

Part IV – Items of General Interest

Update on FATCA financial institution registration

Announcement 2014-1

As anticipated in Notice 2013-43, 2013-31 I.R.B. 113, the IRS FATCA registration website was made accessible to financial institutions (FIs) on August 19, 2013, in order for FIs to begin the process of creating accounts and entering registration information. All information entered since August 19, 2013, has been automatically saved in the registration system and associated with the FI's FATCA account. With the exception of December 21 and December 31, 2013 (GMT -5), when the registration website will undergo end-of-year processing, FIs will continue to have access to the registration website to create accounts or access existing accounts to modify or add registration information.

Notice 2013-43 notified FIs that any information they entered in the registration system before the formal opening of the IRS FATCA registration website at the beginning of January 2014, even if submitted as final, would not be regarded as a final submission. Consistent with the Notice, all registrations prior to January 2014, including registrations submitted as final before December 31, 2013 (GMT -5), will be treated as initiated but unsubmitted. Thus, on or after January 1, 2014 (GMT -5), every registering FI must revisit its account, make edits to its information if necessary, sign its FFI agreement if registering as a participating FFI, and submit its registration information as final.

Any FI submitting its registration information on or after January 1, 2014 (GMT -5) may subsequently choose to revoke its status by revisiting its account and deleting its registration (if its GIIN has not yet been issued) or cancelling its registration (if its GIIN has already been issued).

The IRS and Treasury anticipate that the final FFI agreement will be published prior to January 1, 2014. Final qualified intermediary (QI), withholding foreign partnership (WP), and withholding foreign trust (WT) agreements will be published in early 2014. Any FI seeking to renew its status as a QI, WP, or WT should do so during the registration process (i.e., by answering Questions 6, 9c, 13, 14, and 15). Any QI, WP, or WT that does so prior to the finalization of the QI, WP, and WT agreements will be treated as having accepted the revised terms of the applicable agreement, effective on June 30, 2014, for QIs, WPs, and WTs that receive a GIIN prior to July 1, 2014 (GMT -5). A QI, WP, or WT may terminate its status at any time by delivery of a notice of termination in accordance with the terms of the applicable agreement.

All other dates relevant to registration and publication of the IRS FFI List as described in Notice 2013-43 remain unchanged. Notably, the IRS will electronically post the first IRS FFI List by June 2, 2014 (GMT -5), and any FI seeking to be included on the June 2014 IRS FFI List should finalize its registration by April 25, 2014 (GMT -5). Additionally, as previously announced, verification of a GIIN is not required for payments made prior to January 1, 2015, with respect to any payee that is a reporting Model 1 FI. Thus, while reporting Model 1 FIs will be able to register and obtain GIINs on or after January 1, 2014, they will not need to register or obtain GIINs until on or about December 22, 2014, to ensure inclusion on the IRS FFI list by January 1, 2015.

DRAFTING INFORMATION

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