

INFORMATION SHEET – AEOI & CRS

What is the Automatic Exchange of Information (AEOI) / Common Reporting Standard (CRS)?

Quintet Private Bank (Switzerland) Ltd (hereafter “Quintet”) is a reporting Swiss financial institution in accordance with the Federal Act on the International Automatic Exchange of Information in Tax Matters (AEOI Act). The AEOI Act is the legal basis for implementing the AEOI/CRS Standard in Switzerland.

This communication is intended to inform you as required by Article 14 of the AEOI Act.

If you are not the account holder for the purposes of AEOI/CRS (e.g. because you act in a fiduciary capacity), or if you are an entity for which Quintet is required to identify and report one or more controlling persons, we ask you to forward the above information to all of the relevant persons.

How does AEOI/CRS work?

As a reporting Swiss financial institution, Quintet is responsible for determining the tax residence of its clients and whether their accounts are reportable (see details below). This is done at the onboarding stage through self-certifications.

By 30 June of each calendar year, reporting Swiss financial institutions are required to report to the Swiss Federal Tax Administration (FTA) personal and financial information for the previous calendar year relating to reportable accounts and the relevant persons concerned (natural or legal person account holders including controlling persons, where relevant). The FTA will then transfer this information to the relevant tax authorities within the timeframe set out in the AEOI/CRS agreement signed with each Reportable Jurisdiction.

It is to be noted that, if no self-certification is filled out when requested by Quintet, Quintet is required to determine the reportable status of the account holders and controlling persons, where relevant, on the basis of the information in its possession (which may result in a person being reportable with respect to several countries).

For what purpose will this information be used?

Generally, the information exchanged may only be used for tax purposes. In principle and within the statutory framework, it is prohibited for the recipient country to forward the information provided by the FTA to another country or to make it available to a person or authority that is not responsible for handling or supervising taxation. The information must be treated as confidential.

When is an account reportable?

An account is reportable under AEOI/CRS if it is held by one or more reportable (natural or legal) persons or by an entity with one or more reportable controlling persons.

In general, a natural person (including a controlling person) is reportable if he/she is resident in a Reportable Jurisdiction. In addition, in the absence of a valid self-certification, Quintet must treat a natural person as reportable if he/she has at least one of the below indicia in a Reportable Jurisdiction other than his/her country of tax residence:

- Address (post, residence, post office box or "in-care-of" address) in a Reportable Jurisdiction;
- Telephone number from a Reportable Jurisdiction (only if there is no Swiss telephone number);
- Standing order (other than with respect to a depository account) to transfer funds to an account maintained in a Reportable Jurisdiction; or
- Power of attorney or signatory authority granted to a person with an address in a Reportable Jurisdiction (post, residence, post office box or "in-care-of" address).

Whether a legal person is reportable depends on its country(ies) of tax residence and its AEOI/CRS status (i.e. financial institutions and certain types of active NFEs are not reportable irrespective of their country(ies) of tax residence).

Where can you find the list of Switzerland's AEOI/CRS partner states including entry into force date?

The link below contains a list of the countries which have signed an AEOI/CRS agreement with Switzerland. This list is kept up to date.

https://www.sif.admin.ch/sif/en/home/multilateral/steuer_informationsaust/automatischer-informationsaustausch/automatischer-informationsaustausch1.html

What exactly is reported to the tax authorities?

The information reported to the tax authorities includes personal data of each reportable person (including name, first name, address, date of birth, country(ies) of residence, tax identification number) and financial data (including account number, aggregate balance or value of the account at the end of the year, investment income including total gross amount of interest, dividends or other income and total gross proceeds from sales or redemptions).

The information reported to the FTA under AEOI/CRS may differ from the information relevant for the tax assessment in your country(ies) of tax residence.

Moreover, the name and identification number of Quintet are also reported.

What are your rights?

An account is reportable under AEOI/CRS if it is held by one or more reportable (natural or legal) persons or by an entity with one or more reportable controlling persons.

1) Vis-à-vis Quintet

- You are entitled to the full extent of legal protection offered by the Federal Act on Data Protection vis-à-vis Quintet. In particular, you have the right to request what information has been collected about you and will be reported to the FTA.
- Quintet must provide you with a copy of its report to the FTA on request. The statement lists the information which is reported to the FTA and exchanged with the tax authority in the Reportable Jurisdiction.
- You are also entitled to request that incorrect data in Quintet's systems be corrected.

2) Vis-à-vis the FTA

- Your only right vis-à-vis the FTA is the right to access information. You are entitled to request that incorrect data resulting from errors in the exchange process be corrected.
- If the exchange of information would result in disadvantages for you that are not permissible due to a lack of constitutional guarantees, your rights are set out in Article 25a of the Federal Act on Administrative Procedure.
- You do not have the right to access FTA records. This means that you do not have the right to block the disclosure of personal details vis-à-vis the FTA. In addition, you are not entitled to have the legality of forwarding information outside Switzerland reviewed or to block any illegal forwarding and/or to demand the destruction of data processed without a sufficient legal basis.

What happens in case of change of circumstances?

You must inform Quintet immediately (latest within 30 days) if there is a change in circumstances (i.e. change of country of tax residence, change of activity, name, beneficial owner, etc.). Furthermore, you must provide Quintet with an updated AEOI/CRS self-certification within 90 days of the occurrence of a change in circumstances. Please note that based on Article 35 of the AEOI Act, wilfully providing incorrect information on a self-certification, not notifying a reporting Swiss financial institution about any change in circumstances or providing incorrect information about any change in circumstances is subject penalty. In addition, in the absence of a valid self-certification, Quintet must determine the reportable status of a person based on indicia and the person may (also) be reported to countries other than its country(ies) of tax residence.