

ALFI's FATCA implementation working group publishes a second Q&A on Reporting and Withholding in the context of FATCA

On 27 March 2015, the Luxembourg draft law on FATCA was submitted to Parliament. The law will ratify the execution of the Intergovernmental Agreement (IGA) signed between Luxembourg and the United States of America on 28 March 2014 as well as the related Appendices and Memorandum of Understanding. It is expected that the law will be passed in the coming days.

In this context, ALFI's implementation working groups for FATCA prepared a Q&A document to deal specifically with reporting and withholding issues in the context of FATCA. It should be read in conjunction with a first Q&A prepared by ALFI on the implementation of FATCA in the context of Luxembourg domiciled investment funds, which you may download from the website of ALFI. The Q&A does not aim to address all existing cases. Click [here](#) to access the Q&A.

The working groups comprise representatives of asset managers, management companies, securities service providers, audit firms, law firms, the Luxembourg Pension Funds Association and document and information management firms. ALFI hopes that this document will serve its members as a reference document when implementing FATCA. It represents the view of a group of market participants and is not binding for the Luxembourg Tax Authorities or the national regulator. The Q&A has been submitted to and discussed with them, but it has not been validated by anyone. The document does not diminish the responsibility of management companies or investment companies to comply with national law or regulation. It must not be relied upon as advice and is provided without any warranty of any kind and neither ALFI nor its members who contributed to this document accept any liability whatsoever for any action taken in reliance upon it. The answers are not necessarily definitive and they might not be suitable for every circumstance. The document may be amended without prior notice to incorporate new material and to amend previously published material where the working group considers it appropriate. ALFI will publish amended copies of this document to its members, showing marked-up changes from the immediately preceding copy. ALFI's members are welcome to submit a question to the working group, who will review it and consider whether to respond to it in a future copy of this document. Please send your questions to info@alfi.lu. We will acknowledge receipt of each question but we regret that we may be unable to reply individually to each one.

The working groups have deliberately decided to issue this Q&A document ahead of the publication of the Luxembourg FATCA Law. Users of this Q&A document are advised to supplement this document with the legal texts (law, decree and / or circulars) once published. This document will be up-dated as deemed appropriate and if the need arises.

As already mentioned in [ALFI's Special Newsflash](#) on 2 June 2015, the Luxembourg Tax Authorities have confirmed that the reporting deadline is exceptionally postponed to 31 July 2015 instead of 30 June 2015 for the first reporting year 2014. Reporting financial institutions are also reminded that as per article 3 paragraph 4 of the draft law, they must inform any individual on behalf of whom they will report.