

1 December 2015

**Statement of Outcomes by Working Party No. 10 on the EU Proposal
on the addition of fields to the CRS XML Schema**

1. Working Party No. 10 considered the position paper of 1 July 2015 (TAXUD.D.2/KL-BL/mb (2015) 3103841) submitted by the European Commission, which, *inter alia*, proposes the addition of the following three fields and one value to the current CRS XML Schema (together the “Proposed Fields”):
 - “Account Treatment”, allowing the differentiation between accounts that have undergone customer due diligence for Preexisting vs New Accounts;
 - “Self-certification”, indicating whether a self-certification has been obtained;
 - “Account Type”, specifying the type of account to which the report related (i.e. Depository Account, Custodial Account, Debt or Equity Interest in an Investment Entity or Cash Value Insurance or Annuity Contract); and
 - Value “Unknown” in the “Controlling Person Type”.

2. Working Party No. 10 took note of the review of the position paper by its Expert Sub-Group (ESG) and the input provided by ESG delegates in response to the questionnaire on the addition of the Proposed Fields, which resulted in the following main findings:
 - There is broad support among ESG delegates as to the usefulness of the Proposed Fields for providing tax authorities with important additional information in order to assist with the enforcement of taxpayer compliance;
 - Some delegates expressed uncertainty as to the legal implications of the addition of the Proposed Fields (in particular the question whether this requires a change of the MCAA, domestic legislation and/or the Standard) and, therefore, a thorough analysis of the potential legislative changes needed should be carried out;
 - The current state of CRS implementation in jurisdictions, in particular those on a 2017 exchange timeline for 2016 information, does not permit a timely legal and operational implementation of the addition of the Proposed Fields for these first reporting and exchange dates;
 - It is expected that the experiences made by tax authorities in the context of the first exchange and use of CRS information in 2017 and the early exchanges of information under the FATCA intergovernmental agreements may lead to a need for further technical changes to the CRS XML Schema.



3. Working Party No. 10 further notes that the technical specifications for the addition of the Proposed Fields contained in the updated Position Paper (TAXUD.D.2(2015)4418060) have not yet been reviewed by the ESG.
4. In light of the above, Working Party No. 10 agrees to undertake a review of any technical changes to be made to the CRS XML schema, as well as the addition of the Proposed Fields, based on the experience derived from the first exchanges of FATCA and CRS information and taking into account the conclusions of the above-mentioned legal analysis and any other relevant factors. This work should be completed by the end of 2017 at the latest to allow Working Party No. 10 to make a recommendation to the Committee on Fiscal Affairs on any revisions to the CRS XML Schema no later than the beginning of 2018, with a view to permitting country implementation of any agreed revisions to the CRS XML schema including on the Proposed Fields for reporting of CRS information with respect to the calendar year 2019. Working Party No. 10 notes the commitment of EU Member States to match this commitment.

In addition, Working Party No. 10 agrees to carry out a comprehensive substantive review of the CRS, based on a set of full experience of exchanges under the CRS and of the use of CRS information will have been gained by both 2017 and 2018 jurisdictions.