under the CRS, the financial institution is required to treat the investment entity resident in jurisdiction C as a passive NFE and must look through the entity to determine who the controlling persons are and whether or not the controlling persons are reportable persons.

³ “6. The term “Investment Entity” means any Entity:

- a) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:
- i. trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
 - ii. individual and collective portfolio management; or
 - iii. otherwise investing, administering, or managing Financial Assets or money on behalf of other persons; or

b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in subparagraph A(6)(a).

An Entity is treated as primarily conducting as a business one or more of the activities described in subparagraph A(6)(a), or an Entity’s gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets for purposes of subparagraph A(6)(b), if the Entity’s gross income attributable to the relevant activities equals or exceeds 50 per cent of the Entity’s gross income during the shorter of: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which

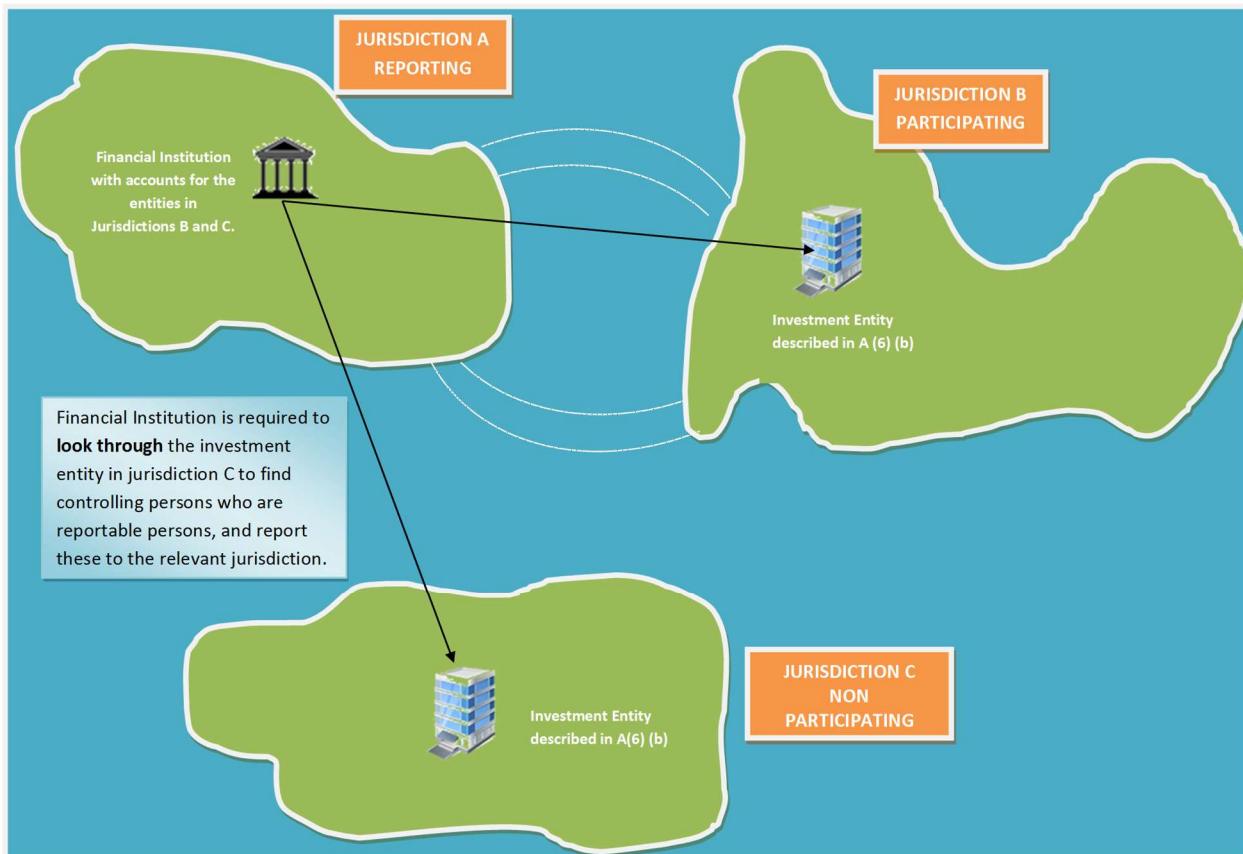
the Entity has been in existence. The term “Investment Entity” does not include an Entity that is an Active NFE because it meets any of the criteria in subparagraphs D(9)(d) through (g). This paragraph shall be interpreted in a manner consistent with similar language set forth in the definition of “financial institution” in the Financial Action Task Force Recommendations.” Standard for the Automatic Exchange of Financial Account Information in Tax Matters pg. 161

Further explanation

If it is determined that the Passive NFE has a controlling person who is reportable and resident for tax purposes in Jurisdiction B, then information on the controlling person will be reported to Jurisdiction B. The same will apply for any controlling person from a jurisdiction with an exchange agreement with Jurisdiction A.

If no reportable controlling persons are found, then no further action is required.

Diagram 7 Look through provision



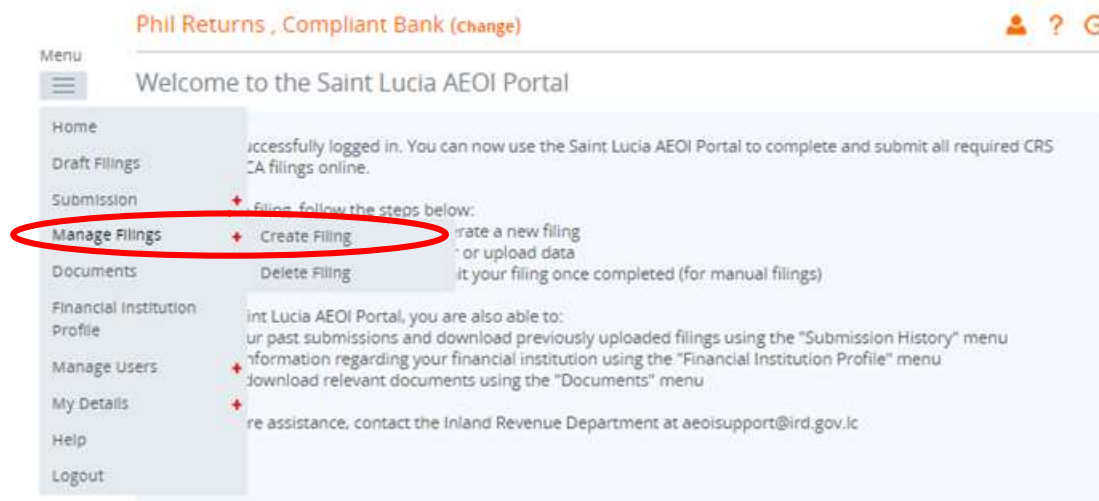
9 FILING A CRS REPORT

For information regarding the creation and management of user accounts on the IRD AEOI portal, please refer to the IRD FATCA Guidelines.

9.1 CREATE A FILING

To create a filing, please go to **Manage Filings**, Create Filing on the main menu as shown in Diagrams 7 and 8 below. **Please note that a separate XML file is required for each jurisdiction.**

Diagram 8 Creating a CRS Filing 1



Give the filing a name and select an end period. The period end date will be December 31st of the filing year (refer to Diagram 8 below).

Diagram 9 Creating a CRS Filing 2

Phil Returns , Compliant Bank (change) 👤 ? ↻

Menu ☰

Create Filing

We need details about your filing so you will be able to identify it in the future. Please enter the details requested below.

The period end date identifies the reporting period for the filing. This should always be December 31st in the case of FATCA and CRS filings.

Filing name:

Filing type:

- Change of Financial Institution Information
- Change of Reporting Obligations
- CRS Filing Summary
- CRS Manual Entry Filing
- CRS XML Upload Filing**
- Primary User Change Notice
- US FATCA Manual Entry Filing

Period end date (dd/mm/yyyy): 📅

9.2 CRS XML UPLOAD FILING

Create a filing as shown in Diagrams 7 and 8 above, then go to **Draft Filings** on the main menu as shown in Diagram 9 below.

Diagram 10 Filing a CRS XML Report 1

Phil Returns , Compliant Bank (change) 👤 ? ↻

Menu ☰

Welcome to the Saint Lucia AEOI Portal

Successfully logged in. You can now use the Saint Lucia AEOI Portal to complete and submit all required CRS FATCA filings online.

To create a new filing, follow the steps below:

- Click the "Create Filing" menu to generate a new filing
- Click the "Draft Filings" menu to enter or upload data
- Click the "Submission" menu to submit your filing once completed (for manual filings)

In addition to the Saint Lucia AEOI Portal, you are also able to:

- View your past submissions and download previously uploaded filings using the "Submission History" menu
- View information regarding your financial institution using the "Financial Institution Profile" menu
- Download relevant documents using the "Documents" menu

For further assistance, contact the Inland Revenue Department at aeoisupport@ird.gov.lc.

Home

Draft Filings

Submission

Manage Filings

Documents

Financial Institution Profile

Manage Users

My Details

Help

Logout

Select the file name previously associated with the CRS XML Upload as shown in Diagram 10 below.

Diagram 11 Filing a CRS XML Report 2

Filing name	Reference	Revision	Categories	Receiving Country	Status	Filing end date (dd/mm/yyyy)	Due date (dd/mm/yyyy)
2014	FF00043	0.1	Waiting	n/a	In Draft	31/12/2014	31/05/2015
2016	FF00067	0.1	Waiting	n/a	Ready to Submit	31/12/2016	31/05/2017
2017	CR500068	0.1	Waiting		No Data	31/12/2017	31/05/2018

Select **Upload Data** as shown in Diagram 11 below.

Diagram 12 Filing a CRS XML Report 2

KEY

Form set Folder Repeatable Folder Form Add Section Validated In Draft No Data - Mandatory

2017b Status: No Data

CRS XML Upload Filing **Upload Data**

GI General Information View

CRS CRS Report

Select **Browse** and then select the appropriate file as shown in Diagram 12 below. (Uploaded files may be either .xml or .zip). A message will then appear as presented in Diagram 13.

Diagram 13 Filing a CRS XML Report 3

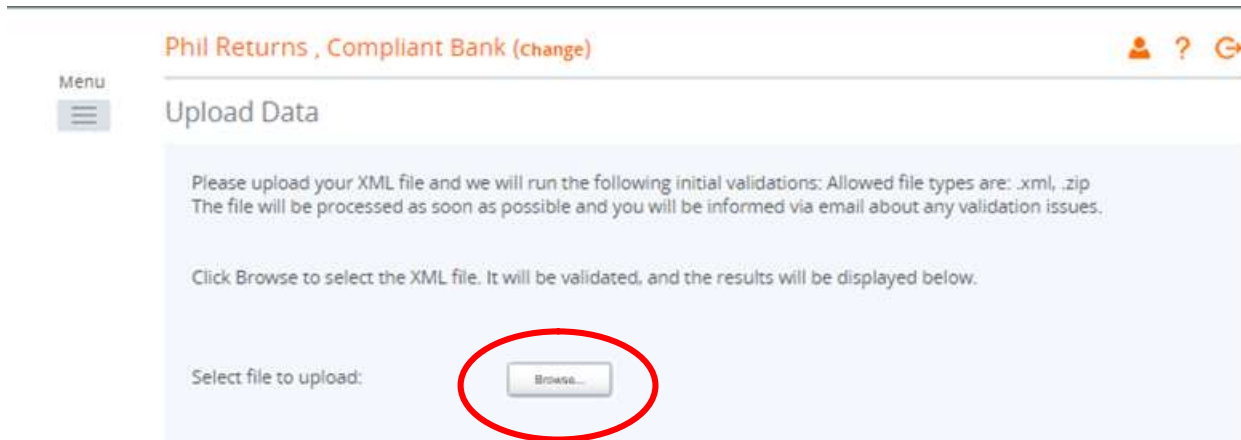
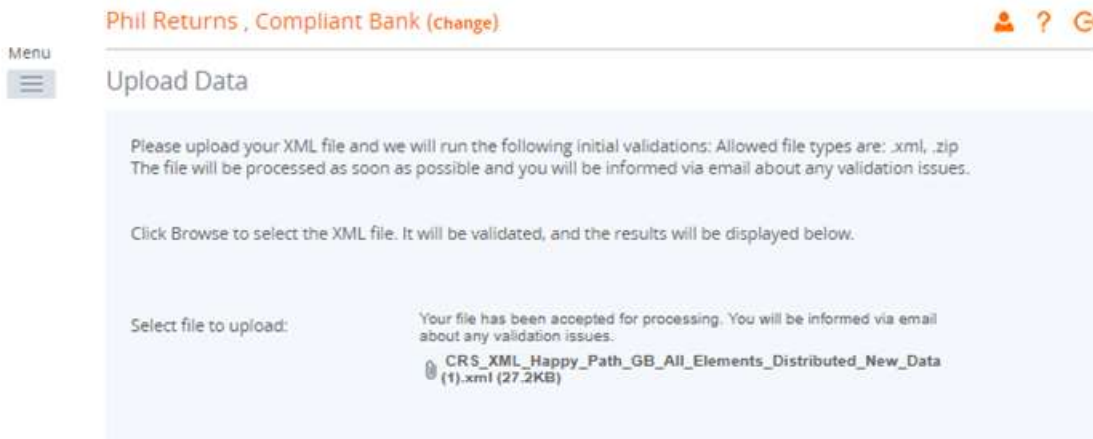


Diagram 14 Filing a CRS XML Report 4



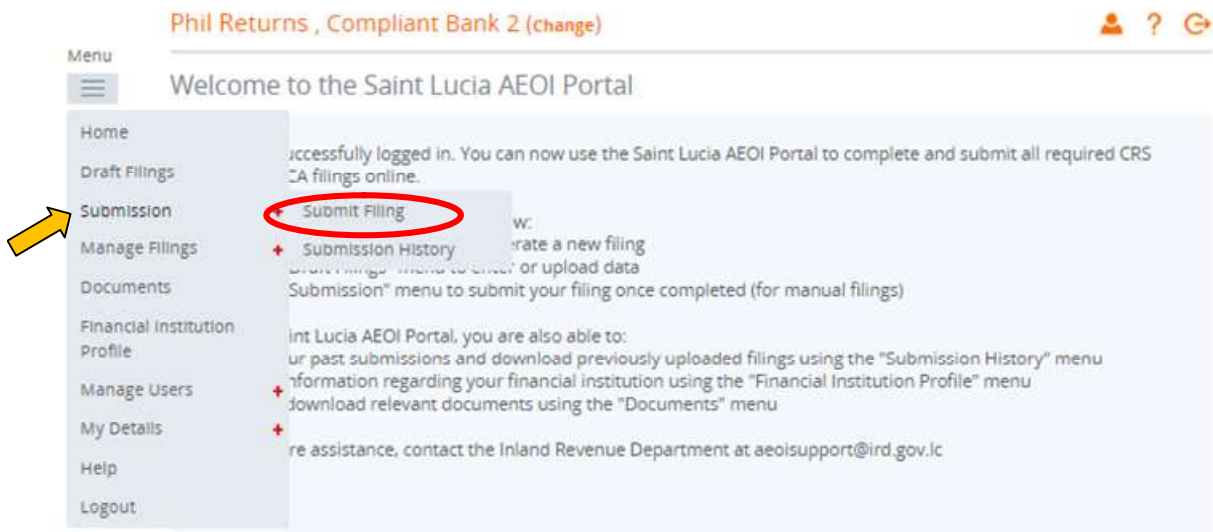
If the CRS XML filing has been submitted successfully, then the user will receive an email to indicate this.

9.2.1 Errors in CRS XML Filing Submission

If there are errors with the XML submission, an email will be sent to the user. Please use the instructions below to investigate the errors, which have been recorded, so that they can be rectified.

Go to **Submission** on the main menu and select **Submit Filing** as shown in Diagram 14 below.

Diagram 15 Review CRS XML Upload Error 1






Look for the relevant document number under **Reference** and select **Validate** as shown in Diagram 15 below.


Diagram 16 Review CRS XML Upload Error 2



An error report summarising the validation issues will emerge as shown in Diagram 16 below. FIs are required to review each row of the table in order to address each validation issue. Once these issues have been rectified, the original information can be deleted and a new file may be uploaded or a correction file may be uploaded.

Diagram 17 CRS XML Error Report

Phil Returns , Compliant Bank 2 (change)   

Menu 

Submission Validation Issues




Our checks have found some issues that need to be reviewed before you can submit. Please see below for details.


Rule name	Type	Problem	Additional information
Account Holder Document Type Check	Error	1. The only document type values allowed for CRS reporting are OECD1 - New Data, OECD2 - Corrected Data or OECD3 - Deletion of Data. The affected account holder is named AccountReport_ORG_Name_1. The affected account report has a DocRefID of LC-UniqueDocRefID_AccountReport_1_CRS_All_Elements_Distributed_New_Data_13_GB	Please ensure the correct document type is selected.

9.3 CRS MANUAL ENTRY FILING

Create a filing as shown in Diagrams 5 above and 17 below.

Diagram 18 Create CRS Manual Entry Filing 1


Phil Returns , Compliant Bank (change)   

Menu 


Create Filing


We need details about your filing so you will be able to identify it in the future. Please enter the details requested below.

The period end date identifies the reporting period for the filing. This should always be December 31st in the case of FATCA and CRS filings.

Filing name: 

Filing type:

- Change of Financial Institution Information
- Change of Reporting Obligations
- CRS Filing Summary
- CRS Manual Entry Filing** 
- CRS XML Upload Filing
- Primary User Change Notice
- US FATCA Manual Entry Filing

Period end date (dd/mm/yyyy): 

Go to **Draft Filing** as shown in Diagrams 7 and 8 above and select the appropriate file name.

Select General Information, use the drop down menu to choose the **Receiving Country** for your report then select the **Message Type** as shown in Diagrams 18 – 20 below. Once the information has been selected you

may **Validate and Save**. Please note that a separate filing must be created and completed for each country report. If you are not ready to validate the information, please select **Save as Draft**.

It is important to verify that the correct country has been selected or this will pose issues when the report reaches the validation stage.

Diagram 19 CRS Manual Entry General Information 1

The screenshot shows a web application interface for "Draft Filing". At the top, there is a header with "Phil Returns, Compliant Bank (change)" and user icons. Below the header is a "Menu" icon and the title "Draft Filing".

Instructions are provided: "Please complete the filing below by selecting a section (in case of a Manual Filing) or uploading an XML file (in case of an XML Upload), as appropriate." and "Once your filing has been completed, it can be validated and submitted to the Inland Revenue Department by selecting the 'Submit filing' functionality under the 'Submission' menu." It also states: "You may view your draft filing by selecting View for one of the sections below." A "View Comments" link is visible.

A "KEY" section defines icons: Form set, Folder, Repeatable Folder, Form, Add Section, Validated, In Draft, and No Data - Mandatory.

The main table shows the filing structure for "2017c" (Status: No Data):

2017c		Status: No Data
Form set	CRS Manual Entry Filing	
Form	GI	General Information Edit View
Form	CRS	CRS Report

The "General Information" text in the table is circled in red, and a yellow arrow points to it from the right.

Diagram 20 CRS Manual Entry General Information 2

Phil Returns , Compliant Bank (change)

Menu

Form View

CRS Filing

Financial Institution: Compliant Bank

Period end date (dd/mm/yyyy): 31/12/2017

General Information

Receiving Country

Message Type

Antigua and Barbuda
Argentina
Aruba
Australia
Austria
Azerbaijan
Barbados
Belgium
Belize
Bermuda
Brazil
Brunei Darussalam
Bulgaria
Canada
Cayman Islands
Chile
China
Colombia
Cook Islands

Sending Company IIN

Message Reference LC-0b8787c0-58ee-480b-903d*

Save As Draft Validate & Save

Back

Diagram 21 CRS Manual Entry General Information 3

Phil Returns , Compliant Bank (change)

Menu

Form View

CRS Filing

Financial Institution: Compliant Bank

Period end date (dd/mm/yyyy): 31/12/2017

General Information

Receiving Country

Message Type

The message contains new information
The message contains new information
The message contains corrections for previously sent information

Sending Company IIN

Message Reference LC-0b8787c0-58ee-480b-903d*

Save As Draft Validate & Save






Select the  as shown in Diagram 18 above, then Select the + plus sign next to CRS Report as shown in Diagrams 21 and 22 below.

Diagram 22 CRS Manual Data Entry 1

Phil Returns , Compliant Bank (change)   


Menu 

Draft Filing

Please complete the filing below by selecting a section (in case of a Manual Filing) or uploading an XML file (in case of an XML Upload), as appropriate.

Once your filing has been completed, it can be validated and submitted to the Inland Revenue Department by selecting the "Submit filing" functionality under the "Submission" menu.

You may view your draft filing by selecting View for one of the sections below.

 View Comments






















KEY			
			
Form set	Folder	Repeatable Folder	Form
			
Add Section	Validated	In Draft	No Data - Mandatory
2017c			Status: In Draft
	 CRS Manual Entry Filing	Clear	
	 GI	General Information	Clear Edit View
	 CRS	CRS Report	 Delete All
	 CRS Report	Delete	

Diagram 23 CRS Manual Data Entry 2

Phil Returns , Compliant Bank (change)   


Menu 









Draft Filing

Please complete the filing below by selecting a section (in case of a Manual Filing) or uploading an XML file (in case of an XML Upload), as appropriate.

Once your filing has been completed, it can be validated and submitted to the Inland Revenue Department by selecting the "Submit filing" functionality under the "Submission" menu.

You may view your draft filing by selecting View for one of the sections below.

 View Comments

KEY			
			
Form set	Folder	Repeatable Folder	Form
			
Add Section	Validated	In Draft	No Data - Mandatory
2017c			Status: In Draft
	 CRS Manual Entry Filing	Clear	
	 GI	General Information	Clear Edit View
	 CRS	CRS Report	 Delete All
	 CRS Report	Delete	

Select **Reporting FI Information** as shown in Diagram 23 below.

Diagram 24 CRS Manual Data Entry 3

Phil Returns , Compliant Bank (change) 👤 ? ↻

Menu ☰ Draft Filing

Please complete the filing below by selecting a section (in case of a Manual Filing) or uploading an XML file (in case of an XML Upload), as appropriate.

Once your filing has been completed, it can be validated and submitted to the Inland Revenue Department by selecting the "Submit filing" functionality under the "Submission" menu.

You may view your draft filing by selecting View for one of the sections below.

📄 View Comments

KEY		
Form set	Folder	Repeatable Folder

2017c Status: In Draft

CRS Manual Entry Filing		Clear
GI	General Information	Clear Edit View
CRS	CRS Report	Delete All
CRS Report		Delete
RFI	Reporting FI Information	Edit View
AI	Account Information	

As shown in Diagrams 24 and 25 below, select the **Document Type** from the drop down menu, verify that the information on the form is correct then **Validate and Save**. If information needs to be reviewed further before saving, please select **Save as Draft**.

Diagram 25 CRS Manual Data Entry 4

Phil Returns , Compliant Bank (change) 👤 ? ↻

Menu ☰

Form View

CRS Filing

Financial Institution: Compliant Bank
Period end date (dd/mm/yyyy): 31/12/2017

Document Type: New Data ▼ * If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here

Document Reference ID: LC-85868204-5c0a-429c-85e1 *

Reporting FI Name: Compliant Bank *

Identification Number:

Reporting FI Tax Residence: Saint Lucia ▼ *

Address

Number, Street, and Room/Suite no: P.O. Box 485

City: Gros Islet *

Post Code: LC03 101

Country: Saint Lucia ▼ *

Save As Draft Validate & Save

Diagram 26 CRS Manual Data Entry 5

Phil Returns , Compliant Bank (change) ? ↻

Menu ☰

Form View

CRS Filing

Financial Institution: Compliant Bank
Period end date (dd/mm/yyyy): 31/12/2017

Document Type: New Data ▼ * If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here

Document Reference ID: *

Reporting FI Name: *

Identification Number:

Reporting FI Tax Residence: Saint Lucia ▼ *

Address

Number, Street, and Room/Suite no:

City: *

Post Code:

Country: Saint Lucia ▼ *

Save As Draft Validate & Save

Select the  next to **Account Information** as shown in Diagram 26 below.

Diagram 27 CRS Manual Data Entry 6

Phil Returns , Compliant Bank (change)

Menu

Draft Filing

Please complete the filing below by selecting a section (in case of a Manual Filing) or uploading an XML file (in case of an XML Upload), as appropriate.

Once your filing has been completed, it can be validated and submitted to the Inland Revenue Department by selecting the "Submit filing" functionality under the "Submission" menu.

You may view your draft filing by selecting View for one of the sections below.

View Comments

KEY	
	Form set
	Folder
	Repeatable Folder
	Form
	Add Section
	Validated
	In Draft
	No Data - Mandatory

2017c Status: Ready to Submit

CRS Manual Entry Filing		Clear
	GI General Information	Clear Edit View
	CRS CRS Report	Delete All Clear All
	CRS Report	Clear Delete
	RFI Reporting FI Information	Clear Edit View
	AI Account Information	

Enter individual account information as shown in Diagram 27 below. The country of tax residence must match the country for which the report was initially prepared. If an individual has more than one country of tax residence, then a separate report under the appropriate country heading must be prepared as shown in Diagrams 15 to 17 above.

Diagram 28 CRS Manual Data Entry 6- Entering Individual Account Holder Information

Phil Returns , Compliant Bank (change) 👤 ? ↻

Menu ☰ Form View

CRS Filing

Financial Institution: Compliant Bank
Period end date (dd/mm/yyyy): 31/12/2017

Document Type: * If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here:

Document Reference ID: *

For individuals, please provide the following:

Title: First Name: * Middle Name: Last Name: *

Date of Birth (dd/mm/yyyy): Tax Residence: * (circled in red)

Taxpayer Identification Number:

Account Address

Number, Street, and Room/Suite no:

City: *

Post Code:

Country: *

Enter information for entity accounts in the area shown in Diagrams 28 and 29 below. If a passive NFE has controlling person(s) who are also reportable, then select **Add Controlling Person** as shown in Diagram 30 below. The process can be repeated to capture more than one controlling person for the entity in question. To enter controlling person details review Diagrams 30 to 32.

Diagram 29 CRS Manual Data Entry 7 Entity Account Holder Information

For entities, please provide the following:
Do not make a selection for Account Holder Type if the Account Holder or Payee is an individual. Selection of one type is mandatory if the reported financial account is held by an entity or the reported payment is made to an entity.

Account Holder Type

Domestic only: Undocumented account Yes No

Name

Entity Identification Number Tax Residence

Account Address

Number, Street, and Room/Suite no

City

Post Code

Country

For all accounts with Controlling Persons please add their records below




Diagram 30 CRS Manual Data Entry 8 Entity Account Information

For entities, please provide the following:
Do not make a selection for Account Holder Type if the Account Holder or Payee is an individual. Selection of one type is mandatory if the reported financial account is held by an entity or the reported payment is made to an entity.

Account Holder Type

Domestic only: Undocumented account Yes No

Name

Entity Identification Number Tax Residence

Account Address

Number, Street, and Room/Suite no

City

Post Code

Country

For all accounts with Controlling Persons please add their records below

(Note: The dropdown menu for Account Holder Type is open, showing the following options: Passive Non-Financial Entity with one or more controlling person that is a Reportable Person, CRS Reportable Person, and Passive Non-Financial Entity that is a CRS Reportable Person.)

Diagram 31 CRS Manual Data Entry 9- Adding Controlling Persons

For entities, please provide the following:
Do not make a selection for Account Holder Type if the Account Holder or Payee is an individual. Selection of one type is mandatory if the reported financial account is held by an entity or the reported payment is made to an entity.

Account Holder Type

Domestic only: Undocumented account Yes No

Name

Entity Identification Number Tax Residence

Account Address

Number, Street, and Room/Suite no

City

Post Code

Country

For all accounts with Controlling Persons please add their records below

If the entity has one or more controlling person who is a reportable person, then fill in the relevant information with respect to said controlling persons as shown in Diagrams 28 and 29 below.

Diagram 32 CRS Manual Data Entry 10 Adding Controlling Person Information

For entities, please provide the following:
Do not make a selection for Account Holder Type if the Account Holder or Payee is an individual. Selection of one type is mandatory if the reported financial account is held by an entity or the reported payment is made to an entity.

Account Holder Type

Domestic only: Undocumented account Yes No

Name

Entity Identification Number Tax Residence

Account Address

Number, Street, and Room/Suite no

City

Post Code

Country

For all accounts with Controlling Persons please add their records below

Controlling Person Details Delete

Controlling Person Type

Title First Name Middle Name Last Name

Date of Birth (dd/mm/yyyy):

Tax Residence

Taxpayer Identification Number




Diagram 33 CRS Manual Entry 11 Controlling Person Type

For all accounts with Controlling Persons please add their records below

Controlling Person Details

Controlling Person Type

Title First Name Last Name *

Date of Birth (dd/mm/yyyy):

Tax Residence

Taxpayer Identification Number

Controlling Person Address

Number, Street, and Room/Suite no.

City *

Post Code

Country *

Controlling Person Type

- CP of legal person - ownership
- CP of legal person - other means
- CP of legal person - senior managing official
- CP of legal arrangement - trust - settlor
- CP of legal arrangement - trust - trustee
- CP of legal arrangement - trust - protector
- CP of legal arrangement - trust - beneficiary
- CP of legal arrangement - trust - other
- CP of legal arrangement - other - settlor-equivalent
- CP of legal arrangement - other - trustee-equivalent
- CP of legal arrangement - other - protector-equivalent
- CP of legal arrangement - other - beneficiary-equivalent
- CP of legal arrangement - other - other-equivalent

Information regarding the actual account must also be provided as shown in Diagram 33 below. This includes the account number, balance, status and payment records. The account number should reflect the format of the account type selected.

Please pay careful attention to the reporting currency drop down to ensure that the correct currency has been reported.

Diagram 34 CRS Manual Data Entry 12- Entering Account Information

The screenshot shows a web form titled "For all account types, please provide the following:". It contains several input fields: "Account Number" and "Account Balance" are text boxes with red asterisks indicating they are required. "Account Closed?" has radio buttons for "Yes" and "No", with "No" selected. "Account Type" is a dropdown menu with options: IBAN, OBAN, ISIN, OSIN, and Other. "Account Currency" is a text box with a dropdown arrow and a red asterisk. "Account Dormant?" has radio buttons for "Yes" and "No", with "No" selected. At the bottom left is a button labeled "Add Payment Record". At the bottom right are two buttons: "Save As Draft" and "Validate & Save", with the latter circled in red.

Validate and Save if all the data for the account has been entered and verified. If the data entry is not complete then select **Save as Draft**.

Repeat the filing process above for each reportable jurisdiction. Bear in mind that an account may have to be reported to more than one jurisdiction based on the due diligence investigation described previously.

9.3.1 Submitting a CRS Manual Report

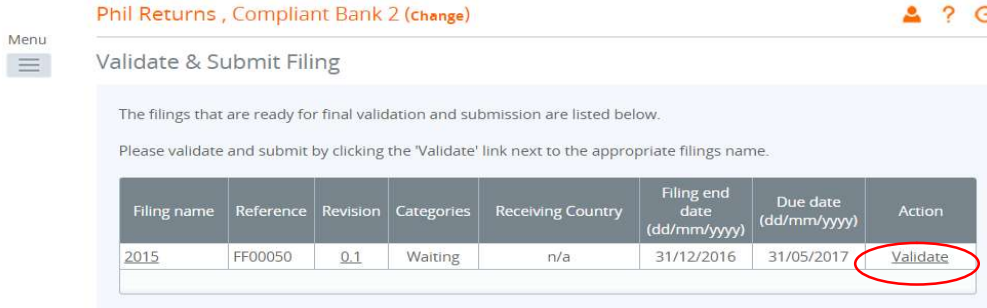
To submit a CRS Manual Report go to Submission and Submit Filing as shown in Diagram 34 below.

Diagram 35 Submit CRS Manual Filing 1

The screenshot shows a web interface for "Phil Returns, Compliant Bank 2 (change)". The main heading is "Draft Filing". Below it, there is a menu on the left with options: Home, Draft Filings, Submission, Manage Filings, Documents, Financial Institution Profile, Manage Users, My Details, and Help. The "Submission" option is highlighted with a red circle and a red plus sign. A yellow arrow points to the "Submission" option in the menu. The main content area contains instructions: "Complete the filing below by selecting a section or uploading a file using the Upload XML button, as appropriate." and "The filing can be validated and submitted to the Inland Revenue Department by selecting the 'Submission' menu." Below this, there is a "View Comments" button and a table with columns: Folder, Repeatable Folder, Form, Add Section, Validated, In Draft, and No Data - Mandatory. The "Validated" column has a green checkmark icon, and the "In Draft" column has a red asterisk icon.

Find the file which needs to be submitted and select Validate as shown in Diagram 35 below.

Diagram 36 Submit CRS Manual Filing 2



Once validation is accepted the message as shown in Diagram 36, below will appear. The submission status can also be reviewed by going to Submission and Submission History as shown in Diagrams 37 and 38.

Diagram 37 Submit CRS Manual Filing 3

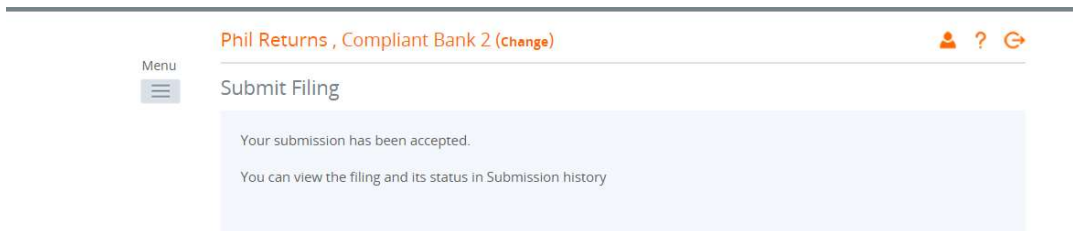


Diagram 38 Submit CRS Manual Filing 4

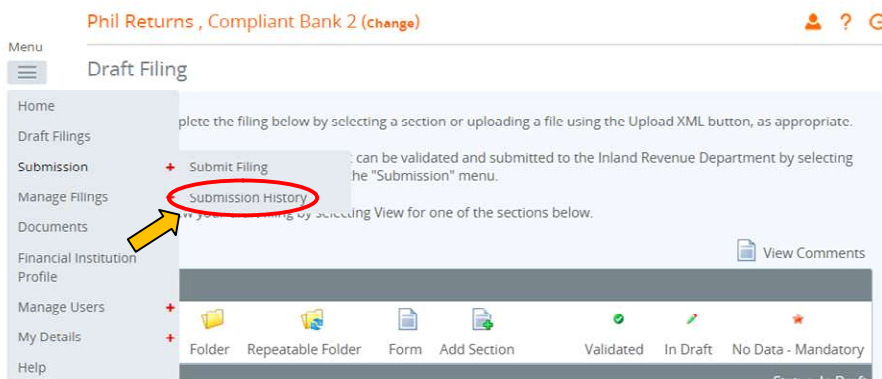


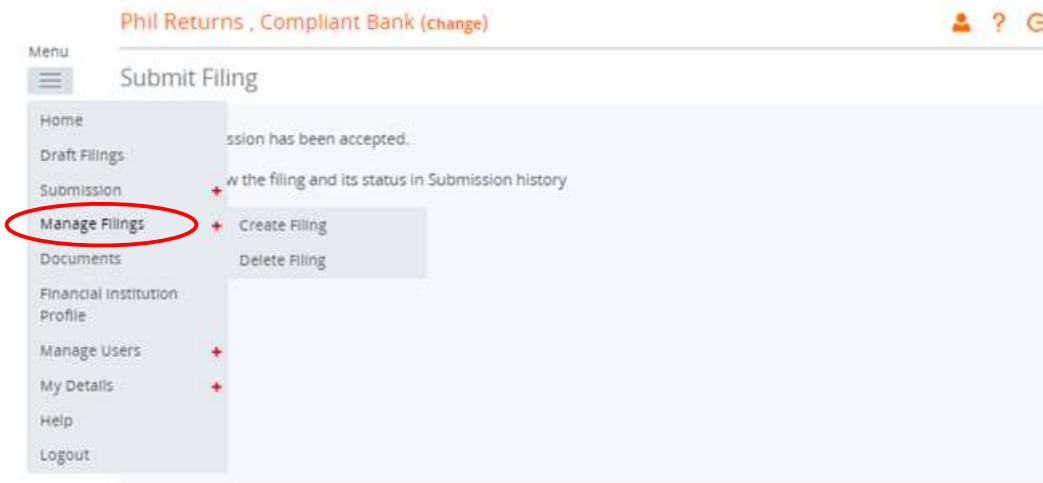
Diagram 39 Submit CRS Manual Filing 5



9.4 FILING A NIL REPORT

Go to **Manage Filings** and then to **Create Filing** as shown in Diagrams 39 below.

Diagram 40 CRS Manual Filing NIL Report 1



Enter a file name and select **CRS Filing Summary** and a period end date as in Diagram 40 below. This should be December 31st of the filing year under consideration. Once all the information has been put in select **Create**.

Diagram 41 CRS Manual Filing NIL Report 2

Phil Returns , Compliant Bank (change) 👤 ? ↻

Menu ☰

Create Filing

We need details about your filing so you will be able to identify it in the future. Please enter the details requested below.

The period end date identifies the reporting period for the filing. This should always be December 31st in the case of FATCA and CRS filings.

Filing name: ←

Filing type:

- Change of Financial Institution Information
- Change of Reporting Obligations
- CRS Filing Summary**
- CRS Manual Entry Filing
- CRS XML Upload Filing
- Primary User Change Notice
- US FATCA Manual Entry Filing

Period end date (dd/mm/yyyy): 📅 ←

Next go to **Draft Filing** and select the NIL Report file which was created as shown in Diagrams 41 and 42.

Diagram 42 CRS Manual Filing NIL Report 3

Phil Returns , Compliant Bank (change) 👤 ? ↻

Menu ☰

Welcome to the Saint Lucia AEOI Portal

Successfully logged in. You can now use the Saint Lucia AEOI Portal to complete and submit all required CRS/AEOI filings online.

For a filing, follow the steps below:

- + Create Filing* menu to generate a new filing
- + Draft Filings* menu to enter or upload data
- + Submission* menu to submit your filing once completed (for manual filings)

In addition to the Saint Lucia AEOI Portal, you are also able to:

- + View your past submissions and download previously uploaded filings using the "Submission History" menu
- + View information regarding your financial institution using the "Financial Institution Profile" menu
- + Download relevant documents using the "Documents" menu

For further assistance, contact the Inland Revenue Department at aeoisupport@ird.gov.lc

Home

Draft Filings

Submission

Manage Filings

Documents

Financial Institution Profile

Manage Users

My Details

Help

Logout

Phil Returns , Compliant Bank (change) 👤 ? ↻

Menu

Draft Filings

Please select the name of the filing you wish to complete.

To create new filings, please use the "Create Filing" functionality.

Filing name	Reference	Revision	Categories	Receiving Country	Status	Filing end date (dd/mm/yyyy)	Due date (dd/mm/yyyy)
2014	FF00043	0.1	Waiting	n/a	In Draft	31/12/2014	31/05/2015
2016	FF00067	0.1	Waiting	n/a	Ready to Submit	31/12/2016	31/05/2017
2017	CRS00071	0.1		n/a	No Data	31/12/2017	31/05/2018
2017b	CRS00068	0.1	Waiting	United Kingdom	Ready to Submit ⓘ	31/12/2017	31/05/2018
2017c	CRS00069	0.1	Waiting	Argentina	In Draft	31/12/2017	31/05/2018

Once the report opens, select the word **Edit** as shown in Diagram 43 below. A list of all CRS exchange partners will open and the table will show that all the corresponding country reports are NIL reports, as shown in Diagram 44. Review the CRS filing summary report and ensure that the institution wishes to file NIL reports for each jurisdiction listed. Then scroll to the bottom of the table to **Validate and Save** as shown in Diagram 45 below.

Diagram 44 CRS Manual Filing NIL Report 5

Phil Returns , Compliant Bank (change)   

Menu 

Draft Filing

Please complete the filing below by selecting a section (in case of a Manual Filing) or uploading an XML file (in case of an XML Upload), as appropriate.

Once your filing has been completed, it can be validated and submitted to the Inland Revenue Department by selecting the "Submit filing" functionality under the "Submission" menu.

You may view your draft filing by selecting View for one of the sections below.




 View Comments


KEY		
		
Form set	Folder	Repeatable Folder
		
Form	Add Section	Validated
		
In Draft	No Data - Mandatory	

2017 Status: No Data

		CRS Filing Summary
		NR
		CRS Filing Summary
		Edit View

Diagram 45 CRS Manual Filing NIL Report 6

Phil Returns , Compliant Bank (change)   

Menu 

Form View

CRS Filing Summary

Financial Institution: Compliant Bank
Period end date (DD/MM/YYYY): 31/12/2017

This form should be used to validate which jurisdictions, if any, you did not maintain any reportable accounts during the reporting period
The list below indicates the number of reportable accounts submitted for each reportable jurisdiction. Please review the list below carefully before submitting this declaration. If incorrect, please delete this filing and re-create when you have completed all of your reporting obligations for this period.

Declarations submitted as at: 02/04/2019:

Reportable Jurisdiction	# Reportable Accounts
Antigua and Barbuda	0
Argentina	0
Aruba	0
Australia	0
Austria	0
Azerbaijan	0
Barbados	0
Belgium	0
Belize	0
Bermuda	0
Brazil	0
British Virgin Islands	0
Brunei Darussalam	0
Bulgaria	0
Canada	0
Cayman Islands	0
Chile	0

Diagram 46 CRS Manual Filing NIL Report 6

Saint Vincent and Grenadines	0
San Marino	0
Saudi Arabia	0
Seychelles	0
Saint-Martin (French part)	0
Slovakia	0
Slovenia	0
South Africa	0
Spain	0
Sweden	0
Switzerland	0
Trinidad and Tobago	0
Turks and Caicos Islands	0
United Kingdom	0
Uruguay	0
Vanuatu	0

By performing this validation of declarations submitted on behalf of Compliant Bank, I declare:

(a) confirm that all information in this declaration is correct and fulfils reporting obligations under the relevant Regulations; and

(b) acknowledge that there may be sanctions for providing inaccurate information and for any contravention of reporting obligations.

Validate & Save

Go

to **Submission** and **Submit Filing** as shown in Diagram 46 below.

Diagram 47 CRS Manual Filing NIL Report 7

Phil Returns , Compliant Bank 2 (change) 👤 ? ↻

Menu

Welcome to the Saint Lucia AEOI Portal

- Home
- Draft Filings
- Submission**
- Manage Filings
- Documents
- Financial Institution Profile
- Manage Users
- My Details
- Help
- Logout

Successfully logged in. You can now use the Saint Lucia AEOI Portal to complete and submit all required CRS CA filings online.

Submit Filing

Submission History Create a new filing

or upload data

Submission" menu to submit your filing once completed (for manual filings)

int Lucia AEOI Portal, you are also able to:

ur past submissions and download previously uploaded filings using the "Submission History" menu

information regarding your financial institution using the "Financial Institution Profile" menu

download relevant documents using the "Documents" menu

re assistance, contact the Inland Revenue Department at aeosupport@ird.gov.lc

Look for the NIL file in the table and select **Validate** as shown in Diagram 47 below.

Diagram 48 CRS Manual Filing NIL Report 8

Filing name	Reference	Revision	Categories	Receiving Country	Filing end date (dd/mm/yyyy)	Due date (dd/mm/yyyy)	Action
2016	FF00067	0.1	Waiting	n/a	31/12/2016	31/05/2017	Validate
2017	CRS00071	0.1		n/a	31/12/2017	31/05/2018	Validate

Submit the filing as shown in diagram 48 below.

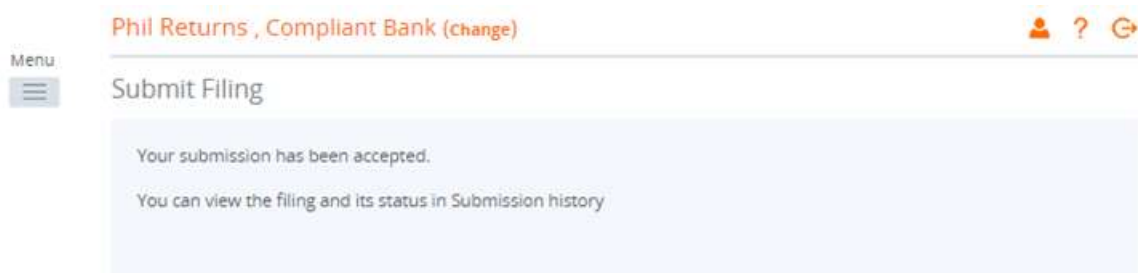
Diagram 49 CRS Manual Filing NIL Report 9

Your filing has been validated and can now be submitted.
If you need to submit amended or corrected data, you must submit an additional filing.

[Submit](#) [Cancel](#)

If the submission of the Nil Report has been accepted, then the message shown in Diagram 49 below will appear and further action is not required.

Diagram 50 CRS Manual Filing NIL Report 10



9.5 CORRECTING A CRS SUBMISSION

Entities may adjust/change CRS submissions by either deletion or correction. The deletion or correction must have a new Document Reference ID, but must still reference the initial Document Reference ID. Corrections may be sent as a manual file or as an XML.

9.5.1 Delete records when:

- i. Account information has been submitted in error. (Should not have been filed)
- ii. Account information has been sent to the wrong jurisdiction.

9.5.2 Correct records when:

- i. Payment information needs to be adjusted.
- ii. TIN needs to be adjusted.
- iii. Taxpayer information needs to be adjusted.
- iv. Any similar adjustments to a submission e.g. date of birth, address.

9.5.3 Manual Correction of CRS filing

Open the initial filing to be corrected and copy the Document Reference ID. (Go to **Submission, Submission History** as shown in Diagrams 38 and 39).

Create the filing as per Diagrams 7 and 8.

Go to Draft filing and select the appropriate file.

Go to **General Information** and select **Receiving Country** and **Message Contains Corrections for Previously Sent Information** as shown in Diagrams 50 and 51 below. **Validate and save**.

Diagram 51 CRS Manual Correction Filing 1

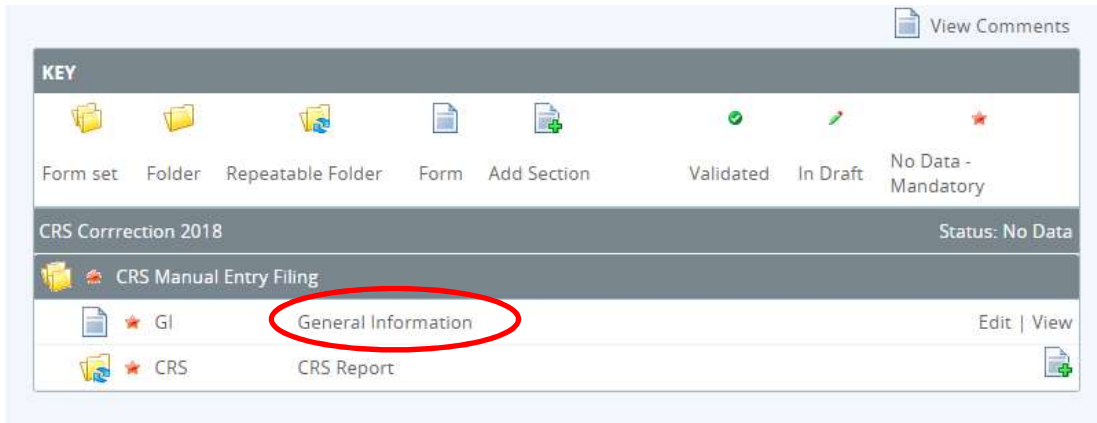
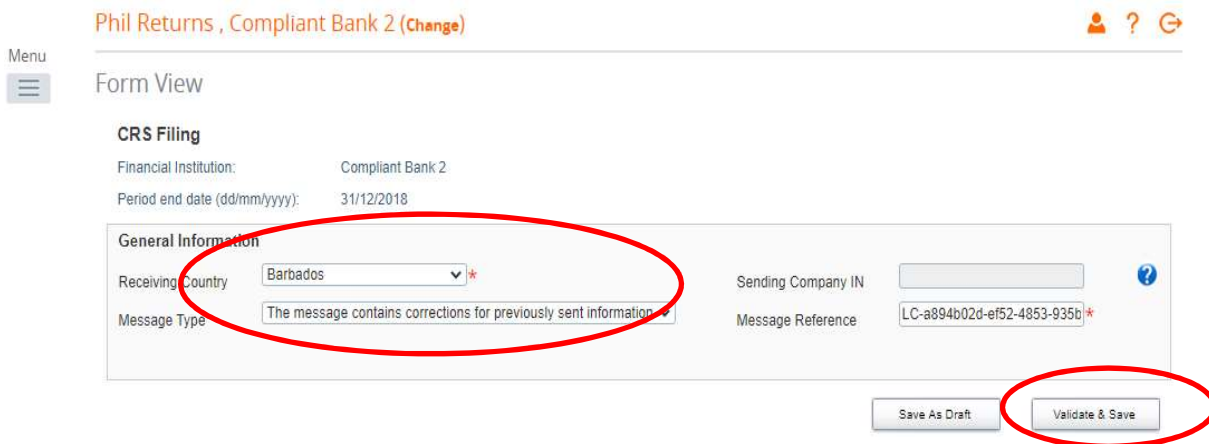


Diagram 52 CRS Manual Correction Filing 2




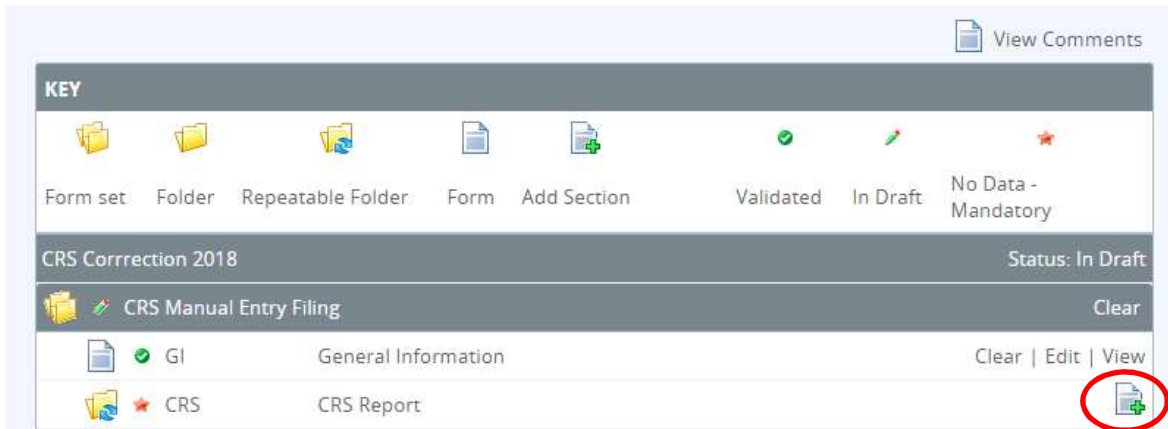
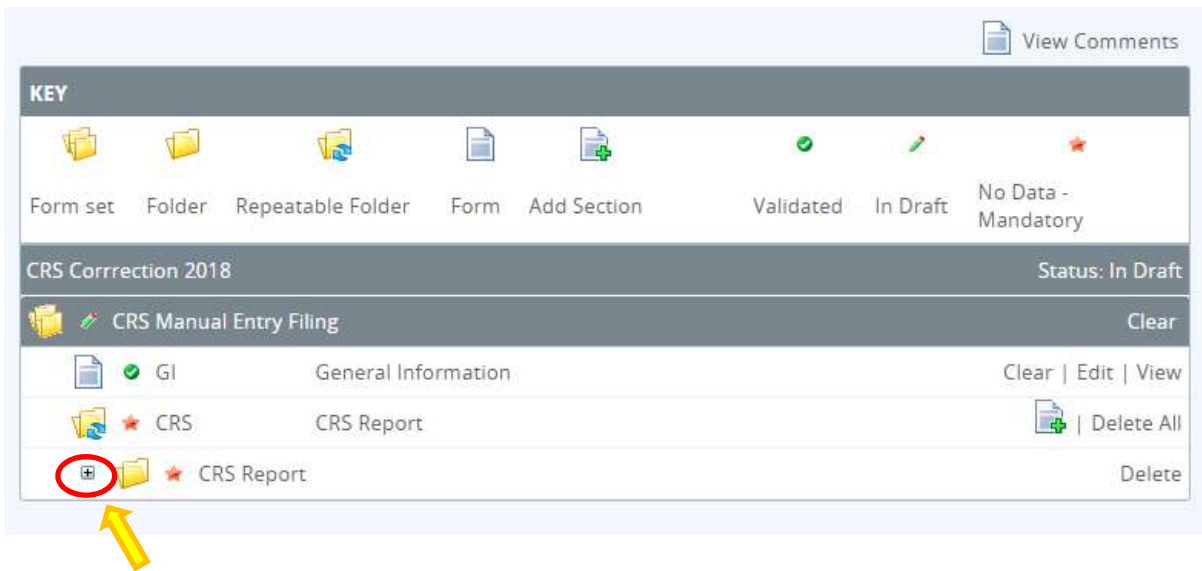
Select  next to CRS Report as shown in Diagram 52 below.

Diagram 53 CRS Manual Correction Filing 3



Select + next to **CRS Report** as shown in Diagram 53 below.

Diagram 54 CRS Manual Correction Filing 4



Select Reporting FI Information. Under Document type select Corrected Data. Paste in the old Document Reference ID in the field on the right as shown in diagrams 54 and 55 below.

Diagram 55 CRS Manual Correction Filing 5

View Comments

KEY

Form set Folder Repeatable Folder Form Add Section Validated In Draft No Data - Mandatory

CRS Correction 2018 Status: In Draft

CRS Manual Entry Filing Clear

GI General Information Clear | Edit | View

CRS CRS Report | Delete All

CRS Report Delete

RFI Reporting FI Information Edit | View

AI Account Information

Diagram 56 CRS Manual Correction Filing 6

CRS Filing

Financial Institution: Compliant Bank

Period end date (dd/mm/yyyy): 31/12/2018

Document Type: Corrected Data * If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here LC-f266adc0-da39-4267-9a2b

Document Reference ID: LC-d2ea4a91-c863-41bf-bae0 *

Reporting FI Name: Compliant Bank *

Identification Number:

Reporting FI Tax Residence: Saint Lucia *

Address


Number, Street, and Room/Suite no: P.O. Box 485

City: Gros Islet *

Post Code: LC03 101

Country: Saint Lucia *

Save As Draft Validate & Save

Select  next to Account Information. Select Corrected Data and paste in the previous Document Reference ID.

Enter corrected information. **Validate and Save.**

9.5.4 XML Correction of CRS Filing

In order to adjust XML data an appropriate deletion or correction file must be created. This file must contain the relevant information as per the schema and should be uploaded as described previously.

10 MONITORING AND AUDITING

In accordance with the AEOI Administrative Compliance Framework, the Competent Authority will be monitoring and auditing the financial sector and off shore sector to ensure the effective implementation of the Standard.

In accordance with Section 6 of the Automatic Exchange of Financial Account Information Act No. 22 of 2016 the Competent Authority has the power to i) examine procedures, ii) determine whether information included in a return is accurate and complete iii) determine whether omitted information was correctly left out.

Desktop and on sites visits will be used to monitor reporting entities and this review will be conducted using a risk based approach.

10.1 Audits

The audit of financial institutions will begin with a desk review of the AEOI/CRS procedures employed by the entity. The institutions will be asked ahead of time for these documents and based on the completeness of the information provided, the CA will then determine how on site visits will be scheduled.

Auditors from the Competent Authority will review the processes to ensure that they are in keeping with the standard and in addition will provide comments and suggestions which aimed towards assisting the financial institutions to improve their internal processes as they relate to the Standard.

After the desk based review of financial institutions the entities will be informed of the CAs intention to conduct on site visits and dates will be scheduled. In the first instance (2020) the CA will aim to visit all relevant FIs which have a physical presence in the jurisdiction. In subsequent years, the CA will use a risk based approach to review financial institutions. The CA will use a risk based approach to review financial institutions. However, it is hoped that low risk entities will be visited at least once every 2 years (every other year) unless risk assessments determine that more frequent (or less frequent) visits are required. Medium to high risk entities will be visited annually until they are deemed low risk.

On site visits will incorporate the following:

1. Interview with staff responsible for CRS reporting and verbal discussion of due diligence and reporting procedures.
2. Procedures followed and evidence relied upon for due diligence.
3. Sample check of records reported for completeness and accuracy.
4. Review of self certification and residency evidence.
5. Examination of other documents including training material prepared by the FI.
6. Review of undocumented accounts and accounts with no TIN.

Entities will be informed of any deficiencies identified and the CA will subsequently conduct on site visits to determine how closely the procedures are followed and to ascertain the general understanding of the reporting staff of the obligations of these entities.

11 CONFIDENTIALITY

Data and information may only be shared in accordance with the relevant agreements. Information will not be provided or disclosed to unauthorised individuals.

Jurisdictions are not required to provide information which would not be in accordance with public policy in the reporting jurisdiction.

12 REFERENCES

Automatic Exchange of Financial Account Information Act No. 22 of 2016

Automatic Exchange of Financial Account Information (Amendment) Act No. 10 of 2017

Automatic Exchange of Financial Account Information (Designation of an Excluded Account) Order S.I. 119 of 2017 and S.I. 8 of 2019.

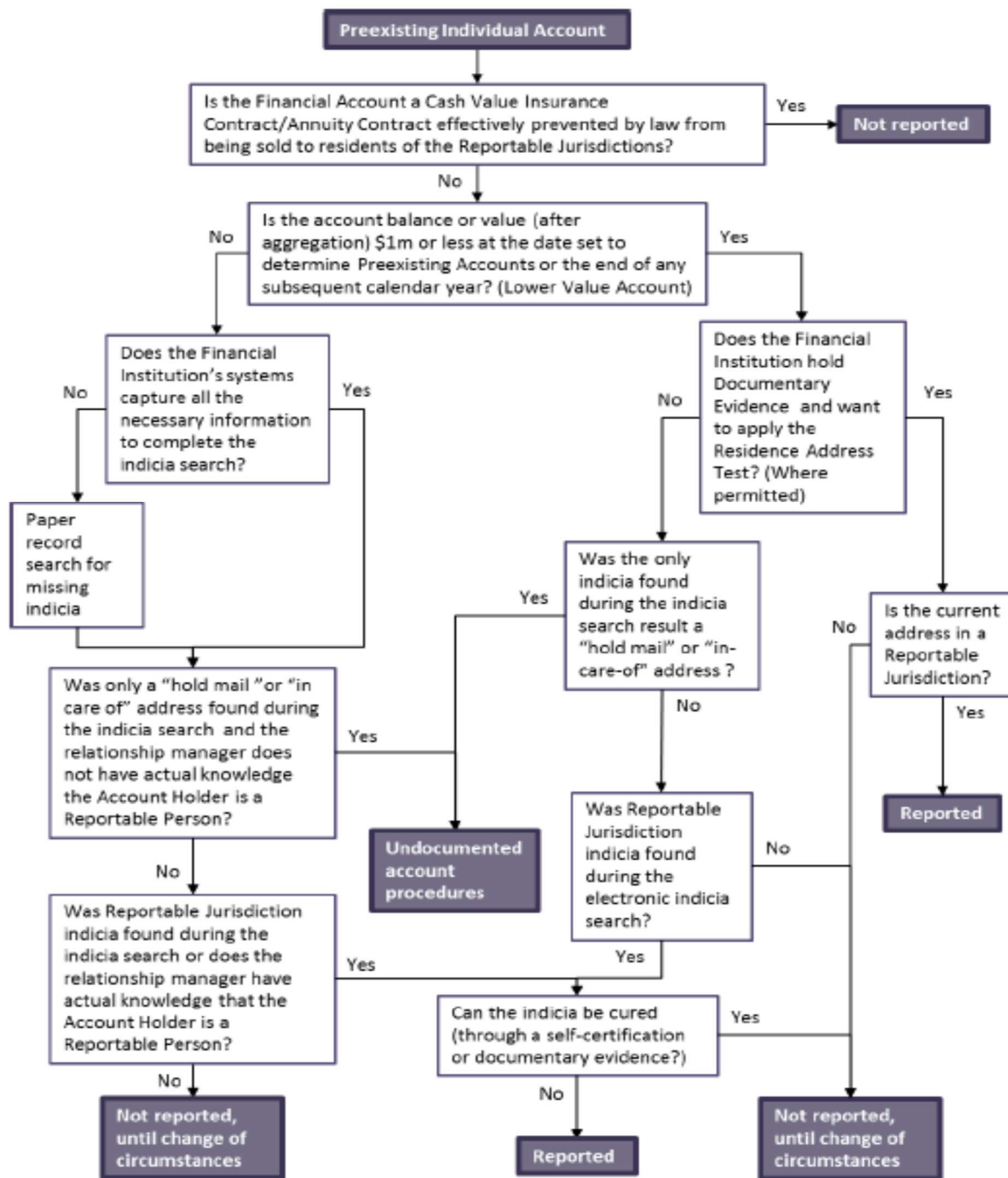
Automatic Exchange of Financial Account Information (Designation of Non-Reporting Financial Institution) Order S.I. 107 of 2017

OECD Publishing, Standard for Automatic Exchange OECD

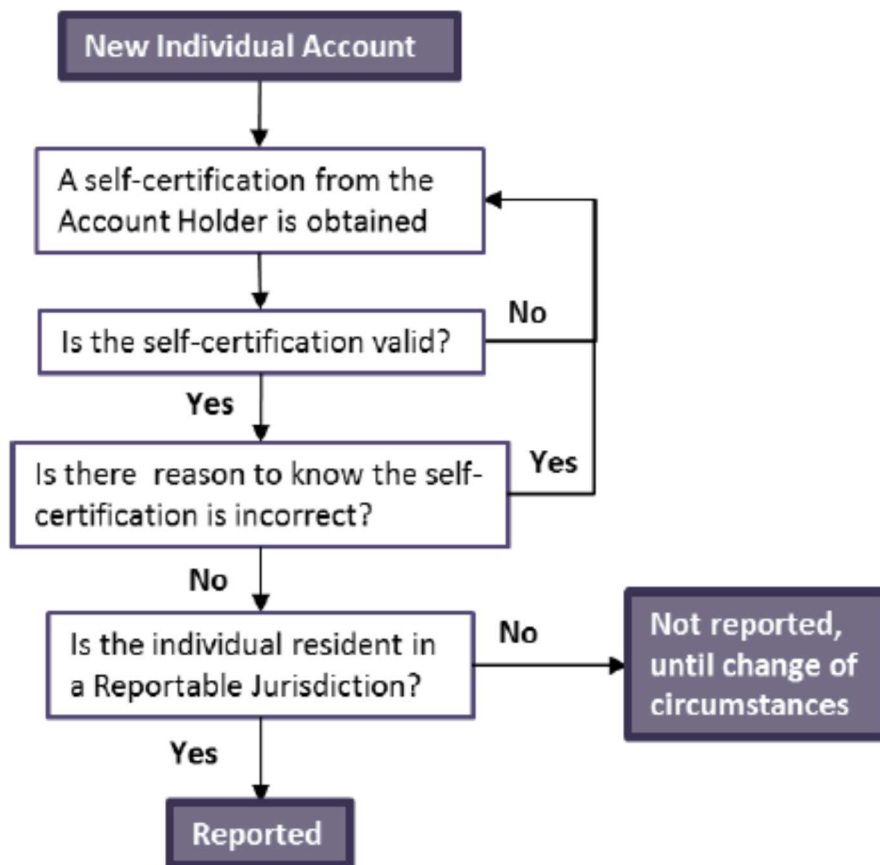
The CRS Implementation Handbook, OECD Second Edition

13 APPENDIX

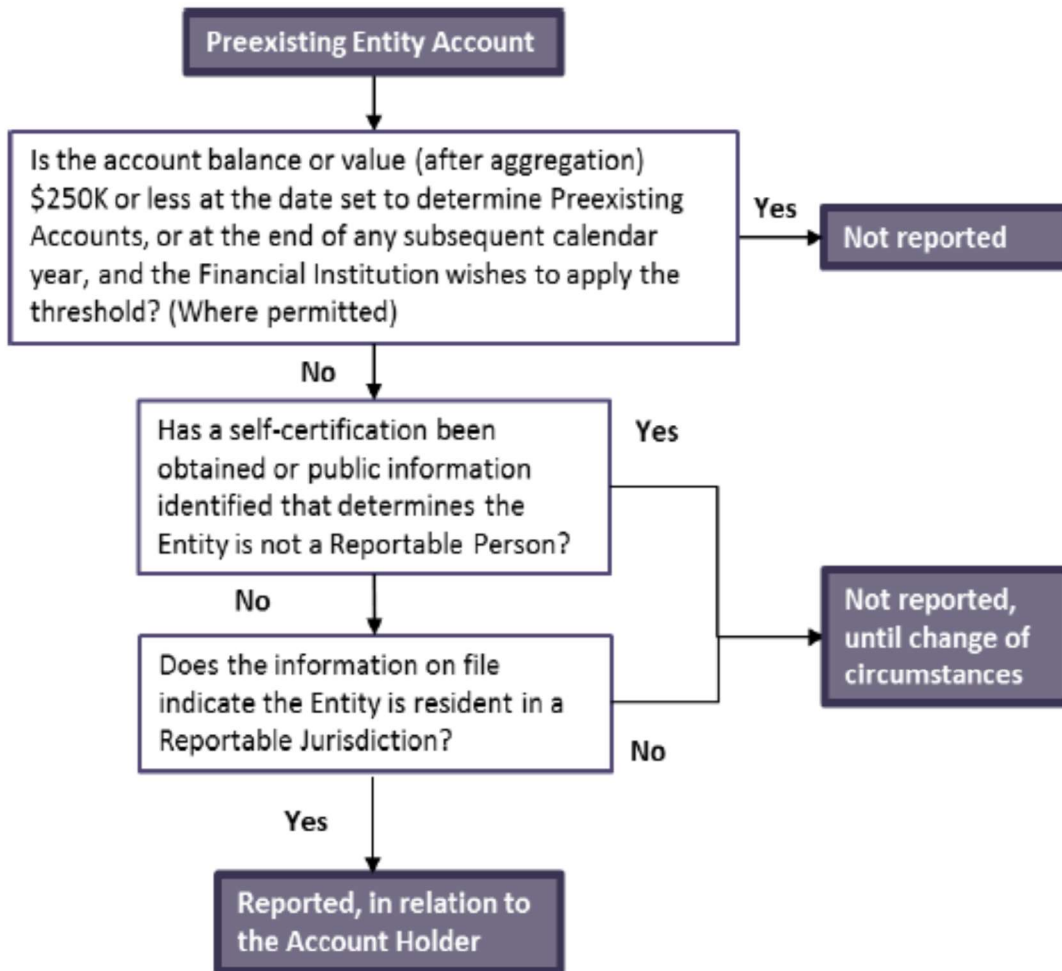
Due Diligence Procedures for Pre-existing Individual Accounts



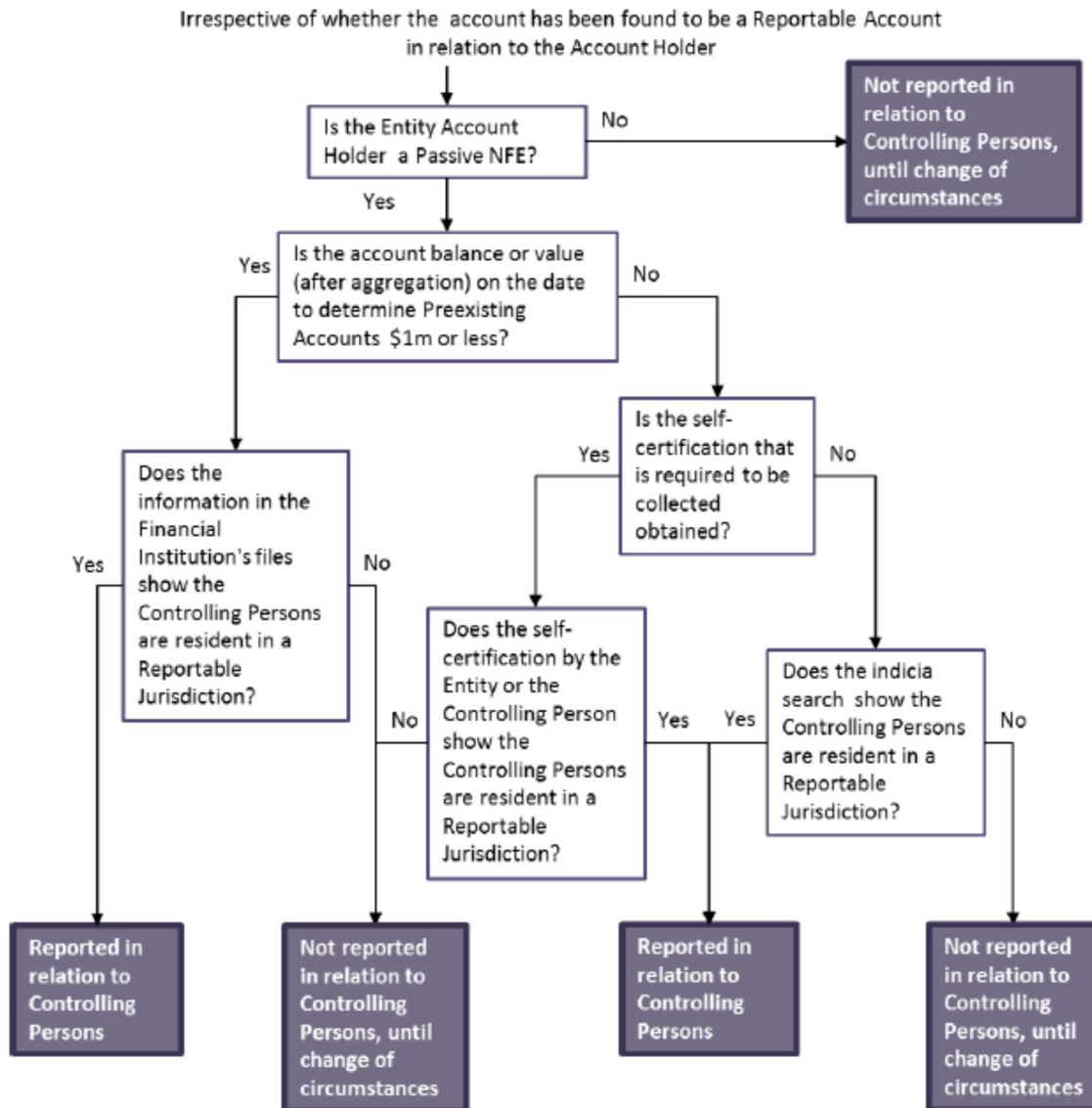
Due Diligence Procedures for New Individual Accounts



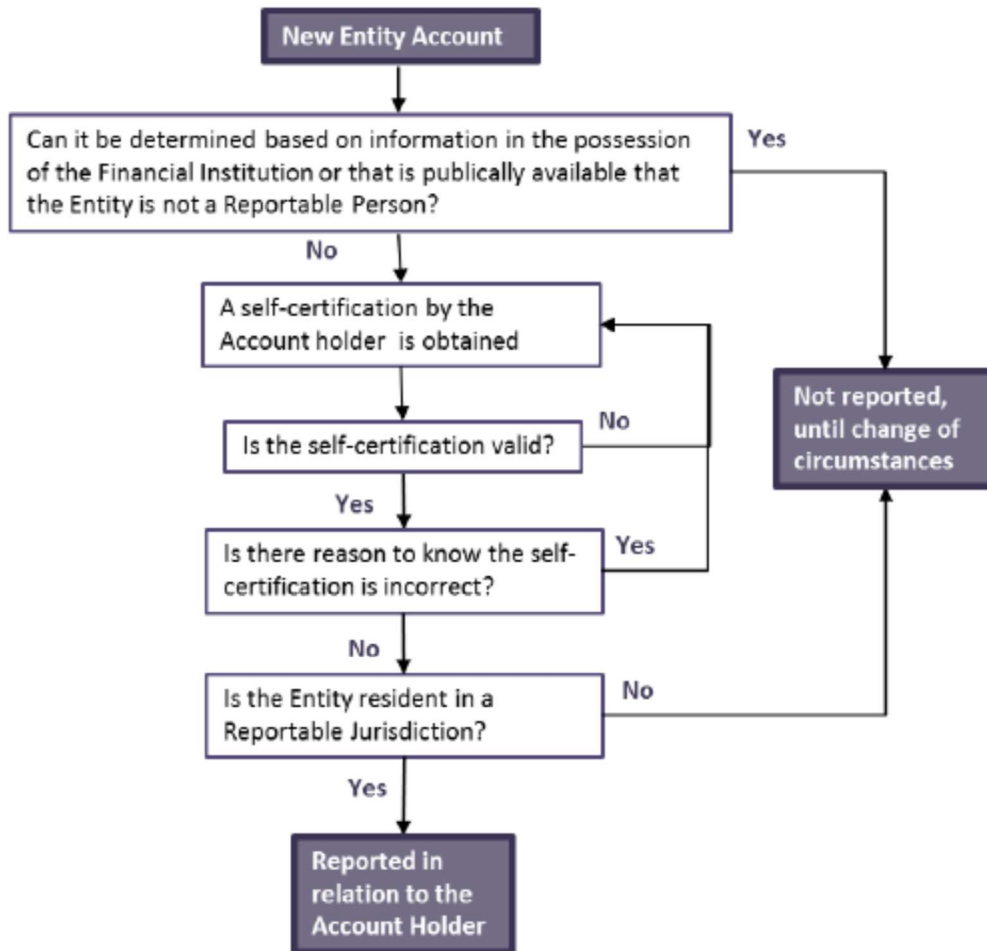
Due Diligence Procedures for Pre-existing Entity Accounts



Due Diligence Procedures in Relation to Controlling Persons for Pre-existing Accounts

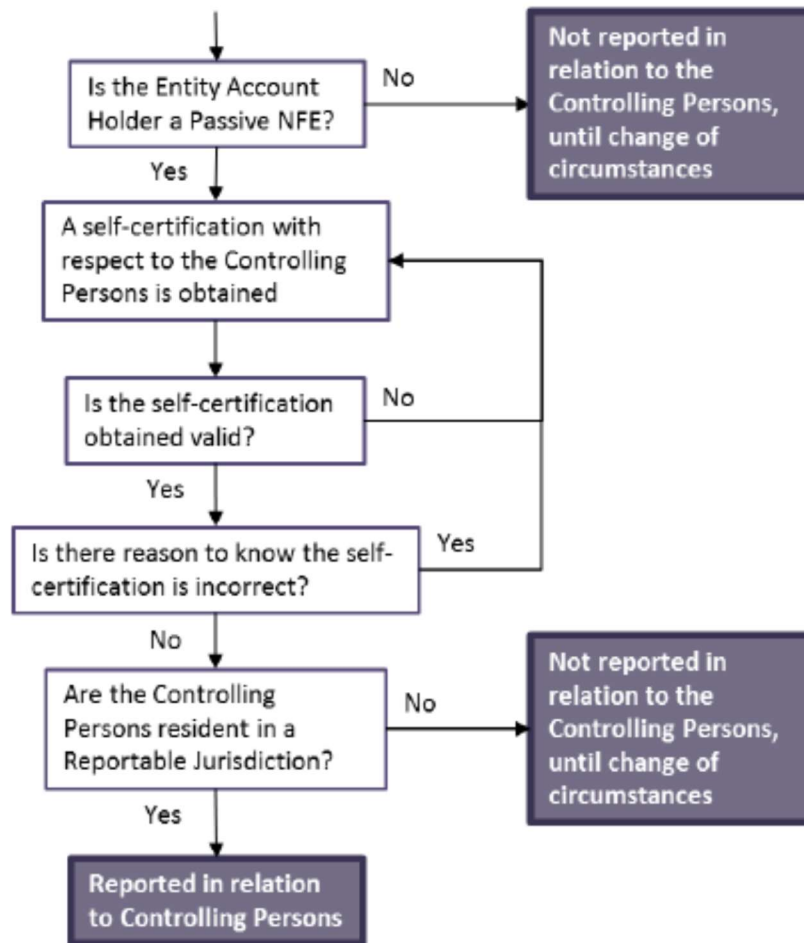


Due Diligence Procedures for New Entity Accounts



Due Diligence Procedures in Relation to Controlling Persons for New entity Accounts

Irrespective of whether the account has been found to be a Reportable Account in relation to the Account Holder



Financial Activity to be Reported in Relation to a Trust which is a Financial Institution

Account Holder	Account Balance or Value	Gross payments
Settlor:	<ul style="list-style-type: none"> Total value of all trust property 	<ul style="list-style-type: none"> Value of payments made to the settlor in reporting period (if any)
Beneficiary: mandatory	<ul style="list-style-type: none"> Total value of all trust property 	<ul style="list-style-type: none"> Value of distributions made to the beneficiary in reporting period
Beneficiary: discretionary (in a year in which a distribution is received)	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Value of distributions made to the beneficiary in reporting period
Any other person exercising ultimate effective control	<ul style="list-style-type: none"> Total value of all trust property 	<ul style="list-style-type: none"> Value of distributions made to such person in reporting period (if any)
Debt interest holder	<ul style="list-style-type: none"> Principal amount of the debt 	<ul style="list-style-type: none"> Value of payments made in reporting period
Any of the above, if account was closed	<ul style="list-style-type: none"> The fact of closure 	

Financial Activity to be Reported in Relation to a Trust which is a Passive NFE

Account Holder	Account Balance or Value	Gross payments
Settlor:	<ul style="list-style-type: none"> Total account balance or value 	<ul style="list-style-type: none"> Gross payments made or credited as per Section I.A of the CRS
Trustee	<ul style="list-style-type: none"> Total account balance or value 	<ul style="list-style-type: none"> Gross payments made or credited as per Section I.A of the CRS
Beneficiary: mandatory	<ul style="list-style-type: none"> Total account balance or value 	<ul style="list-style-type: none"> Gross payments made or credited as per Section I.A of the CRS
Beneficiary: discretionary (if option at [134] on page 199 is exercised)	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Gross payments made or credited as per Section I.A of the CRS
Protector (if any)	<ul style="list-style-type: none"> Total account balance or value 	<ul style="list-style-type: none"> Gross payments made or credited as per Section I.A of the CRS
Any of the above, if account was closed	<ul style="list-style-type: none"> The fact of closure 	

List of Participating Jurisdictions

AUTOMATIC EXCHANGE OF FINANCIAL ACCOUNT INFORMATION ACT, NO. 22 OF 2016 LIST OF PARTICIPATING JURISDICTIONS

IN EXERCISE of the power conferred under section 9(2) of the Automatic Exchange of Financial Account Information Act, No. 22 of 2016, the Minister responsible for finance lists the following Participating Jurisdictions for the purposes of the Common Reporting Standard on reporting and due diligence for financial account information:

- | | |
|-----------------------|--------------|
| 1 Anguilla | 6 Austria |
| 2 Antigua and Barbuda | 7 Azerbaijan |
| 3 Argentina | 8 Bahamas |
| 4 Aruba | 9 Bahrain |
| 5 Australia | 10 Barbados |

11	Belgium	54	Lebanon
12	Belize	55	Liechtenstein
13	Bermuda	56	Lithuania
14	Brazil	57	Luxembourg
15	British Virgin Islands	58	Malaysia
16	Brunei Darussalam	59	Malta
17	Bulgaria	60	Marshall Islands
18	Canada	61	Mauritius
19	Cayman Islands	62	Mexico
20	Chile	63	Montserrat
21	China	64	Nauru
22	Colombia	65	Netherlands
23	Cook Islands	66	New Zealand
24	Costa Rica	67	Norway
25	Croatia	68	Pakistan
26	Curaçao	69	Poland
27	Cyprus	70	Portugal
28	Czech Republic	71	Qatar
29	Denmark	72	Romania
30	Dominica	73	Russia
31	Estonia	74	Saint Kitts and Nevis
32	Faroe Islands		
33	Finland	75	Saint Vincent and the Grenadines
34	France		
35	Germany	76	San Marino
36	Gibraltar	77	Saudi Arabia
37	Greece	78	Seychelles
38	Greenland	79	Sint Maarten
39	Grenada	80	Slovak Republic
40	Guernsey	81	Slovenia
41	Hungary	82	South Africa
42	Iceland	83	Spain
43	India	84	Sweden
44	Indonesia	85	Switzerland
45	Ireland	86	Trinidad and Tobago
46	Isle of Man		
47	Israel	87	Turks and Caicos Islands
48	Italy		
49	Japan	88	United Arab Emirates
50	Jersey		
51	Korea	89	United Kingdom
52	Kuwait	90	Uruguay
53	Latvia	91	Vanuatu

ALLEN M. CHASTANET,
Minister responsible for finance.