



Gibraltar Association of Compliance Officers

P.O. Box 1493, Gibraltar

www.gaco.gi

Hon Albert Isola MP
Minister for Financial Services and Gaming
Suite 771
Europort
Gibraltar

30 March 2015

Dear Albert,

RE: FATCA REPORTING

We understand that the Government of Gibraltar, unlike other Overseas Territories, has thus far not issued any Guidance Notes to the industry in respect of FATCA and/or UK FATCA reporting.

As key dates in relation to FATCA are fast approaching, (<http://www.irs.gov/Businesses/Corporations/Summary-of-FATCA-Timelines>) there are still questions raised in the industry and amongst our members to which we haven't received answers.

We are therefore approaching you requesting further clarity and guidance on this subject matter.

Some initial questions are:

1. Who will be in charge of collecting the reporting data in Gibraltar?
2. Will we have to address our data reports to the Commissioner of Income Tax or will we send the data to No. 6, Convent Place?
3. Is it to the Ministry of Finance that our members will have to report?

Whilst it is clear what data the US IRS is looking for from FFI's abroad, our members need to understand in which format they are supposed to deliver the information to Gibraltar Government, to the Commissioner of Income Tax or to whom the Government will appoint for this matter.

Therefore subsequent questions are:

4. Will the Government set up a reporting page in the same way other overseas territories have done for FATCA?
5. Is the Government working on a similar solution for the jurisdiction?

Will we have a template that will be used by all the local participants in order to have a streamlined delivery of data, making it easier for the Government to collect the data, to

double check and eliminate double reporting and to further streamline the reporting of local Government to other fiscal authorities?

Your guidance on this issue would be much appreciated.

Furthermore, we would like to have further clarification on the following:

6. When will the respective law be passed locally with regards to FATCA, UK FATCA and potentially CRS?
7. Will said new legislation include in it, or in an appendix to it, suitable guidance notes to the industry allowing the local industry to comply with the reporting and therefore facilitating the government to comply with the signed Inter Governmental Agreement?

Further clarity on the above would be greatly appreciated.

Other questions which have arisen are:

8. Will the Gibraltar Government have the same reporting deadlines as defined in the US and UK FATCA or will Government request local entities to comply with deadlines that are between 1 and 3 months ahead of its own reporting deadlines to ensure that it is in possession of the data ahead of its reporting duties and that said data can be reviewed, double checked and sanitised accordingly?

As GACO we want to ensure that all our members are in compliance with international regulations as agreed by the Government for the Jurisdiction. We believe that the better the reporting is co-ordinated between the industry and the relevant Government department which will have the reporting function, the easier and less cumbersome it will be for the industry. We and our members would have preferred to have had clear Guidance Notes from the Government elaborated together with the industry. We understand that local Government has preferred to adopt another route. At this stage we feel that the industry needs to receive clear information and guidance from Government on the expected form and quality of the report.

Therefore, we are approaching you for further clarification on the above questions and any other information you may have on this subject which can be forwarded to us.

We would be available to participate in any working group established to discuss the above topic, to review and comment on any legislative changes suggested, or to obtain feedback from our members on any suggested approach to reporting and tools to be used.

We look forward to hearing from you and thank you in advance for your response and guidance.

Best regards,



Carlos M. Martins
GACO Chairman,
For and on behalf of the GACO Executive Committee

