

UNOFFICIAL TRANSLATION

**DECISION NO. 613, DATED 29.7.2020**

**ON THE IMPLEMENTING PROVISIONS OF LAW NO. 4/2020, "ON AUTOMATIC EXCHANGE OF FINANCIAL ACCOUNT INFORMATION"**

Pursuant to Article 100 of the Constitution and Article 18 of Law no. 4/2020, "On the automatic exchange of financial account information", on the proposal of the Minister of Finance and Economy, Council of Ministers

DECIDED:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

OBJECT

This decision provides the rules and procedures for the automatic exchange of financial account information.

ARTICLE 2

INTERPRETATION

The Common Reporting Standard and its Commentaries approved by the Council of the Organisation for Economic Co-Operation and Development on 15 July 2014, as amended from time to time, shall be consistently applied for the purpose of interpretation of this decision.

ARTICLE 3

DEFINED TERMS

For the purpose of the Part of this decision, the following terms have the meanings set forth below:

1. "Financial Asset" includes a security (for example, a share of stock in a corporation; partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust; note, bond, debenture, or other evidence of indebtedness), partnership interest,

commodity, swap (for example, interest rate swaps, currency swaps, basis swaps, interest rate caps, interest rate floors, commodity swaps, equity swaps, equity index swaps, and similar agreements), Insurance Contract or Annuity Contract, or any interest (including a futures or forward contract or option) in a security, partnership interest, commodity, swap, Insurance Contract, or Annuity Contract. The term “Financial Asset” does not include a non-debt, direct interest in real property.

2. “Central Bank” means an institution that is by law or government sanction the principal authority, other than the government of the jurisdiction itself, issuing instruments intended to circulate as currency. Such an institution may include an instrumentality that is separate from the government of the jurisdiction, whether or not owned in whole or in part by the jurisdiction.

3. “CTS” means the system created by the OECD, which enables the automatic exchange of information between tax authorities according to the Common Reporting Standard.

4. “Qualified Credit Card Issuer” means a Financial Institution satisfying the following requirements:

- (a) the Financial Institution is a Financial Institution solely because it is an issuer of credit cards that accepts deposits only when a customer makes a payment in excess of a balance due with respect to the card and the overpayment is not immediately returned to the customer; and
- (b) beginning on or before 1 July 2019, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of USD 50 000, or to ensure that any customer overpayment in excess of that amount is refunded to the customer within 60 days, in each case applying the rules set forth in point 3 of article 10, for account aggregation and currency translation. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns.

5. “Documentary Evidence” includes any of the following:

- (a) a certificate of residence issued by an authorised government body (for example, a government or agency thereof, or a municipality) of the jurisdiction in which the payee claims to be a resident;
- (b) with respect to an individual, any valid identification issued by an authorised government body (for example, a government or agency thereof, or a municipality), that includes the individual's name and is typically used for identification purposes;
- (c) with respect to an Entity, any official documentation issued by an authorised government body (for example, a government or agency thereof, or a municipality) that includes the name of the Entity and either the address of its principal office in the jurisdiction in which it claims to be a resident or the jurisdiction in which the Entity was incorporated or organised;
- (c) any audited financial statement, third-party credit report, bankruptcy filing, or securities regulator's report.

With respect to a Pre-existing Entity Account, Reporting Financial Institutions may use as Documentary Evidence any classification in the Reporting Financial Institution's records with respect to the Account Holder that was determined based on a standardised industry coding system, that was recorded by the Reporting Financial Institution consistent with its normal business practices for purposes of AML/KYC Procedures or another regulatory purposes (other than for tax purposes) and that was implemented by the Reporting Financial Institution prior to the date used to classify the Financial Account as a Pre-existing Account, provided that the Reporting Financial Institution does not know or does not have reason to know that such classification is incorrect or unreliable. The term “standardised industry coding system” means a coding system used to classify establishments by business type for purposes other than tax purposes.

6. “Fund/Investment Entity” means any Entity:

- (a) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:
  - (i) trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
  - (ii) individual and collective portfolio management; or
  - (iii) otherwise investing, administering, or managing Financial Assets or money on behalf of other persons; or
- (b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in point (a) of paragraph 6, of this article. An Entity is “managed by” another Entity if the managing Entity performs, either directly or through another service provider, any of the activities or operations described in point (a) of paragraph 6, of this article on behalf of the managed Entity. However, an Entity does not manage another Entity if it does not have discretionary authority to manage the Entity’s assets (in whole or part). Where an Entity is managed by a mix of Financial Institutions, NFEs or individuals, the Entity is considered to be managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in point (a) of paragraph 6, of this article, if any of the managing Entities is such another Entity.

An Entity is treated as primarily conducting as a business one or more of the activities described in point (a) of paragraph 6, of this article, or an Entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets for the purposes of point (b) of paragraph 6, of this article, if the Entity's gross income attributable to the relevant activities equals or exceeds 50% of the Entity's gross income during the shorter of:

- a) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or
- b) the period during which the Entity has been in existence. The term “Investment Entity” does not include an Entity that is an Active NFE because that Entity meets any of the

criteria in points (d), (dh), (e), (ë) of paragraph 41, of this article. This paragraph shall be interpreted in a manner consistent with similar language set forth in the definition of “financial institution” in the Financial Action Task Force Recommendations.

7. “Pension Fund of a Governmental Entity, International Organisation or Central Bank” means a fund established by a Governmental Entity, International Organisation or Central Bank to provide retirement, disability, or death benefits to beneficiaries or participants who are current or former employees (or persons designated by such employees), or who are not current or former employees, if the benefits provided to such beneficiaries or participants are in consideration of personal services performed for the Governmental Entity, International Organisation or Central Bank.

8. “Broad Participation Retirement Fund” means a fund established to provide retirement, disability, or death benefits, or any combination thereof, to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that the fund:

- (a) does not have a single beneficiary with a right to more than 5% of the fund's assets;
- (b) is subject to government regulation and provides information reporting to the tax authorities; and
- (c) satisfies at least one of the following requirements:
  - (i) the fund is generally exempt from tax on investment income, or taxation of such income is deferred or taxed at a reduced rate, due to its status as a retirement or pension plan;
  - (ii) the fund receives at least 50% of its total contributions (other than transfers of assets from other plans described in paragraphs 9,7,4 of this article or from retirement and pension accounts described in point (a), of paragraph 27, of this article from the sponsoring employers;
  - (iii) distributions or withdrawals from the fund are allowed only upon the occurrence of specified events related to retirement, disability, or death (except rollover distributions to other retirement funds described in paragraphs 9,7,4 of this article or retirement and pension accounts described in point (a), of paragraph 27 of this article or penalties apply to distributions or withdrawals made before such specified events; or
  - (iv) contributions (other than certain permitted make-up contributions) by employees to the fund are limited by reference to earned income of the employee or may not exceed USD 50 000 annually, applying the rules set forth in paragraph 3 of article 10, for account aggregation and currency translation.

9. “Narrow Participation Retirement Fund” means a fund established to provide retirement, disability, or death benefits to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that:

- (a) the fund has fewer than 50 participants;
- (b) the fund is sponsored by one or more employers that are not Investment Entities or Passive NFEs;

- (c) the employee and employer contributions to the fund (other than transfers of assets from retirement and pension accounts described in point (a), of paragraph 27 of this article, are limited by reference to earned income and compensation of the employee, respectively;
- (ç) participants that are not residents of the jurisdiction in which the fund is established are not entitled to more than 20 % of the fund's assets; and
- (d) the fund is subject to government regulation and provides information reporting to the tax authorities.

10. "Depository Institution" means any Entity that accepts deposits in the ordinary course of a banking or similar business.

11. "Financial Institution" means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.

12. "Financial institution of jurisdiction" is: a) any financial institution that is resident in the participating jurisdiction, but excludes any branch of that financial institution located outside this participating jurisdiction; and b) any branch of a financial institution which is not resident in the participating jurisdiction, if that branch is situated in such participating jurisdiction.

13. "Participating Jurisdiction Financial Institution" means (i) any Financial Institution that is resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside such Participating Jurisdiction; and (ii) any branch of a Financial Institution that is not resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

14. The term "Non-Reporting Financial Institution" means any Financial Institution that is:

- 1. a Governmental Entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution;
- 2. a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;
- 3. any other Entity that presents a low risk of being used to evade tax, has substantially similar characteristics to any of the Entities described in point (a) and (b), of paragraph 14 of this article, and is included in the list of Non-Reporting Financial Institutions in Annex 3 attached to this decision, provided that the status of such Entity as a Non-Reporting Financial Institution does not frustrate the purposes of this decision;
- (ç) an Exempt Collective Investment Vehicle; or
- 4. a trust to the extent that the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported pursuant to Article 4, with respect to all Reportable Accounts of the trust.

15. "Reporting Financial Institution" has the same meaning provided in Albanian Law no. 4/2020.

16. “Custodial Institution” means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. An Entity holds Financial Assets for the account of others as a substantial portion of its business if the Entity's gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20% of the Entity's gross income during the shorter of:

(a) the three-year period that ends on 31 December prior to the year in which the determination is being made;

or

(b) the period during which the Entity has been in existence.

17. “Exempt Collective Investment Vehicle” means an Investment Entity that is regulated as a collective investment vehicle, provided that all of the interests in the collective investment vehicle are held by or through individuals or Entities that are not Reportable Persons, except a Passive NFE with Controlling Persons who are Reportable Persons.

An Investment Entity that is regulated as a collective investment vehicle does not fail to qualify under paragraph 17 of this Article, as an Exempt Collective Investment Vehicle, solely because the collective investment vehicle has issued physical shares in bearer form, provided that:

- a) the collective investment vehicle has not issued, and does not issue, any physical shares in bearer form after 31 December 2018;
- b) the collective investment vehicle retires all such shares upon surrender;
- c) the collective investment vehicle performs the due diligence procedures set forth in Sections II through VII and reports any information required to be reported with respect to any such shares when such shares are presented for redemption or other payment; and
- ç) the collective investment vehicle has in place policies and procedures to ensure that such shares are redeemed or immobilised as soon as possible, and in any event prior to 1 January 2019.

18. “Equity Interest” means, in the case of a partnership that is a Financial Institution, either a capital or profits interest in the partnership. In the case of a trust that is a Financial Institution, an Equity Interest is considered to be held by any person treated as a settlor or beneficiary of all or a portion of the trust, or any other natural person exercising ultimate effective control over the trust. A Reportable Person will be treated as being a beneficiary of a trust if such Reportable Person has the right to receive directly or indirectly (for example, through a nominee) a mandatory distribution or may receive, directly or indirectly, a discretionary distribution from the trust.

19. “Reportable Jurisdiction” means:

- (a) for the purposes of applying the due diligence procedures described in Article 5 through 10 of this decision, a jurisdiction other than the United States of America or Albania, and
- (b) for the purposes of applying of Article 4 of this decision, a jurisdiction which is identified in Annex II, attached to this decision.

20. “Participating jurisdiction” means a jurisdiction that has signed the multilateral agreement of the competent authority for the automatic exchange of financial account information and which is identified as such in the annex I attached to this decision.

21. “Group Annuity Contract” means an Annuity Contract under which the obligees are individuals who are affiliated through an employer, trade association, labour union, or other association or group.

22. “Cash Value Insurance Contract” means an Insurance Contract (other than an indemnity reinsurance contract between two insurance companies) that has a Cash Value.

23. “Annuity Contract” means a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals. The term also includes a contract that is considered to be an Annuity Contract in accordance with the law, regulation, or practice of the jurisdiction in which the contract was issued, and under which the issuer agrees to make payments for a term of years.

24. “Insurance Contract” means a contract (other than an Annuity Contract) under which the issuer agrees to pay an amount upon the occurrence of a specified contingency involving mortality, morbidity, accident, liability, or property risk.

25. “Group Cash Value Insurance Contract” means a Cash Value Insurance Contract that provides coverage on individuals who are affiliated through an employer, trade association, labour union, or other association or group; and charges a premium for each member of the group (or member of a class within the group) that is determined without regard to the individual health characteristics other than age, gender, and smoking habits of the member (or class of members) of the group.

26. “Depository Account” includes any commercial, checking, savings, time, or thrift account, or an account that is evidenced by a certificate of deposit, thrift certificate, investment certificate, certificate of indebtedness, or other similar instrument maintained by a Financial Institution in the ordinary course of a banking or similar business. A Depository Account also includes an amount held by an insurance company pursuant to a guaranteed investment contract or similar agreement to pay or credit interest thereon.

27. “Excluded Account” means any of the following accounts:

- (a) a retirement or pension account that satisfies the following requirements:
  - (i) the account is subject to regulation as a personal retirement account or is part of a registered or regulated retirement or pension plan for the provision of retirement or pension benefits (including disability or death benefits);
  - (ii) the account is tax-favoured (i.e., contributions to the account that would otherwise be subject to tax are deductible or excluded from the gross income of the Account Holder or taxed at a reduced rate, or taxation of investment income from the account is deferred or taxed at a reduced rate);
  - (iii) information reporting is required to the tax authorities with respect to the account;

- (iv) withdrawals are conditioned on reaching a specified retirement age, disability, or death, or penalties apply to withdrawals made before such specified events; and
- (v) either annual contributions are limited to USD 50 000 or less; or there is a maximum lifetime contribution limit to the account of USD 1 000 000 or less, in each case applying the rules set forth in paragraph 3 of Article 10, for account aggregation and currency translation.

A Financial Account that otherwise satisfies the requirement of subparagraphs (i), (ii), (iV), (v), of point 3, of paragraph 27, of this Article, will not fail to satisfy such requirement solely because such Financial Account may receive assets or funds transferred from one or more Financial Accounts that meet the requirements of point (a) or (b), from one or more retirement or pension funds that meet the requirements of any of paragraphs 9,7,4 of this Article.

- (b) an account that satisfies the following requirements:
  - (i) the account is subject to regulation as an investment vehicle for purposes other than for retirement and is regularly traded on an established securities market, or the account is subject to regulation as a savings vehicle for purposes other than for retirement;
  - (ii) the account is tax-favoured (i.e., contributions to the account that would otherwise be subject to tax are deductible or excluded from the gross income of the Account Holder or taxed at a reduced rate, or taxation of investment income from the account is deferred or taxed at a reduced rate);
  - (iii) withdrawals are conditioned on meeting specific criteria related to the purpose of the investment or savings account (for example, the provision of educational or medical benefits), or penalties apply to withdrawals made before such criteria are met; and
  - (iv) annual contributions are limited to USD 50 000 or less, applying the rules set forth in paragraph 3, of Article 10, for account aggregation and currency translation.

A Financial Account that otherwise satisfies the requirement of subparagraph (iv), of point (b), of paragraph 27, of this Article, will not fail to satisfy such requirement solely because such Financial Account may receive assets or funds transferred from one or more Financial Accounts that meet the requirements of points (a) and (b), of paragraph 27 of this Article, or from one or more retirement or pension funds that meet the requirements of any of paragraphs 9,7,4 of this Article.

- (c) a life insurance contract with a coverage period that will end before the insured individual attains age 90, provided that the contract satisfies the following requirements:
  - (i) periodic premiums, which do not decrease over time, are payable at least annually during the period the contract is in existence or until the insured attains age 90, whichever is shorter;
  - (ii) the contract has no contract value that any person can access (by withdrawal, loan, or otherwise) without terminating the contract;
  - (iii) the amount (other than a death benefit) payable upon cancellation or termination of the contract cannot exceed the aggregate premiums paid for the contract, less the sum of mortality, morbidity, and expense charges (whether or not actually imposed)



for the period or periods of the contract's existence and any amounts paid prior to the cancellation or termination of the contract; and

- (iv) the contract is not held by a transferee for value;
- (c) an account that is held solely by an estate if the documentation for such account includes a copy of the deceased's will or death certificate;
- (d) an account established in connection with any of the following:
  - (i) a court order or judgment;
  - (ii) a sale, exchange, or lease of real or personal property, provided that the account satisfies the following requirements:
    - the account is funded solely with a down payment, earnest money, deposit in an amount appropriate to secure an obligation directly related to the transaction, or a similar payment, or is funded with a Financial Asset that is deposited in the account in connection with the sale, exchange, or lease of the property,
    - the account is established and used solely to secure the obligation of the purchaser to pay the purchase price for the property, the seller to pay any contingent liability, or the lessor or lessee to pay for any damages relating to the leased property as agreed under the lease,
    - the assets of the account, including the income earned thereon, will be paid or otherwise distributed for the benefit of the purchaser, seller, lessor, or lessee (including to satisfy such person's obligation) when the property is sold, exchanged, or surrendered, or the lease terminates,
    - the account is not a margin or similar account established in connection with a sale or exchange of a Financial Asset, and
    - the account is not associated with an account described in point (dh) of paragraph 27, of this Article.
  - (iii) an obligation of a Financial Institution servicing a loan secured by real property to set aside a portion of a payment solely to facilitate the payment of taxes or insurance related to the real property at a later time;
  - (iv) an obligation of a Financial Institution solely to facilitate the payment of taxes at a later time;
- (dh) a Depository Account that satisfies the following requirements:
  - (i) the account exists solely because a customer makes a payment in excess of a balance due with respect to a credit card or other revolving credit facility and the overpayment is not immediately returned to the customer; and
  - (ii) beginning on or before [1<sup>st</sup> July 2019], the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of USD 50 000, or to ensure that any customer overpayment in excess of that amount is refunded to the customer within 60 days, in each case applying the rules set forth in paragraph 3 of Article 10, for currency translation. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns;

28. "Reportable Account" means a Financial Account that is maintained by a Reporting Financial Institution and is held by one or more Reportable Persons or by a Passive NFE with

one or more Controlling Persons that is a Reportable Person, provided it has been identified as such pursuant to the due diligence procedures described in Article 5 and 6.

29. “New Account” means a Financial Account maintained by a Reporting Financial Institution opened on or after 1 January 2019.

30. “New Entity Account” means a New Account held by one or more Entities.

31. “New Individual Account” means a New Account held by one or more individuals.

32. “Financial Account” means an account maintained by a Financial Institution, and includes a Depository Account, a Custodial Account and:

(a) in the case of an Investment Entity, any equity or debt interest in the Financial Institution. Notwithstanding the foregoing, the term “Financial Account” does not include any equity or debt interest in an Entity that is an Investment Entity solely because it

(i) renders investment advice to, and acts on behalf of, or

(ii) manages portfolios for, and acts on behalf of, a customer for the purpose of investing, managing, or administering Financial Assets deposited in the name of the customer with a Financial Institution other than such Entity;

(b) in the case of a Financial Institution not described in point (a), of paragraph 32, of this Article, any equity or debt interest in the Financial Institution, if the class of interests was established with the purpose of avoiding reporting in accordance with Article 4; and

(c) any Cash Value Insurance Contract and any Annuity Contract issued or maintained by a Financial Institution, other than a non-investment-linked, non-transferable immediate life annuity that is issued to an individual and monetises a pension or disability benefit provided under an account that is an Excluded Account.

The term “Financial Account” does not include any account that is an Excluded Account.

33. “Pre-existing Individual Account” means a Pre-existing Account held by one or more individuals.

34. “Custodial Account” means an account (other than an Insurance Contract or Annuity Contract) which holds one or more Financial Assets for the benefit of another person.

35. “Lower Value Account” means a Pre-existing Individual Account with an aggregate balance or value as of 31 December 2018 that does not exceed USD 1 000 000 .

36. “High Value Account” means a Pre-existing Individual Account with an aggregate balance or value that exceeds USD 1 000 000 as of 31 December 2018 or 31 December of any subsequent year.

37. “Pre-existing Account” means:

- (a) a Financial Account maintained by a Reporting Financial Institution as of 31 December 2018;
- (b) any Financial Account of an Account Holder, regardless of the date such Financial Account was opened, if:
  - (i) the Account Holder also holds with the Reporting Financial Institution (or with a Related Entity within the same jurisdiction as the Reporting Financial Institution) a Financial Account that is a Pre-existing Account under subparagraph (a), of paragraph 37 of this Article.
  - (ii) the Reporting Financial Institution (and, as applicable, the Related Entity within the same jurisdiction as the Reporting Financial Institution) treats both of the aforementioned Financial Accounts, and any other Financial Accounts of the Account Holder that are treated as Pre-existing Accounts under this subparagraph, as a single Financial Account for purposes of satisfying the standards of knowledge requirements described in paragraph 1, of Article 10, and for purposes of determining the balance or value of any of the Financial Accounts when applying any of the account thresholds;
  - (iii) with respect to a Financial Account that is subject to AML/KYC Procedures, the Reporting Financial Institution is permitted to satisfy such AML/KYC Procedures for the Financial Account by relying upon the AML/KYC Procedures performed for the Pre-existing Account described in point a, of paragraph 37, of this Article and
  - (iv) the opening of the Financial Account does not require the provision of new, additional or amended customer information by the Account Holder other than for the purposes of this Directive.

38. “Pre-existing Entity Account” means a Pre-existing Account held by one or more Entities.

39. “Account Holder” means the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account for purposes of this Directive, and such other person is treated as holding the account. In the case of a Cash Value Insurance Contract or an Annuity Contract, the Account Holder is any person entitled to access the Cash Value or change the beneficiary of the contract. If no person can access the Cash Value or change the beneficiary, the Account Holder is any person named as the owner in the contract and any person with a vested entitlement to payment under the terms of the contract. Upon the maturity of a Cash Value Insurance Contract or an Annuity Contract, each person entitled to receive a payment under the contract is treated as an Account Holder.

40. “NFE” means any Entity that is not a Financial Institution.

41. The term “Active NFE” means any NFE that meets any of the following criteria:

- (a) less than 50% of the NFE's gross income for the preceding calendar year is passive income and less than 50% of the assets held by the NFE during the preceding calendar year are assets that produce or are held for the production of passive income.
- (b) the stock of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;
- (c) the NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
- (c) substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- (d) the NFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;
- (dh) the NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- (e) the NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or
- (ë) the NFE meets all of the following requirements:
  - (i) it is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;
  - (ii) it is exempt from income tax in its jurisdiction of residence;
  - (iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - (iv) the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents do not permit any income or assets of the NFE to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and

(v) the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, upon the NFE's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision thereof.

42. "Passive NFE" means any: NFE that is not an Active NFE; or an Investment Entity described in point (b), of paragraph 10, of this Article, that is not a Participating Jurisdiction Financial Institution.

43. "Entity" means a legal person or a legal arrangement, such as a corporation, partnership, trust, or foundation.

44. An Entity is a "Related Entity" of another Entity if:

- (a) either Entity controls the other Entity;
- (b) the two Entities are under common control; or
- (c) the two Entities are Investment Entities described in point (b), of paragraph 10, of this Article, are under common management, and such management fulfils the due diligence obligations of such Investment Entities. For this purpose, control includes direct or indirect ownership of more than 50% of the vote and value in an Entity.

45. "Taxpayer Identification Number (TIN)", means Taxpayer Identification Number or its functional equivalent. For tax purposes, for taxable persons TIN will mean NIPT (taxable person identification number), issued under Albanian legislation. The personal identification number, obtained in accordance with the Albanian legislation, serves as an identification number for tax purposes, for the individual taxpayer.

46. "Governmental Entity" means the government of a jurisdiction, any political subdivision of a jurisdiction (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of a jurisdiction or of any one or more of the foregoing (each, a "Governmental Entity"). This category is comprised of the integral parts, controlled entities, and political subdivisions of a jurisdiction.

- (a) An "integral part" of a jurisdiction means any person, organisation, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a jurisdiction. The net earnings of the governing authority must be credited to its own account or to other accounts of the jurisdiction, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity.
- (b) A "controlled entity" means an Entity which is separate in form from the jurisdiction or that otherwise constitutes a separate juridical entity, provided that:
  - (i) the Entity is wholly owned and controlled by one or more Governmental Entities directly or through one or more controlled entities;
  - (ii) the Entity's net earnings are credited to its own account or to the accounts of one or more Governmental Entities, with no portion of its income inuring to the benefit of any private person; and

(iii) the Entity's assets vest in one or more Governmental Entities upon dissolution.

- (c) Income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental programme, and the programme activities are performed for the general public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a Governmental Entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons.

47. "International Organisation" means any international organisation or wholly owned agency or instrumentality thereof. This category includes any intergovernmental organisation (including a supranational organisation):

- (a) that is comprised primarily of governments;
- (b) that has in effect a headquarters or substantially similar agreement with the jurisdiction; and
- (c) the income of which does not inure to the benefit of private persons.

48. "Reportable Jurisdiction Person" means an individual or Entity that is resident in a Reportable Jurisdiction under the tax laws of such jurisdiction, or an estate of a decedent that was a resident of a Reportable Jurisdiction. For this purpose, an Entity such as a partnership, limited liability partnership or similar legal arrangement, which has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated.

49. "Reportable Person" means a Reportable Jurisdiction Person other than:

- (a) a corporation the stock of which is regularly traded on one or more established securities markets;
- (b) any corporation that is a Related Entity of a corporation described in point (a);
- (c) a Governmental Entity;
- (ç) an International Organisation;
- (d) a Central Bank; or
- (dh) a Financial Institution.

50. "Controlling Persons" means the natural persons who exercise control over an Entity. In the case of a trust, that term means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions. The term "Controlling Persons" must be interpreted in a manner consistent with the Financial Action Task Force Recommendations.

51. "AML/KYC Procedures" means the customer due diligence procedures of a Reporting Financial Institution pursuant to the anti-money laundering or similar requirements to which such Reporting Financial Institution is subject under domestic law.

52. "Standard industry coding system" means a coding system used to classify objects by type of business for purposes other than tax purposes.

53. "Specified Insurance Company" means any Entity that is an insurance company (or the holding company of an insurance company) which issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

54. "Cash Value" means the greater of following amounts:

(a) the amount that the policyholder is entitled to receive upon surrender or termination of the contract (determined without reduction for any surrender charge or policy loan); and

(b) the amount the policyholder can borrow under or with regard to the contract. Notwithstanding the foregoing, the term "Cash Value" does not include an amount payable under an Insurance Contract:

- (a) solely by reason of the death of an individual insured under a life insurance contract;
- (b) as a personal injury or sickness benefit or other benefit providing indemnification of an economic loss incurred upon the occurrence of the event insured against;
- (c) as a refund of a previously paid premium (less cost of insurance charges whether or not actually imposed) under an Insurance Contract (other than an investment-linked life insurance or annuity contract) due to cancellation or termination of the contract, decrease in risk exposure during the effective period of the contract, or arising from the correction of a posting or similar error with regard to the premium for the contract;
- (d) as a policyholder dividend (other than a termination dividend) provided that the dividend relates to an Insurance Contract under which the only benefits payable are described in subparagraph (ii), of point (b), of paragraph 54, of this Article; or
- (e) as a return of an advance premium or premium deposit for an Insurance Contract for which the premium is payable at least annually if the amount of the advance premium or premium deposit does not exceed the next annual premium that will be payable under the contract.

## CHAPTER II

### REPORTING AND DUE DILIGENCE REQUIREMENTS

#### ARTICLE 4

##### GENERAL REPORTING REQUIREMENTS

1. Subject to paragraphs 3 to 5, each Reporting Financial Institution must report to the Tax Administration of Albania the following information with respect to each Reportable Account of such Reporting Financial Institution:

- a) the name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth (in the case of an individual) of each Reportable Person that is an Account Holder of the account and, in the case of any Entity that is an Account Holder and that, after application of the

due diligence procedures consistent with articles 8,9,10, is identified as having one or more Controlling Persons that is a Reportable Person, the name, address, jurisdiction(s) of residence and TIN(s) of the Entity and the name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth of each Reportable Person;

- b) the account number (or functional equivalent in the absence of an account number);
- c) the name and identifying number (if any) of the Reporting Financial Institution;
- ç) the account balance or value (including, in the case of a Cash Value Insurance Contract or Annuity Contract, the Cash Value or surrender value) as of the end of the relevant calendar year or, if the account was closed during such year, the closure of the account;
- d) in the case of any Custodial Account,
  - i. the total gross amount of interest, the total gross amount of dividends, and the total gross amount of other income generated with respect to the assets held in the account, in each case paid or credited to the account (or with respect to the account) during the calendar year; and
  - ii. the total gross proceeds from the sale or redemption of Financial Assets paid or credited to the account during the calendar year with respect to which the Reporting Financial Institution acted as a custodian, broker, nominee, or otherwise as an agent for the Account Holder.
- dh) in the case of any Depository Account, the total gross amount of interest paid or credited to the account during the calendar year; and
- e) in the case of any account not described in points d) or dh) of paragraph 1 of this article, the total gross amount paid or credited to the Account Holder with respect to the account during the calendar year with respect to which the Reporting Financial Institution is the obligor or debtor, including the aggregate amount of any redemption payments made to the Account Holder during the calendar year.

2. The information reported must identify the currency in which each amount is denominated. The information reported by the reporting financial institutions must be sent to the tax authority in separate XML files for each jurisdiction (state) that they will report, according to the manner and procedures provided in Annex IV of this decision.

3. Notwithstanding the point a) of paragraph 1 of this article, with respect to each Reportable Account that is a Pre-existing Account or with respect to each Financial Account that is opened prior to becoming a Reportable Account, the TIN(s) or date of birth is not required to be reported if such TIN(s) or date of birth is not in the records of the Reporting Financial Institution and is not otherwise required to be collected by such Reporting Financial Institution under domestic law. However, a Reporting Financial Institution is required to use reasonable efforts to obtain the TIN(s) and date of birth with respect to Pre-existing Accounts by the end of the second calendar year following the year in which Pre-existing Accounts were identified as Reportable Accounts.



4. Notwithstanding the point a) of paragraph 1 of this article, the TIN is not required to be reported if:

a) a TIN is not issued by the relevant Reportable Jurisdiction or

b) the domestic law of the relevant Reportable Jurisdiction does not require the collection of the TIN issued by such Jurisdiction.

5. Notwithstanding the point a) of paragraph 1 of this article, the place of birth is not required to be reported unless the Reporting Financial Institution is otherwise required to obtain and report it under domestic law and it is available in the electronically searchable data maintained by the Reporting Financial Institution.

6. Each Reporting Financial Institution must report to the tax authority containing the information described in paragraph 1 on or before 30 May of the year following the end of the calendar year to which the information relates.

7. If a Reporting Financial Institution applies the Due Diligence procedures described in Articles 5 through 10 for a calendar year and no account is identified as a Reportable Account, the institution shall file an information return which provides that the institution maintains no such Reportable Accounts in respect of that year.

## ARTICLE 5

### GENERAL DUE DILIGENCE REQUIREMENTS

1. A Reporting Financial Institution must establish, maintain and document the due diligence procedures set out in Articles 5 through 10 that are designed to identify Reportable Accounts maintained by the institution.

2. An account is treated as a Reportable Account beginning as of the date it is identified as such pursuant to the due diligence procedures set out in Articles 5 through 10, unless otherwise provided, information with respect to a Reportable Account must be reported annually in the calendar year following the year to which the information relates.

3. The balance or value of an account is determined as of the last day of the calendar year.

4. Where a balance or value threshold is to be determined as of the last day of a calendar year, the relevant balance or value must be determined as of the last day of the reporting period that ends with or within that calendar year.

5. A Reporting Financial Institutions may use a service provider to fulfil the reporting and due diligence obligations imposed on such institution, but these obligations shall remain the responsibility of the Reporting Financial Institutions.

5.1 The service provider, broker or any other person, who enters into an agreement or engages in practice, who intends to avoid or circumvent the obligations arising from this decision, is

considered subject to these obligations regardless of the agreement entered into or the engagement in this practice.

6. A Reporting Financial Institutions may apply:

- a) the due diligence procedures for New Accounts to all Pre-existing Accounts or with respect to any clearly identified group of Pre-existing Accounts, and the rules otherwise applicable to Pre-existing Accounts continue to apply; and
- b) the due diligence procedures for High Value Accounts to Lower Value Accounts.

## ARTICLE 6

### DUE DILIGENCE FOR PRE-EXISTING INDIVIDUAL ACCOUNTS

The following procedures apply with respect to Pre-existing Individual Accounts:

1. Lower Value Accounts. The following procedures apply with respect to Lower Value Accounts:

- a) Residence Address. If the Reporting Financial Institution has in its records a current residence address for the individual Account Holder based on Documentary Evidence, the Reporting Financial Institution may treat the individual Account Holder as being a resident for tax purposes of the jurisdiction in which the address is located for purposes of determining whether such individual Account Holder is a Reportable Person.
- b) Electronic Record Search. If the Reporting Financial Institution does not rely on a current residence address for the individual Account Holder based on Documentary Evidence as set forth in point a) of paragraph 1, the Reporting Financial Institution must review electronically searchable data maintained by the Reporting Financial Institution for any of the following indicia and apply points “c”, “ç”, “d”, “dh”, of paragraph 1, of this article:
  - i. identification of the Account Holder as a resident of a Reportable Jurisdiction;
  - ii. current mailing or residence address (including a post office box) in a Reportable Jurisdiction;
  - iii. one or more telephone numbers in a Reportable Jurisdiction and no telephone number in the jurisdiction of the Reporting Financial Institution;
  - iv. standing instructions (other than with respect to a Depository Account) to transfer funds to an account maintained in a Reportable Jurisdiction;
  - v. currently effective power of attorney or signatory authority granted to a person with an address in a Reportable Jurisdiction; or
  - vi. a “hold mail” instruction or “in-care-of” address in a Reportable Jurisdiction if the Reporting Financial Institution does not have any other address on file for the Account Holder.

c) If none of the indicia listed in point b) of paragraph 1 of this article are discovered in the electronic search, then no further action is required until there is a change in circumstances that results in one or more indicia being associated with the account, or the account becomes a High Value Account.

ç) If any of the indicia listed in subparagraphs i) through v) of point b) of paragraph 1 of this article, are discovered in the electronic search, or if there is a change in circumstances that results in one or more indicia being associated with the account, then the Reporting Financial Institution must treat the Account Holder as a resident for tax purposes of each Reportable Jurisdiction for which an indicium is identified, unless it elects to apply point dh) of paragraph 1) of this article and one of the exceptions which applies with respect to that account.

d) If a “hold mail” instruction or “in-care-of” address is discovered in the electronic search and no other address and none of the other indicia listed in subparagraph i) of point b) of paragraph 1) of this article, are identified for the Account Holder, the Reporting Financial Institution must, in the order most appropriate to the circumstances, apply the paper record search described in point b) of paragraph 2) of this article or seek to obtain from the Account Holder a self-certification or Documentary Evidence to establish the residence(s) for tax purposes of such Account Holder. If the paper search fails to establish an indicium and the attempt to obtain the self-certification or Documentary Evidence is not successful, the Reporting Financial Institution must report the account as an undocumented account to the tax authority.

dh) Notwithstanding a finding of indicia under point b) of paragraph 1) of this article, a Reporting Financial Institution is not required to treat an Account Holder as a resident of a Reportable Jurisdiction if:

i. the Account Holder information contains a current mailing or residence address in the Reportable Jurisdiction, one or more telephone numbers in the Reportable Jurisdiction (and no telephone number in the jurisdiction of the Reporting Financial Institution) or standing instructions (with respect to Financial Accounts other than Depository Accounts) to transfer funds to an account maintained in a Reportable Jurisdiction, and the Reporting Financial Institution obtains, or has previously reviewed and maintains, a record of:

- a self-certification from the Account Holder of the jurisdiction(s) of residence of such Account Holder that does not include such Reportable Jurisdiction; and

- Documentary Evidence establishing the Account Holder's residence for tax purposes other than such Reportable Jurisdiction;

ii. the Account Holder information contains a currently effective power of attorney or signatory authority granted to a person with an address in the Reportable Jurisdiction, and the Reporting Financial Institution obtains, or has previously reviewed and maintains, a record of:

- a self-certification from the Account Holder of the jurisdiction(s) of residence of such Account Holder that does not include such Reportable Jurisdiction; or

-Documentary Evidence establishing the Account Holder's residence for tax purposes other than such Reportable Jurisdiction.

2. Enhanced Review Procedures for High Value Accounts. The following enhanced review procedures apply with respect to High Value Accounts.

a) Electronic Record Search. With respect to High Value Accounts, the Reporting Financial Institution must review electronically searchable data maintained by the Reporting Financial Institution for any of the indicia described in point b) of paragraph 1) of this article

b) Paper Record Search. If the Reporting Financial Institution's electronically searchable databases include fields for, and capture all of the information described in point c), of point 2 of this article, then a further paper record search is not required. If the electronic databases do not capture all of this information, then with respect to a High Value Account, the Reporting Financial Institution must also review the current customer master file and, to the extent not contained in the current customer master file, the following documents associated with the account and obtained by the Reporting Financial Institution within the last five years for any of the indicia described in in point b), of point 1, of this article:

- i. the most recent Documentary Evidence collected with respect to the account;
- ii. the most recent account opening contract or documentation;
- iii. the most recent documentation obtained by the Reporting Financial Institution pursuant to AML/KYC Procedures or for other regulatory purposes;
- iv. any power of attorney or signature authority forms currently in effect; and
- v. any standing instructions (other than with respect to a Depository Account) to transfer funds currently in effect.

c) Exception To The Extent Databases Contain Sufficient Information. A Reporting Financial Institution is not required to perform the paper record search described in point b) of point 2 of this article, to the extent the Reporting Financial Institution's electronically searchable information includes the following:

- i. the Account Holder's residence status;
- ii. the Account Holder's residence address and mailing address currently on file with the Reporting Financial Institution;
- iii. the Account Holder's telephone number(s) currently on file, if any, with the Reporting Financial Institution;
- iv. in the case of Financial Accounts other than Depository Accounts, whether there are standing instructions to transfer funds in the account to another account (including an account at another branch of the Reporting Financial Institution or another Financial Institution);
- v. whether there is a current "in-care-of" address or "hold mail" instruction for the Account Holder; and
- vi. whether there is any power of attorney or signatory authority for the account.

ç) Relationship Manager Inquiry for Actual Knowledge. In addition to the electronic and paper record searches described in points a) and b) of paragraph 2 of this article, the Reporting Financial Institution must treat as a Reportable Account any High Value Account assigned to a relationship manager (including any Financial Accounts aggregated with that High Value Account) if the relationship manager has actual knowledge that the account is held by a resident for tax purposes in a Reportable Jurisdiction.

d) Effect of Finding Indicia.

- i. If none of the indicia listed in point b), of paragraph 1) of this article, are discovered in the enhanced review of High Value Accounts described in paragraph 2, and the account is not identified as held by a resident for tax purposes in a Reportable Jurisdiction in point point ç) of paragraph 2 of this article, then further action is not required until there is a change in circumstances that results in one or more indicia being associated with the account.
- ii. If any of the indicia listed in subparagraphs (i) through (vi) of point b) of paragraph 1 of this article, are discovered in the enhanced review of High Value Accounts described in paragraph 2 of this article, or if there is a subsequent change in circumstances that results in one or more indicia being associated with the account, then the Reporting Financial Institution must treat the Account Holder as a resident for tax purposes of each Reportable Jurisdiction for which an indicium is identified unless it elects to apply point dh) of paragraph 1 of this article and one of the exceptions in that subparagraph applies with respect to that account.
- iii. If a “hold mail” instruction or “in-care-of” address is discovered in the enhanced review of High Value Accounts described in paragraph 3 of this article, and no other address and none of the other indicia listed in subparagraphs (i) through (v) of point b) of paragraph b) of paragraph 1 of this article, are identified for the Account Holder, the Reporting Financial Institution must obtain from such Account Holder a self-certification or Documentary Evidence to establish the residence(s) for tax purposes of the Account Holder. If the Reporting Financial Institution cannot obtain such self-certification or Documentary Evidence, it must report the account as an undocumented account to the tax authority.

dh) If a Pre-existing Individual Account is not a High Value Account as of 31 December 2018, but becomes a High Value Account as of the last day of any subsequent calendar year, the Reporting Financial Institution must complete the enhanced review procedures described in paragraph 3 of this article with respect to such account within the calendar year following the year in which the account becomes a High Value Account. If based on this review such account is identified as a Reportable Account, the Reporting Financial Institution must report the required information about such account with respect to the year in which it is identified as a Reportable Account and subsequent years on an annual basis, unless the Account Holder ceases to be a Reportable Person.

e) Once a Reporting Financial Institution applies the enhanced review procedures described in paragraph 2 of this article to a High Value Account, the Reporting Financial

Institution is not required to re-apply such procedures, other than the relationship manager inquiry described in point c) of paragraph 2 of this article, to the same High Value Account in any subsequent year unless the account is undocumented where the Reporting Financial Institution should re-apply them annually until such account ceases to be undocumented.

ë) If there is a change of circumstances with respect to a High Value Account that results in one or more indicia described in point b) of paragraph 1 of this article subparagraph A(2) being associated with the account, then the Reporting Financial Institution must treat the account as a Reportable Account with respect to each Reportable Jurisdiction for which an indicium is identified unless it elects to apply subparagraph A(6) and one of the exceptions in that subparagraph applies with respect to that account.

f) A Reporting Financial Institution must implement procedures to ensure that a relationship manager identifies any change in circumstances of an account. For example, if a relationship manager is notified that the Account Holder has a new mailing address in a Reportable Jurisdiction, the Reporting Financial Institution is required to treat the new address as a change in circumstances and, if it elects to apply point dh) of paragraph 1) of this article, is required to obtain the appropriate documentation from the Account Holder.

3. Review of Pre-existing High Value Individual Accounts must be completed by 31 December 2019 and review of Pre-existing Lower Value Individual Accounts must be completed by 31 December 2020.

4. Any Pre-existing Individual Account that has been identified as a Reportable Account under this Section must be treated as a Reportable Account in all subsequent years, unless the Account Holder ceases to be a Reportable Person.

## ARTICLE 7

### DUE DILIGENCE FOR NEW INDIVIDUAL ACCOUNTS

The following procedures apply with respect to New Individual Accounts:

1. With respect to New Individual Accounts, upon account opening, the Reporting Financial Institution must obtain a self-certification, which may be part of the account opening documentation, that allows the Reporting Financial Institution to determine the Account Holder's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures. An account shall not be opened if the self-certification is not obtained.

2. If the self-certification establishes that the Account Holder is resident for tax purposes in a Reportable Jurisdiction, the Reporting Financial Institution must treat the account as a Reportable Account and the self-certification must also include the Account Holder's TIN with respect to such Reportable Jurisdiction (subject to paragraph 4 of Article 4I) and date of birth.

3. If there is a change of circumstances with respect to a New Individual Account that causes the Reporting Financial Institution to know, or have reason to know, that the original self-certification is incorrect or unreliable, the Reporting Financial Institution cannot rely on the original self-certification and must obtain either:

a) a valid self-certification that establishes the residence(s) for tax purposes of the Account Holder, or b) a reasonable explanation and documentation (as appropriate) supporting the validity of the original self-certification (and retain a copy or a notation of such explanation and documentation).

4. A Reporting Financial Institution shall institute procedures to ensure that any change that constitutes a change in circumstances is identified and notify any person providing a self-certification of the person's obligation to notify the Reporting Financial Institution of a change in circumstances.

## ARTICLE 8

### DUE DILIGENCE FOR PRE-EXISTING ENTITY ACCOUNTS

The following procedures apply with respect to Pre-existing Entity Accounts.

1. Entity Accounts Not Required to Be Reviewed, Identified or Reported. Unless the Reporting Financial Institution elects otherwise, either with respect to all Pre-existing Entity Accounts or, separately, with respect to any clearly identified group of such accounts, a Pre-existing Entity Account with an aggregate account balance or value that does not exceed USD 250 000 as of 31 December 2018 is not required to be reviewed, identified, or reported as a Reportable Account until the aggregate account balance or value exceeds that amount as of the last day of any subsequent calendar year.

2. Entity Accounts Subject to Review. A Pre-existing Entity Account that has an aggregate account balance or value that exceeds USD 250 000 as of 31 December 2018, and a Pre-existing Entity Account that does not exceed USD 250 000 as of 31 December 2018 but the aggregate account balance or value of which exceeds USD 250 000 as of the last day of any subsequent calendar year, must be reviewed in accordance with the procedures set forth in paragraph 3 of this article.

3. Review Procedures for Identifying Entity Accounts With Respect to Which Reporting Is Required. For Pre-existing Entity Accounts described in paragraph B, a Reporting Financial Institution must apply the following review procedures:

a) Determine the Residence of the Entity.

i. Review information maintained for regulatory or customer relationship purposes (including information collected pursuant to AML/KYC Procedures) to determine the Account Holder's residence. For this purpose, information indicating that the Account Holder's residence includes a place of incorporation or organisation, or an address in a Reportable Jurisdiction.

- ii. If the information indicates that the Account Holder is a Reportable Person, the Reporting Financial Institution must treat the account as a Reportable Account unless it obtains a self-certification from the Account Holder, or reasonably determines based on information in its possession or that is publicly available, that the Account Holder is not a Reportable Person.
- b) Determine the Residence of the Controlling Persons of a Passive NFE. With respect to an Account Holder of a Pre-existing Entity Account (including an Entity that is a Reportable Person), the Reporting Financial Institution must determine whether the Account Holder is a Passive NFE with one or more Controlling Persons and determine the residence of such Controlling Persons. If any of the Controlling Persons of a Passive NFE is a Reportable Person, then the account must be treated as a Reportable Account. In making these determinations the Reporting Financial Institution must follow the guidance in subparagraphs (i) through (iii) of point b) of paragraph 3 of this article in the order most appropriate under the circumstances:
- i. Determining whether the Account Holder is a Passive NFE. For purposes of determining whether the Account Holder is a Passive NFE, the Reporting Financial Institution must obtain a self-certification from the Account Holder to establish its status, unless it has information in its possession or that is publicly available, based on which it can reasonably determine that the Account Holder is an Active NFE or a Financial Institution other than an Investment Entity described in point b) of paragraph 6 of article 3, that is not a Participating Jurisdiction Financial Institution.
  - ii. Determining the Controlling Persons of an Account Holder. For the purposes of determining the Controlling Persons of an Account Holder, a Reporting Financial Institution may rely on information collected and maintained pursuant to AML/KYC Procedures.
- c) Determining the residence of a Controlling Person of a Passive NFE. For the purposes of determining the residence of a Controlling Person of a Passive NFE, a Reporting Financial Institution may rely on:
- (i) information collected and maintained pursuant to AML/KYC Procedures in the case of a Pre-existing Entity Account held by one or more NFEs with an aggregate account balance or value that does not exceed USD 1 000 000; or
  - (ii) a self-certification from the Account Holder or such Controlling Person of the jurisdiction(s) in which the controlling person is resident for tax purposes. If a self-certification is not provided, the Reporting Financial Institution will establish such residence(s) by applying the procedures described in point b) of paragraph 1 of article 6. If the Reporting Financial Institution has none of such indicia in its records, then no further action would be required until there is a change in circumstances that results in one or more indicia with respect to the Controlling Person being associated with the account.

#### 4. Timing of Review and Additional Procedures Applicable to Pre-existing Entity Accounts



- a) Review of Pre-existing Entity Accounts with an aggregate account balance or value that exceeds USD 250 000 as of 31 December 2018, must be completed by 31 December 2020.
- b) Review of Pre-existing Entity Accounts with an aggregate account balance or value that does not exceed USD 250 000 as of 31 December 2018, but exceeds USD 250 000 as of the last day of any subsequent calendar year, must be completed within the calendar year following the year in which the aggregate account balance or value exceeds USD 250 000.
- c) If there is a change of circumstances with respect to a Pre-existing Entity Account that causes the Reporting Financial Institution to know, or have reason to know, that the self-certification or other documentation associated with an account is incorrect or unreliable, the Reporting Financial Institution must re-determine the status of the account in accordance with the procedures set forth in paragraph 3 of this article.

## ARTICLE 9

### DUE DILIGENCE FOR NEW ENTITY ACCOUNTS

Review Procedures for Identifying Entity Accounts With Respect to Which Reporting Is Required. For New Entity Accounts, a Reporting Financial Institution must apply the following review procedures:

#### 1. Determine the Residence of the Entity.

- (a) Obtain a self-certification, which may be part of the account opening documentation, that allows the Reporting Financial Institution to determine the Account Holder's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures. If the Entity certifies that it has no residence for tax purposes, the Reporting Financial Institution may rely on the address of the principal office of the Entity to determine the residence of the Account Holder. An account shall not be opened if the self-certification is not obtained.
- (b) If the self-certification indicates that the Account Holder is resident in a Reportable Jurisdiction, the Reporting Financial Institution must treat the account as a Reportable Account, unless it reasonably determines based on information in its possession or that is publicly available that the Account Holder is not a Reportable Person with respect to such Reportable Jurisdiction.

2. Determine the Residence of the Controlling Persons of a Passive NFE. With respect to an Account Holder of a New Entity Account (including an Entity that is a Reportable Person), the Reporting Financial Institution must determine whether the Account Holder is a Passive NFE with one or more Controlling Persons and determine the residence of such Reportable Persons. If any of the Controlling Persons of a Passive NFE is a Reportable Person, then the account must be treated as a Reportable Account. In making these determinations the Reporting Financial Institution must follow the guidance in points (a) through (c) of paragraph 2 of this article in the order most appropriate under the circumstances.

- (a) Determining whether the Account Holder is a Passive NFE. For purposes of determining whether the Account Holder is a Passive NFE, the Reporting Financial Institution must rely on a self-certification from the Account Holder to establish its status, unless it has information in its possession or that is publicly available, based on which it can reasonably determine that the Account Holder is an Active NFE or a Financial Institution other than an Investment Entity described in point b) of paragraph 6 of article 3 that is not a Participating Jurisdiction Financial Institution.
- (b) Determining the Controlling Persons of an Account Holder. For purposes of determining the Controlling Persons of an Account Holder, a Reporting Financial Institution may rely on information collected and maintained pursuant to AML/KYC Procedures.
- (c) Determining the residence of a Controlling Person of a Passive NFE. For purposes of determining the residence of a Controlling Person of a Passive NFE, a Reporting Financial Institution must rely on a self-certification from the Account Holder or such Controlling Person.

3. Change of circumstances. If there is a change in circumstances with respect to a New Entity Account that causes the Reporting Financial Institution to know, or have reason to know, that the self-certification or other documentation associated with an account is incorrect or unreliable, the Reporting Financial Institution must re-determine the status of the account in accordance with the procedures set forth in point c) of paragraph 4 of article 8.

## ARTICLE 10

### SPECIAL DUE DILIGENCE RULES

The following additional rules apply in implementing the due diligence procedures described above:

- 1. Reliance on Self-Certifications and Documentary Evidence. A Reporting Financial Institution may not rely on a self- certification or Documentary Evidence if the Reporting Financial Institution knows or has reason to know that the self-certification or Documentary Evidence is incorrect or unreliable.
- 2. Alternative Procedures for Financial Accounts held by Individual Beneficiaries of a Cash Value Insurance Contract or an Annuity Contract and for a Group Cash Value Insurance Contract or Group Annuity Contract. A Reporting Financial Institution may presume that an individual beneficiary (other than the owner) of a Cash Value Insurance Contract or an Annuity Contract receiving a death benefit is not a Reportable Person and may treat such Financial Account as other than a Reportable Account unless the Reporting Financial Institution has actual knowledge, or reason to know, that the beneficiary is a Reportable Person. A Reporting Financial Institution has reason to know that a beneficiary of a Cash Value Insurance Contract or an Annuity Contract is a Reportable Person if the information collected by the Reporting Financial Institution and associated with the beneficiary contains indicia as described in paragraph 1 of article 6. If a Reporting Financial Institution has actual knowledge, or reason to

know, that the beneficiary is a Reportable Person, the Reporting Financial Institution must follow the procedures in paragraph 1 of article 6.

A Reporting Financial Institution may treat a Financial Account that is a member's interest in a Group Cash Value Insurance Contract or Group Annuity Contract as a Financial Account that is not a Reportable Account until the date on which an amount is payable to the employee/certificate holder or beneficiary, if the Financial Account that is a member's interest in a Group Cash Value Insurance Contract or Group Annuity Contract meets the following requirements:

- (a) the Group Cash Value Insurance Contract or Group Annuity Contract is issued to an employer and covers 25 or more employees/certificate holders;
- (b) the employee/certificate holders are entitled to receive any contract value related to their interests and to name beneficiaries for the benefit payable upon the employee's death; and
- (c) the aggregate amount payable to any employee/certificate holder or beneficiary does not exceed USD 1 000 000.

The term “Group Cash Value Insurance Contract” means a Cash Value Insurance Contract that (i) provides coverage on individuals who are affiliated through an employer, trade association, labour union, or other association or group; and (ii) charges a premium for each member of the group (or member of a class within the group) that is determined without regard to the individual health characteristics other than age, gender, and smoking habits of the member (or class of members) of the group.

The term “Group Annuity Contract” means an Annuity Contract under which the obligees are individuals who are affiliated through an employer, trade association, labour union, or other association or group.

### 3. Account Balance Aggregation and Currency Rules.

- a) **Aggregation of Individual Accounts.** For purposes of determining the aggregate balance or value of Financial Accounts held by an individual, a Reporting Financial Institution is required to aggregate all Financial Accounts maintained by the Reporting Financial Institution, or by a Related Entity, but only to the extent that the Reporting Financial Institution's computerised systems link the Financial Accounts by reference to a data element such as client number or TIN, and allow account balances or values to be aggregated. Each holder of a jointly held Financial Account shall be attributed the entire balance or value of the jointly held Financial Account for purposes of applying the aggregation requirements described in this subparagraph.
- b) **Aggregation of Entity Accounts.** For purposes of determining the aggregate balance or value of Financial Accounts held by an Entity, a Reporting Financial Institution is required to take into account all Financial Accounts that are maintained by the Reporting Financial Institution, or by a Related Entity, but only to the extent that the Reporting Financial Institution's computerised systems link the Financial Accounts by reference to a data element such as client number or TIN, and allow account balances or values to be

aggregated. Each holder of a jointly held Financial Account shall be attributed the entire balance or value of the jointly held Financial Account for purposes of applying the aggregation requirements described in this subparagraph.

- c) Special Aggregation Rule Applicable to Relationship Managers. For purposes of determining the aggregate balance or value of Financial Accounts held by a person to determine whether a financial account is a High Value Account, a Reporting Financial Institution is also required, in the case of any Financial Accounts that a relationship manager knows, or has reason to know, are directly or indirectly owned, controlled, or established (other than in a fiduciary capacity) by the same person, to aggregate all such accounts.
- ç) Amounts Read to Include Equivalent in Other Currencies.
  - (a) All dollar amounts are in US dollars and shall be read to include equivalent amounts in other currencies, as determined by domestic law.
  - (b) In determining the balance or value of an account denominated in a currency (other than US dollars) for the purposes of this decision, the financial institution shall translate the relevant US dollars threshold amount described in this decision into the other currency by reference to the spot rate of exchange on the date for which the institution is determining the threshold amounts.
- d) Accounts with negative balance. An account with a balance or value that is negative is deemed to have a balance or value equal to nil.

## ARTICLE 11

### COMPLEMENTARY REPORTING AND DUE DILIGENCE RULES FOR FINANCIAL ACCOUNT INFORMATION

#### 1. Change in circumstances

1.1 A “change in circumstances” includes any change that results in the addition of information relevant to a person's status or otherwise conflicts with such person's status. In addition, a change in circumstances includes any change or addition of information to the Account Holder's account (including the addition, substitution, or other change of an Account Holder) or any change or addition of information to any account associated with such account (applying the account aggregation rules described in paragraph 3 of Article 10, if such change or addition of information affects the status of the Account Holder.

1.2 If a Reporting Financial Institution has relied on the residence address test described in point a) of paragraph 2 of article 6 and there is a change in circumstances that causes the Reporting Financial Institution to know or have reason to know that the original Documentary Evidence (or other equivalent documentation) is incorrect or unreliable, the Reporting Financial Institution must, by the later of the last day of the relevant calendar year [other appropriate reporting period], or 90 calendar days following the notice or discovery of such change in circumstances, obtain a self-certification and new Documentary Evidence to

establish the residence(s) for tax purposes of the Account Holder. If the Reporting Financial Institution cannot obtain the self-certification and new Documentary Evidence by such date, the Reporting Financial Institution must apply the electronic record search procedure described in points b) through dh) of paragraph 2 of article 6.

2. Self-certification for New Entity Accounts. With respect to New Entity Accounts, for the purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Financial Institution may only rely on a self-certification from either the Account Holder or the Controlling Person.

3. Residence of a Financial Institution. A Financial Institution is “resident” in a Participating Jurisdiction if it is subject to the jurisdiction of such Participating Jurisdiction in that the Participating Jurisdiction is able to enforce reporting by the Financial Institution).

3.1 In the case of a trust that is a Financial Institution (irrespective of whether it is resident for tax purposes in a Participating Jurisdiction), the trust is considered to be subject to the jurisdiction of a Participating Jurisdiction if one or more of its trustees are resident in such jurisdiction except if the trust reports all the information required to be reported under this decision with respect to Reportable Accounts maintained by the trust to another Participating Jurisdiction because it is resident for tax purposes in such other jurisdiction.

3.2 Where a Financial Institution (other than a trust) does not have a residence for tax purposes (for example, because it is treated as fiscally transparent, or it is located in a jurisdiction that does not have an income tax), it is considered to be subject to the jurisdiction of a Participating Jurisdiction and it is, thus, a Participating Jurisdiction Financial Institution if:

- (a) it is incorporated under the laws of the Participating Jurisdiction;
- (b) it has its place of management (including effective management) in the Participating Jurisdiction; or
- (c) it is subject to financial supervision in the Participating Jurisdiction.

3.3 Where a Financial Institution (other than a trust) is resident in two or more Participating Jurisdiction, such Financial Institution will be subject to the reporting and due diligence obligations of the Participating Jurisdiction in which it maintains the Financial Account(s).

4. Account maintained. In general, an account would be considered to be maintained by a Financial Institution as follows:

- a. in the case of a Custodial Account, by the Financial Institution that holds custody over the assets in the account (including a Financial Institution that holds assets in street name for an Account Holder in such institution);
- b. in the case of a Depository Account, by the Financial Institution that is obligated to make payments with respect to the account (excluding an agent of a Financial Institution regardless of whether such agent is a Financial Institution);
- c. in the case of any equity or debt interest in a Financial Institution that constitutes a Financial Account, by such Financial Institution;

- ç) in the case of a Cash Value Insurance Contract or an Annuity Contract, by the Financial Institution that is obligated to make payments with respect to the contract.

5. Trusts that are Passive NFEs. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes, according to paragraph 49) of article 3, shall be treated as resident in the jurisdiction in which its place of effective management is situated. For these purposes, a legal person or a legal arrangement is considered “similar” to a partnership and a limited liability partnership where it is not treated as a taxable unit in a Participating Jurisdiction under the tax laws of such jurisdiction. However, in order to avoid duplicate reporting (given the wide scope of the term “Controlling Persons” in the case of trusts), a trust that is a Passive NFE may not be considered a similar legal arrangement.

6. Address of Entity's principal office

- a) One of the requirements described in point c) of paragraph 5 of article 3 is that, with respect to an Entity, the official documentation includes either the address of the Entity's principal office in a jurisdiction in which it claims to be a resident or a jurisdiction in which the Entity was incorporated or organised. The address of the Entity's principal office is generally the place in which its place of effective management is situated.
- b) The address of a Financial Institution with which the Entity maintains an account, a post office box, or an address used solely for mailing purposes is not the address of the Entity's principal office unless such address is the only address used by the Entity and appears as the Entity's registered address in the Entity's organisational documents.
- c) An address that is provided subject to instructions to hold all mail to that address is not the address of the Entity's principal office.

## ARTICLE 12

### EXCHANGE OF INFORMATION ON ACCOUNTABLE ACCOUNTS

- 1. Each financial reporting institution in the Republic of Albania reports to the General Directorate of Taxation the information on reportable accounts, according to Annex IV attached “Methods of data transfer from financial institutions obliged to communicate with the tax authority, within the exchange automatic financial account information”.
- 2. The competent authority, the General Directorate of Taxation, exchanges with other tax authorities the information received from the financial reporting institutions through the CTS system. This system, which is accessed for an annual fee, will enable transmission / receipt of messages and integration with the systems of other tax authorities.
- 3. The exchange of information on reportable accounts must be carried out respecting the principle of sufficiency, proportionality and term of data processing, in accordance with the legislation on personal data protection.

4. During the process of exchanging information on reportable accounts, personal data security measures, evidence of tracking of personal data processing and the rights of data subjects / taxpayers must be guaranteed.

#### ARTICLE 13

#### FINAL PROVISIONS

The tax administration and the subjects defined in law no. 4/2020, "On the automatic exchange of financial account information", shall implement this decision. This decision enters into force after its publication in the Official Gazette.

DEPUTY PRIME MINISTER

Erion Braçe

## **ANNEX I**

### **LIST OF PARTICIPATING JURISDICTIONS**

1. Albania
2. Argentina
3. Andorra
4. Australia
5. Austria
6. Anguilla
7. Antigua and Barbuda
8. Aruba
9. Azerbaijan
10. Belgium
11. Bulgaria
12. Brazil
13. Bermuda
14. British Virgin Islands
15. Bahamas
16. Bahrain
17. Barbados
18. Belize
19. Brunei
20. Colombia
21. Croatia
22. Cyprus
23. Czech Republic
24. Canada
25. Chile
26. China
27. Cayman Islands
28. Cook Islands
29. Costa Rica
30. Curaçao
31. Denmark
32. Dominica
33. Ecuador
34. Estonia
35. Faroe Islands
36. Finland
37. France
38. Germany
39. Gibraltar
40. Greece



41. Guernsey
42. Greenland
43. Grenada
44. Ghana
45. Hungary
46. Hong Kong (China)
47. Iceland
48. India
49. Ireland
50. Isle of Man
51. Italy
52. Israel
53. Indonesia
54. Japan
55. Jersey
56. Kazakhstan
57. Korea
58. Kuwait
59. Latvia
60. Liberia
61. Liechtenstein
62. Lithuania
63. Luxembourg
64. Lebanon
65. Montserrat
66. Macau (China)
67. Marshall Islands
68. Malta
69. Mexico
70. Malaysia
71. Mauritius
72. Monaco
73. Morocco
74. Netherlands
75. Norway
76. New Zealand
77. Nauru
78. Niue
79. Nigeria
80. Oman
81. Poland
82. Portugal
83. Pakistan
84. Panama

85. Qatar
86. Romania
87. Russia
88. San Marino
89. Seychelles
90. Slovak Republic
91. Slovenia
92. South Africa
93. Saint Kitts and Nevis
94. Saint Lucia
95. Saint Vincent and the Grenadines
96. Samoa
97. Spain
98. Sweden
99. Saudi Arabia
100. Singapore
101. Sint Maarten
102. Switzerland
103. Turkey
104. Turks and Caicos Islands
105. United Kingdom
106. United Arab Emirates
107. Uruguay
108. Vanuatu

## **ANNEX II**

### **LIST OF REPORTABLE JURISDICTIONS**

1. Albania
2. Argentina
3. Andorra
4. Australia
5. Austria
6. Antigua and Barbuda
7. Azerbaijan
8. Belgium
9. Bulgaria
10. Brazil
11. Barbados
12. Colombia
13. Croatia
14. Cyprus
15. Czech Republic
16. Canada
17. Chile
18. China
19. Cook Islands
20. Costa Rica
21. Denmark
22. Ecuador
23. Estonia
24. Faroe Islands
25. Finland
26. France
27. Germany
28. Gibraltar
29. Greece
30. Guernsey
31. Greenland
32. Grenada
33. Hungary
34. Hong Kong (China)
35. Iceland
36. India
37. Ireland
38. Isle of Man
39. Italy
40. Israel

41. Indonesia
42. Japan
43. Jersey
44. Kazakhstan
45. Korea
46. Latvia
47. Liberia
48. Liechtenstein
49. Lithuania
50. Luxembourg
51. Malta
52. Mexico
53. Malaysia
54. Mauritius
55. Monaco
56. Morocco
57. Netherlands
58. Norway
59. New Zealand
60. Nigeria
61. Oman
62. Poland
63. Portugal
64. Pakistan
65. Panama
66. Russia
67. San Marino
68. Seychelles
69. Slovak Republic
70. Slovenia
71. South Africa
72. Saint Kitts and Nevis
73. Saint Lucia
74. Spain
75. Sweden
76. Saudi Arabia
77. Singapore
78. Switzerland
79. Turkey
80. Turks and Caicos Islands
81. United Kingdom
82. Uruguay

## **ANNEX 3**

### **LIST OF NON-REPORTING FINANCIAL INSTITUTIONS**

1. a Governmental Entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution;
2. a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;
3. any other Entity that presents a low risk of being used to evade tax, has substantially similar characteristics to any of the Entities described in point (a) and (b), of paragraph 49 article 3 and is defined in domestic law as a non-reporting financial institution, provided that the status of this entity as a non-reporting financial institution does not conflicts the purposes of the Common Reporting Standard.
4. an Exempt Collective Investment Vehicle; or
5. a trust to the extent that the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported pursuant to Article 4, with respect to all Reportable Accounts of the trust.

## ANNEX IV

### **Method of transferring data from financial institutions to the Tax Administration in relation to the automatic exchange of information for the financial accounts**

Reporting Financial institutions are required to communicate as provided in this provision.

Tax Administration confirms the submission of the mentioned communications by means of a certificate in which, after the control process, are shown:

a) in case of a positive result:

- i. the *file* identifier attributed by the communicating entity;
- ii. the protocol automatically assigned to the *file*;
- iii. the date on which the *file* was sent

b) in case of a negative result, due to insufficient transmission rules, abnormalities in the *file* nomenclature, irregularities in the data structure or discrepancies between the communicated data:

- i. identification of the file attributed by the communicating entity;
- ii. the protocol automatically assigned to the *file*;
- iii. the date on which the *file* was sent
- iv. reason for refusal

In case of a negative outcome which brings rejection, communication will be deemed as not filed.

#### ***Data processing***

The information referred to in this provision shall be transmitted to the Tax Administration in accordance with the legislation on confidentiality and protection of personal data and shall be collected in accordance with the fundamental rights and freedoms of taxpayers.

The Tax Administration processes the communicated data and transmits it to the competent authorities of the jurisdictions subject to communication, according to the methods and conditions set out in the directive or the relevant agreements and related technical agreements.

## **COMMUNICATION RULES**

## 1.1 OBJECT OF THE DOCUMENT

This document describes the rules of compilation and transmission by the Albanian Financial Institutions required to communicate to the General Directorate of Taxation the information related to the mandatory automatic exchange of information in the fiscal sector.

## 1.2 TERMINOLOGY

Acronym	Meaning
AEOI	Automatic Exchange of Information
ASCII	American Standard Code for Information Interchange
CRS	Common Reporting Standard
FATCA	Foreign Account Tax Compliance Act
IBAN	International Bank Account Number
FI	Albanian Financial Institution required to report
IN	Identification Number - used instead of TIN, in the case of a legal entity
ISO	International Organization for Standardization
MB	Megabyte
MS	Member State
N / A	Not Applicable
OBAN	Other Bank Account Number
OECD	Organization for Economic Cooperation and Development
TIN	Tax Identification Number
XML	Extensible Mark-up Language
XSD	XML Schema Definition
OICR	Collective Investment Scheme
SGR	Savings management company

**Technical note regarding terminology:** the format adopted for communication of financial account data is the XML schema of the CRS. It regulates the organization and the type of information contained in the XML files that formally validates each XML file, therefore has a specific structure and the information is organized according to different data types, from simpler data types to complex data types, combined with each other in so-called information blocks. Some particular blocks are also correctable and characterized by a specification, which defines the methods of correction. In this context, the **Document** is defined as the minimum block of correctable information and the specification that characterizes it is called **Document Specification (DocSpec)**.

## 2. METHODS OF DATA COMMUNICATION

Each FI must transmit the data of the financial accounts of the residents in the reportable jurisdictions, **in a single file, where it is divided according to the jurisdictions.**

The GDT will make available to the FI, a program aimed at formal control (client control) and preparation of the file to be transmitted, allowing its encryption and signing with the certificate registered in the FI as responsible for data included in it.

The transmitted file will be subjected to a further check on the GDT receiving systems, after which a file approval or complete rejection will be generated. Files rejected as a result of the control will be deemed as not being sent and, therefore, the FI will be required to retransmit it properly.

The approved file will be processed by the GDT in order to separate the data based on the jurisdictions and send them to the relevant competent authorities.

## **2.1      FORMAL CONTROL (CLIENT)**

Client control will contain:

- verifying the validity of the XML stream in relation to the latest version of the XSD Scheme issued by the OECD for the CRS exchange;
- verifying the additional restrictions provided by the CRS agreements set out in Annex 3 of the "*Common Reporting Standard User Guide* of the OECD (2017), *Standard for Automatic Exchange of Financial Account Information in Tax Matters, Second Edition*, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264267992-en>", exempt from any specific exception for national area of data collection;
- verifying the presence and formal correctness of all Albanian tax codes present in the message;
- verifying the compliance between the Albanian tax code and the type of person (natural person / legal person);

Detection of **errors** (blockers) or **warnings** (non-blockers) will be displayed in a diagnostic file.

The presence of errors in the flow interrupts the processing process. It will therefore be necessary to remove the anomalies and repeat the inspection procedure.

## **2.2      CONTROL AT THE RETRIEVING PHASE**

When the file is accepted, the following additional checks will be performed:



- Verification of correctness and existence in the TIN's tax register of FI's present in the Message refers to the element *SendingCompanyIN* which verifies its correspondence with the fiscal code of the signature and sending content.
- verification of the flow compatibility, in relation to the latest version of the control software published on the Tax Administration's website
- verifying compliance with delivery rules regarding deadlines;
- verifying the specificity of the reported MessageRefID, DocRefId identifiers, and the existence of identifiers probably reported in the CorrMessageRefId and CorrDocRefId fields.

### 3. RULES OF COMMUNICATION

This chapter describes how to compile the files that FI's must send to the Tax Administration.

#### 1.1 REFERENCE SCHEMA

The reference scheme for technical specifications is CrsXML v1.0 published in [DEDICATED PORTAL](#) which consists of xsd files as follows:

- CrsXML\_v1.0.xsd
- CommonTypesFatcaCrs\_v1.1.xsd
- FatcaTypes\_v1.1.xsd
- OECDtypes\_v4.1.xsd
- isocrstypes\_v1.0.xsd

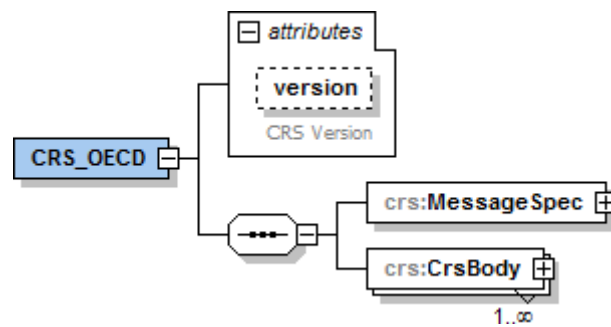
XML file must be formally valid in connection to the CrsXML scheme.

**Note:** Please note that the formal rules specified by the XSD Schema are not enough to produce a correct file.

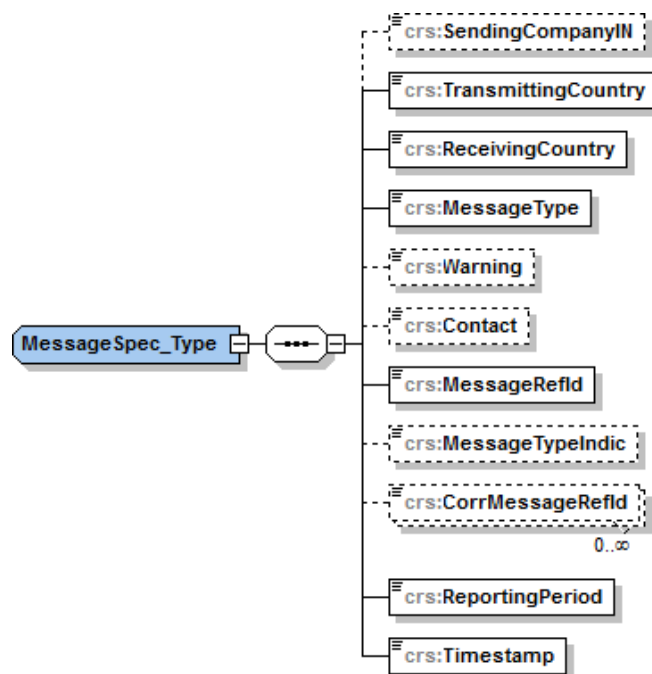
#### 1.2 GENERAL STRUCTURE OF CRS COMMUNICATION

The CrsXML schema describes the format and structure of the data communication (CRS Message).

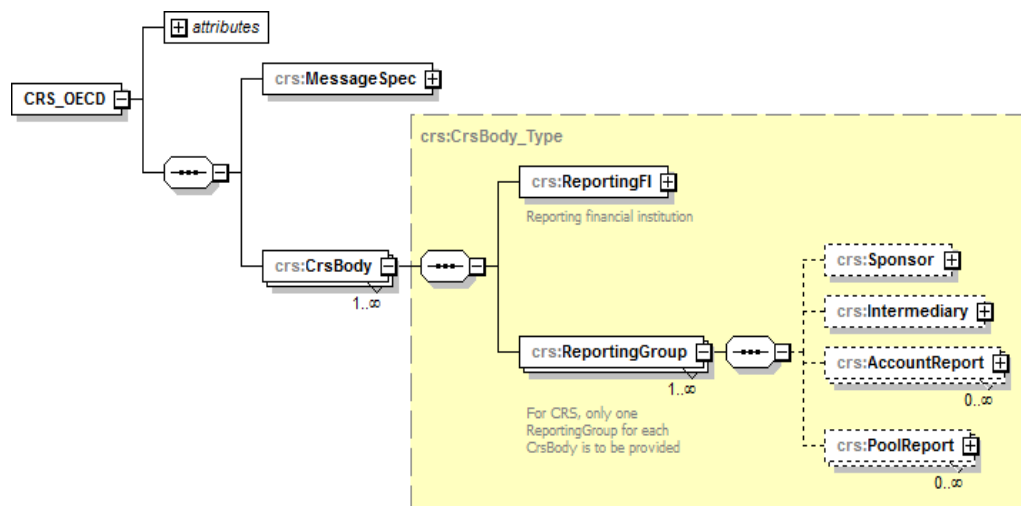
**MessageCRS** consists of 2 information blocks, **MessageSpec** and **CrsBody**.



The **MessageSpec** block contains, in addition to the information needed to identify the FI, the message identification information itself, the reference period, and the nature of the information communicated (e.g., new or corrective data).



Block **CrsBody** contains information about blocks of information that contain the financial data such as FI'S personal information, the financial account holder, controlling persons, the identification number of the account and relevant financial information (balance and / or payment).



According to the Schema, the CRS message is composed of a single basic element, called **CRS\_OECD**, which has the attribute of the Reference Scheme version and in turn contains a **MessageSpec** block already described above and one or more **CrsBody** blocks.

*For messages sent from the FI's (**ReportingFI**) in the Tax Administration, it is necessary that the multiplicity of **CrsBody** block to be equal to one.*

Although otherwise indicated in the schema, the **CrsBody** block should consist of a **single block** of type **ReportingFI** and must contain **only one ReportingGroup** block.

The **ReportingGroup** block, for "new data" type messages sent by FI's to the Tax Administration, must contain at least one **AccountReport** block.

**In the absence of data to communicate, ReportingGroup block should not contain any AccountReport block.** See paragraph *EXAMPLE COMMUNICATION IN CASE OF NIL EPORTING*.

The **Sponsor**, **Intermediary**, and **PoolReport** blocks, even if present in the CRS XML schema, **should never be reported** in the message.

**The optional elements open and closed (with no value) or with values containing spaces, are not allowed in the xml tag.**

#### 4.2.1 TECHNICAL INFORMATION ON IDENTIFICATION AND NATURE OF COMMUNICATION

The main blocks of information within the CRS message (**MessageSpec**, **ReportingFI**, **AccountReport**) are characterized, inter alia, by the presence of the elements necessary to **uniquely identify them** and **describe their meaning within the communication process**:

- **MessageSpec**: characterizes communication at the Message level.
- **DocSpec**: characterizes blocks of information at the level of the **Document** (**ReportingFI/AccountReport**), where **Document** means *the minimum block of correctable information*.

##### 4.2.1.1 MessageSpec in identifying the message and nature of communication

The **MessageSpec** element is an example of the complex type **MessageSpec\_Type** and in this section we describe the elements that make it up, in relation to the identification and nature of communication (for a more detailed description, see the next chapter).

#	Identification element	Summary
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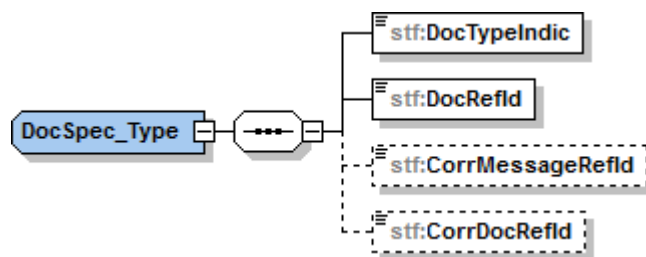
1	MessageRefId	<p><b>MessageRefId</b> must always be specified and must contain text with a specific formatting that represents the unique identifier at the time and space of the message. This identifier allows both the sending FI as well as the Tax Administration to identify and refer the message in the following processes.</p> <p>To ensure the aforementioned unity in time and space, the following formatting is required:</p> <p style="text-align: center;">&lt;AL&gt; &lt; REFERRED YEAR &gt; &lt;TIN &gt; &lt; PROGRESSIVE SENDING &gt;</p> <p>where:</p> <ul style="list-style-type: none"> <li>• &lt;AL&gt; is always a value of <i>2 characters long</i></li> <li>• &lt;YEAR REFERRED&gt; is a numerical value of <i>four characters</i> which presents <b>the data reference year</b></li> <li>• &lt;TIN&gt; is an <i>11-character</i> alphanumeric string representing the FI tax code. In the special case of OICR's without legal personality, it is not necessary to specify any TIN and it is enough to format the identification number assigned by the Bank of Albania from 5 numeric characters, filling it in the left with many 0 to reach a total length of 11. For example, given the numeric ID 12345, it becomes <b>0000012345</b>.</li> <li>• &lt;NEXT YEAR&gt; is a long 10- <i>digit</i> string representing the progressive shipment number, the number must be filled in with the correct alignment and zeros filled to the left until it reaches the set length.</li> </ul> <p><b>Example:</b> in relation to the second communication for the reference year 2019, the FI having TIN 99999999999, will compile the following identification:  &lt;MessageRefId&gt;<b>AL20199999999999990000000002</b>&lt;/MessageRefId&gt;</p> <p><b>Example:</b> in relation to the first communication for the reference year 2020, the OICR without legal personality having a unique identification issued by the Bank of Albania (OICDRID) 33333, will compile the following message identifier  &lt;MessageRefId&gt;<b>AL20200000003333300000000001</b>&lt;/MessageRefId&gt;</p> <p>Based on what has been said, the value specified in the MessageRefId element:</p> <ul style="list-style-type: none"> <li>• is always represented by an alphanumeric sequence of 27 characters</li> <li>• It should never contain space inside it, neither before nor after.</li> </ul>
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#	Identification element	Summary
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2	<b>MessageTypeIndic</b>	<b>MessageTypeIndic</b> is the message type's indicator.	
		<b>Value</b>	<b>Description</b>
		CRS701	The message contains new information
		CRS702	The message contains corrections for previously sent information
		CRS703	<i>The message advises there is no data to report</i>
3	<b>CorrMessageRefId</b>	<b>CorrMessageRefId</b> should be used exclusively for communications that replace <b>new data made within the fifteenth day after the deadline</b> and should refer to the previous Communication <b>MessageRefId</b> and be accepted with a positive result and never be replaced by other communications, nor canceled by a communication of " <b>No data to communicate</b> ", regarding the same reference period.	

#### 4.2.1.2 DocSpec in document identification and nature of communication

The **DocSpec** element is an example of a complex data type **DocSpec\_Type**. This is the type of data used in the definitions of the **ReportingFI** and the **AccountReport** elements. In this way, these elements (so-called correctable) can be referred to in the process of correcting and modifying the already sent data.



In this section we describe the elements that make up the **DocSpec** element including the naming convention that is intended to be given to identifiers that **DocRefId** can obtain.

Element / Attribute	Description
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DocTypeIndic	<p>It represents the type of data that is sent and determines the nature of the communication.</p> <p>Possible values are shown in the following table:</p> <table border="1" data-bbox="592 293 1353 781"> <thead> <tr> <th>Value</th><th>Description</th></tr> </thead> <tbody> <tr> <td>OECD0</td><td>Resend Data (not used for CRS reporting)</td></tr> <tr> <td>OECD1</td><td>New Data</td></tr> <tr> <td>OECD2</td><td>Corrected Data</td></tr> <tr> <td>OECD3</td><td>Deletion of Data</td></tr> <tr> <td>OECD10</td><td>Resend Test Data (not used for CRS reporting)</td></tr> <tr> <td>OECD11</td><td>New Test Data</td></tr> <tr> <td>OECD12</td><td>Corrected Test Data</td></tr> <tr> <td>OECD13</td><td>Deletion of Test Data</td></tr> </tbody> </table> <p><b>OECD0</b> can only be used in special circumstances related to the <b>ReportingFI</b> element only, when you intend to communicate corrective messages (<b>MessageTypeIndic</b> = <b>CRS702</b>) or integrate new data (<b>MessageTypeIndic</b> = <b>CRS701</b>) by referring to one or more <b>AccountReport</b> elements but not of <b>ReportingFI</b> which, being a mandatory element, must in any case be retransmitted with OECD0.</p> <p><b>OECD1</b> can only be used for documents containing new data or, in the absence of data to communicate (<b>MessageTypeIndic</b> = <b>CRS703</b>), in the <b>ReportingFI</b> element.</p> <p><b>OECD2 or OECD3</b> can only be used in corrective messages. <b>The OECD3 value cannot be used for ReportingFI.</b></p> <p><b>OECD10, OECD11, OECD12, OECD13</b> can only be used for TEST messages. Documents characterized by these types will not be exchanged. Accepting the file containing these types of documents will highlight them. Their use within the message follows the rules already defined for the respective non-test values OECD0, OECD1, OECD2, OECD3.</p>	Value	Description	OECD0	Resend Data (not used for CRS reporting)	OECD1	New Data	OECD2	Corrected Data	OECD3	Deletion of Data	OECD10	Resend Test Data (not used for CRS reporting)	OECD11	New Test Data	OECD12	Corrected Test Data	OECD13	Deletion of Test Data
Value	Description																		
OECD0	Resend Data (not used for CRS reporting)																		
OECD1	New Data																		
OECD2	Corrected Data																		
OECD3	Deletion of Data																		
OECD10	Resend Test Data (not used for CRS reporting)																		
OECD11	New Test Data																		
OECD12	Corrected Test Data																		
OECD13	Deletion of Test Data																		

DocRefId	<p>Unique reference to correctable elements, <b>ReportingFI</b> and <b>AccountReport</b>.</p> <p>In the case of the <b>AccountReport</b> element, the related <b>DocRefId</b> must always be unique in time and space (two identical <b>DocRefId</b> cannot be shown in the same communication nor in communications sent and received with positive results)</p> <p>In the case of the <b>ReportingFI</b> element, <b>DocRefId</b> is unique in time and space only if <b>DocTypeIndic</b> is different from <b>OECD0</b>. In the latter case, in fact, <b>DocRefId</b> may be the same as another identifier already sent to <b>ReportingFI</b>.</p> <p>&lt;AL&gt; &lt;YEAR OF REFERENCE&gt; &lt;TIN&gt; &lt;BLOCK SIGNATURE&gt; &lt;PROGRESSIVE RECORD&gt;</p> <p>where:</p> <ul style="list-style-type: none"> <li>• &lt;AL&gt; is always <i>two characters</i> long.</li> <li>• &lt;REFERENCE YEAR&gt; is a long numeric string of 4 <i>characters</i> representing the data reference year. It should coincide with the reported year in <b>ReportingPeriod</b> at <b>MessageSpec</b>.</li> <li>• &lt;TIN&gt; is an 11- <i>character</i> alphanumeric string representing the FI tax code. Also in this case, the special exception applies to OICR without legal personality who must write their numerical identification (assigned by the Bank of Albania) completed on the left with a sum of 0 until they reach the length of 11 alphanumeric characters.</li> <li>• &lt;SIGNATURE BLOCK&gt; is a long string of 2 <i>characters</i> constant value FI if block that refers to is a ReportingFI, AR in the block that refers to is an AccountReport.</li> <li>• &lt;PROGRESSIVE RECORD&gt; is a 10-digit string representing a progressive record number, the number must be completed with the right alignment and with zeros filled from the left until it reaches the set length.</li> </ul> <p><b>Example:</b> in relation to the reference year 2019, the FI having TIN 99999999999, can design the following identifier for the ReportingFI block:</p> <p>&lt;DocRefId&gt; <b>AL201999999999999FI0000000001</b> &lt;/DocRefId&gt;</p> <p>If two <b>AccountReport</b> accounts are communicated, they may have the following identifiers:</p> <p>&lt;DocRefId&gt; <b>AL201999999999999AR0000000001</b> &lt;/DocRefId&gt;</p> <p>&lt;DocRefId&gt; <b>AL2019 9999999999AR0000000002</b> &lt;/DocRefId&gt;</p> <p>The identifier expressed in <b>DocRefId</b> is always represented by an alphanumeric sequence of <b>29 characters</b>.</p>
CorrMessageRefId	This item should <b>never</b> be used.

Element / Attribute	Description
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CorrDocRefId	<p>In the event of a correction or cancellation, this identifier refers to the previously sent <b>DocRefId</b> element to be abrogated. It should therefore have the same structure as <b>DocRefId</b>.</p> <p>The element <b>CorrDocRefId</b> will only be used when <b>DocTypeIndic</b> takes value <b>OECD2</b> or <b>OECD3</b> and <b>MessageTypeIndic</b> takes value <b>OECD702</b>, if you plan to do a "corrective communication" or "cancellation" of the information previously sent.</p> <p>The <b>CorrDocRefId</b> shown must contain the same <b>DocRefId</b> reference year as the one identified in the <b>ReportingPeriod</b>.</p> <p>In the same message there cannot be two same <b>CorrDocRefId</b>.</p> <p>The shown <b>CorrDocRefId</b> must refer to a Document not validated in previous communications.</p>
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### 1.3 DETAILED STRUCTURE OF CRS COMMUNICATION

This chapter presents the structure and definitions of the data types defined in the **CrsXML v.1.0** schema.

We summarize below the structure of the two main elements that make up a **CRS Message**, **MessageSpec** and **CrsBody**, and for each element of the structure their variety is specified.

The **MessageSpec** element, with type **MessageSpec\_Type**, defines the **Message Specifications** which contain specific information about the title that describes the message and has the following structure:

Message_Type' structure		Varieties
MessageSpec		1..1
	SendingCompanyIN	1..1
	TrasmittingCountry	1..1
	ReceivingCountry	1..1
	MessageType	1..1
	Warning	0..1
	Contact	0..1
	MessageRefId	1..1
	MessageTypeIndic	1..1
	CorrMessageRefId	0..1
	ReportingPeriod	1..1
	Timestamp	1..1

The **CrsBody** element of type **CrsBody\_Type** defines the **body of the message**, which contains financial account information and has the following structure:

CrsBody_Type structure				Varieties
ReportingFI				1..1
ReportingGroup				1..1
	AccountReport			0..n
		AccountNumber		1..1
		AccountHolder		1..1
			individual	0..1
			Organization	0..1
		ControllingPerson		0..n
			individual	1..1
		AccountBalance		1..1
		Payment		0..n

In the following sections of the document, all elements will be analyzed in detail, specifying the *name of the element*, the *type of data* (**complex**, **common**, **generic** and **simple** data types), obligatory nature, multiplicity, controls and operational rules provided and required for the compilation of communications.

#### **4.3.1    *DEFINITIONS AND RULES OF MESSAGESPEC element***

Element	Mandatory	Multip.	Data type	Description, controls and Notes
<b>MessageSpec</b>	YES	1	<u>MessageSpec Type</u>	<p>The <b>MessageSpec</b> element <b>should</b> be characterized by the following elements:</p> <ul style="list-style-type: none"> <li>•<b>SendingCompanyIN</b>;</li> <li>•<b>TransmittingCountry</b>;</li> <li>•<b>ReceivingCountry</b>;</li> <li>•<b>MessageType</b>;</li> <li>•<b>MessageTypeIndic</b>;</li> <li>•<b>MessageRefId</b>;</li> <li>•<b>ReportingPeriod</b>;</li> <li>•<b>Timestamp</b>.</li> </ul> <p>The <b>MessageSpec</b> element <b>can</b> also be characterized by the following elements:</p> <ul style="list-style-type: none"> <li>•<b>Warning</b>;</li> <li>•<b>Contact</b>;</li> <li>•<b>CorrMessageRefId</b></li> </ul>
<b>SendingCompanyIN</b>	YES	1	<u>GEN-DT-TOKEN</u>	<p>The <b>SendingCompanyIN</b> element represents the FI's identification number</p> <p>FI's <b>should</b> specify in this element <b>their fiscal code TIN</b> and the same tax code must be specified in item <b>IN</b> of the element <b>ReportingFI</b> in order to allow the necessary controls provided by the communication channel for exchanging data.</p> <p>The FI tax code <b>must</b> be present in the Tax Register (existence check) and <b>must</b> be attributed to a person</p>
<b>TransmittingCountry</b>	YES	1	<u>GEN-DT-COUNTRY</u>	<p>The <b>TransmittingCountry</b> element identifies the country code which sends the message and for the data communicated by the financial institutions must always be specified AL (Country Code for Albania)</p>
<b>ReceivingCountry</b>	YES	1	<u>GEN-DT-COUNTRY</u>	<p>The <b>ReceivingCountry</b> element identifies the jurisdiction of the tax administration (Competent Authority) that is the intended recipient of the message and for the communication of data from financial accounts should always be specified AL (country code for Albania)</p>

<b>MessageType</b>	YES	1	<u>GEN-DT-TOKEN</u>	The <b>MessageType</b> element specifies the type of message to be sent. The only insertion allowed in this area under the <i>Common Reporting Standard</i> is <b>CRS</b> .
<b>Warning</b>	NO	1	<u>GEN-DT-FREETEXT</u>	Specific warning instructions regarding the use of the message content.
<b>Contact</b>	NO	1	<u>GEN-DT-FREETEXT</u>	Contact information that identifies the sender of the message.
<b>MessageRefId</b>	YES	1	<u>GEN-DT-FREETEXT</u>	The <b>MessageRefId</b> element allows univocal identification in message time and space. The identifier must always be expressed in the intended format to which reference is made. The Financial Institution may include a financial institution identification number in <b>MessageRefId</b> at the beginning of the unique identifier created by the financial institution.
<b>MessageTypeIndic</b>	YES	1	<u>MessageTypeIndic</u>	Element <b>MessageTypeIndic</b> represents an indication of the message type and determines the nature of communication and shall be valid or <b>CRS701</b> or <b>CRS702</b> or <b>CRS703</b> .
<b>CorrMessageRefId</b>	NO	1	<u>GEN-DT-FREETEXT</u>	The <b>CorrMessageRefId</b> element should only be used when new replacement data is communicated <i>within fifteen days of the expected submission deadline</i> and in combination with the value of the CRS701 message type indicator.
<b>ReportingPeriod</b>	YES	1	<u>GEN-DT-DATE</u>	<p>The <b>ReportingPeriod</b> element must have a value of <b>YYYY-12-31</b> where YYYY is the year to which the financial account data refer, except in the case in which the <b>FI ceases to operate without a merger</b>. In the latter case, you are required to specify in the element the end date of the activity.</p> <p>Scheduled checks at <b>ReportingPeriod</b> date are as follows:</p> <ul style="list-style-type: none"> <li>• YYYY should not be lower than 2019.</li> <li>• YYYY must be lower than the year in which the communication was sent, unless the <b>FI ceases to trade without a merger</b>. In the latter case, it is possible to send data in the same reference year. Delivery date must always be later than that specified in <b>ReportingPeriod</b>.</li> </ul> <p>A message <b>should</b> contain data for a single referral period (e.g. if an FI has to send corrections for two different referral years, it may not send them in a single message, but should be consistent with sending two different messages, one for each reference year).</p>

<b>Timestamp</b>	YES	1	<u>GEN-DT-TIMESTAMP</u>	The <b>Timestamp</b> element indicates the date and time the message was compiled: <b>Must be formatted</b> as follows: <b>YYYY-MM-DDThh:mm:ss</b>
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#### **4.3.2      DEFINITIONS AND RULES OF THE ELEMENT CRSBODY**

The CrsBody element, the constituent elements of which are described in the following table.

Element	Mandatory	Multip.	Data type	Description, controls and Notes
REPORTING FINANCIAL INSTITUTION				
ReportingFI	YES	1	CorrectableOrganisationParty_Type	<p>A <b>ReportingFI</b> element contains information from the Report's Financial Institution.</p> <p>The <b>ReportingFI</b> element is a <b>correctable</b> element defined by the <b>CorrecableOrganisationParty_Type</b> which is a data type exactly like the <b>OrganisationParty_Type</b> data type with additional support for managing the corrections given by the <b>DocSpec</b> element of the <b>DocSpec_Type</b> element:</p> <ul style="list-style-type: none"> <li>•For the definition of <b>DocSpec_Type</b> see the specific section.</li> <li>•For the definition of the <b>OrganisationParty_Type</b> see the general section.</li> </ul>
REPORTING GROUP				
ReportingGroup	YES	1	N / A	<p>A <b>ReportingGroup</b> element <b>may</b> contain:</p> <ul style="list-style-type: none"> <li>•One or more <b>AccountReport</b>;</li> <li>•a <b>Sponsor</b>;</li> <li>•an <b>Intermediary</b>;</li> <li>•one or more <b>PoolReport</b>.</li> </ul>
<b>Sponsor</b>	NO	1	<b>OrganisationParty_Type</b>	Relative information on sponsors is not provided in exchange and the element should never be specified
<b>intermediary</b>	NO	1	<b>OrganisationParty_Type</b>	Relative information about <b>Intermediary</b> is not provided in the exchange and the item should never be specified.
<b>PoolReport</b>	NO	n	<b>PoolReport_Type</b> (N / A)	Relative information about <b>PoolReport</b> is not provided in the exchange and the item should never be specified.
ACCOUNT REPORT				

AccountReport	NO	n	CorrectableAccountReport_Type	<p>An <b>AccountReport</b> item, <b>if present</b>, contains account information. Element <b>AccountReport</b> is a <b>correctable</b> element and is defined by the complex type <b>CorrectableAccountReport_Type</b>.</p> <p>An <b>AccountReport</b> <b>must</b> contain:</p> <ul style="list-style-type: none"> <li>• an <b>AccountNumber</b> element;</li> <li>• an <b>AccountHolder</b> element;</li> <li>• an <b>AccountBalance</b> element.</li> </ul> <p>An <b>AccountReport</b> <b>may</b>, on the basis of the reference legislation, contain:</p> <ul style="list-style-type: none"> <li>• one or more <b>Payment</b> elements;</li> <li>• one or more <b>ControllingPerson</b> elements.</li> </ul>
ACCOUNT NUMBER				



AccountNumber	YES	1	FIAccountNumber_Type	<p>can be characterized by:</p> <ul style="list-style-type: none"> <li>•an AcctNumberType attribute</li> <li>•an UndocumentedAccount attribute;</li> <li>•a ClosedAccount attribute;</li> <li>•a DormantAccount attribute.</li> </ul> <p>an AccountNumber must:</p> <ul style="list-style-type: none"> <li>• be formatted as an <u>IBAN</u>, if AcctNumberType=OECD601;</li> <li>• be formatted as an <u>ISIN</u>, if AcctNumberType=OECD603;</li> <li>• for other acceptable types of AcctNumberType, there are no format restrictions.</li> </ul> <p><b>Note:</b> in exceptional cases, if the account number cannot be found, the value will be <b>NANUM</b>, if AcctNumberType=OECD605 and in <b>any case</b> the following representation forms are not allowed:</p> <ul style="list-style-type: none"> <li>• empty value, e.g. &lt;AccountNumber&gt; &lt;/AccountNumber&gt; 0 &lt;AccountNumber /&gt; [or]</li> <li>• value space, p. sh. &lt;AccountNumber&gt; &lt;/AccountNumber&gt;</li> </ul> <p><b>Note:</b> If IBAN or ISIN is available, then these should be used for filling element <b>AccountNumber</b> and consequently the expected type of account number must be specified in the attribute <b>AccountNumberType</b> accordingly.</p>
AcctNumberType	YES	1	AccountNumberType	Attribute <u>AccountNumberType</u> specifies the type of relationship (see definition of type for the available values).
<b>Element</b>	<b>Mandatory</b>	<b>Multip.</b>	<b>Data type</b>	<b>Description, controls and Notes</b>
UndocumentedAccount	NO	1	<u>GEN-DT-Boolean</u>	Indicates whether the report is undocumented.

ClosedAccount	NO	1	<u>GEN-DT-Boolean</u>	Indicates whether the account is closed. This attribute <b>must</b> be completed if the account was closed during the year.
DormantAccount	NO	1	<u>GEN-DT-Boolean</u>	Indicates whether the account is dormant (as defined by Albanian legislation).
<b>ACCOUNT HOLDER</b>				
AccountHolder	YES	1	<b>AccountHolder_Type</b>	<p>An <b>AccountHolder</b> element contains information about the owner of the account.</p> <p>The <b>AccountHolder</b> element reflects the fact that the owner of the account can be either a <b>natural person</b> or a <b>legal entity</b>. It should therefore be characterized by:</p> <ul style="list-style-type: none"> <li>•an <b>Individual</b> element of type <b>PERSON PARTY</b>, if it is a natural person;</li> <li>•an <b>Organisation</b> element of the type <b>ORGANISATION PARTY</b> if it is a legal entity.</li> </ul>
AccountHolderType	NO	1	<u>AccountHolderType</u>	<b>AccountHolderType</b> is given a code that indicates the type of account holder and <b>should</b> be specified in the case of an <b>Organisation</b> legal person.
<b>CONTROLLING PERSON</b>				
ControllingPerson	NO	n	<b>PersonParty_Type</b>	<p>A <b>ControllingPerson</b> element contains information on controlling persons.</p> <p>The <b>ControllingPerson</b> element must be completed only if <b>AccountHolder</b> is an <b>Organization</b> and <b>AccountHolderType</b> is <b>CRS101</b>.</p> <p>The element <b>ControllingPerson</b>:</p> <ul style="list-style-type: none"> <li>• <b>must</b> be characterized by an <b>Individual</b> element of type <b>PersonParty_Type</b>;</li> <li>• <b>may</b> also contain a <b>CtrlgPersonType</b> element.</li> </ul>

<b>CtrlgPersonType</b>	NO	1	<u>ControllingPersonType</u>	<p>A <b>CtrlgPersonType</b> element identifies the type of control persons:</p> <p>Element <b>CtrlgPersonType</b>:</p> <ul style="list-style-type: none"> <li>• <b>It should not be filled in</b>, if <b>AccountHolder</b> is an <b>Organization</b> and the <b>AccountHolderType</b> is <b>CRS102</b> or <b>CRS103</b>.</li> <li>• <b>Must be filled in</b>, if available, if <b>AccountHolder</b> is an <b>Organization</b> and <b>AccountHolderType</b> is <b>CRS101</b></li> </ul>
<b>ACCOUNT BALANCE</b>				
<b>AccountBalance</b>	YES	1	<b>MonAmnt_Type</b>	<p>An <b>AccountBalance</b> item contains the monetary amount of the account balance.</p> <p>The element <b>AccountBalance</b>:</p> <ul style="list-style-type: none"> <li>• <b>It should</b> not take negative values;</li> <li>• <b>Must be zero</b> if: <ul style="list-style-type: none"> <li>○ It's a closed account <b>ClosedAccount</b> [or]</li> <li>○ It's a negative balance</li> </ul> </li> <li>• <b>must</b> be characterized by a <b>currCode</b> attribute of <u>GEN-DT-CURRENCY</u> type, which specifies its currency.</li> </ul>

<i>Element</i>	<i>Mandatory</i>	<i>Multip.</i>	<i>Data type</i>	<i>Description, controls and Notes</i>
<b>PAYMENT</b>				
<b>Payment</b>	NO	n	<b>Payment_Type</b>	<p>A <b>Payment</b> element contains information about payments made or credited in the account during the reporting period.</p> <p>The <b>Payment</b> element <b>must</b> be characterized by one:</p> <ul style="list-style-type: none"> <li>• <b>PaymentAmnt</b> element of type <b>MonAmnt_Type</b> and for which <b>there are no specific restrictions on possible values.</b></li> <li>• element <b>Type</b></li> </ul>
<b>Type</b>	YES	1	<u>PaymentType</u>	The <b>Type</b> element describes the payment type.

### 4.3.3 DEFINITIONS AND RULES FOR COMMON ELEMENTS

These elements are used in defining complex elements. This is why they are called common.

#### 4.3.3.1 Definitions of ADDRESS

<i>Element</i>	<i>Mandatory</i>	<i>Multip.</i>	<i>Data type</i>	<i>Description, controls and Notes</i>
<b>ADDRESS</b>				

address	YES	n	Address_Type	<p>An <b>Address</b> <b>must</b> be an element:</p> <ul style="list-style-type: none"> <li>•<b>AddressFix</b> [or];</li> <li>•<b>AddressFree</b>;</li> </ul> <p>the same <b>Address</b> <b>should not</b> be specified in both formats.</p> <p>The element <b>Address</b>:</p> <ul style="list-style-type: none"> <li>•<b>must</b> be characterized by the <b>CountryCode</b> element.</li> <li>•<b>may</b> be characterized by a <b>legalAddressType</b> attribute.</li> </ul>
legalAddressType	NO	1	<u>LegalAddressType</u>	The attribute indicates the type of address
CountryCode	YES	1	<u>GEN-DT-COUNTRY</u>	<p>The element shows the country code of the address.</p> <p><b>Note:</b> in case of an <b>UndocumentedAccount</b>, element of <b>CountryCode</b> <b>should</b> be equal to "AL".</p>
<b>ADDRESS FREE</b>				
AddressFree	NO	1	<u>GEN-DT-FREETEXT</u>	<p>The element contains address information in the format of free text as it cannot be reproduced in a structured format.</p> <p><b>If used</b>, the element is required to always be specified and, in any case, the following forms of representation are not allowed:</p> <ul style="list-style-type: none"> <li>• empty value, p. sh. <b>&lt;AddressFree&gt; &lt;/AddressFree&gt; 0 &lt;AddressFree /&gt;</b> [or]</li> <li>• space value, p. sh. <b>&lt;AddressFree&gt; &lt;/AddressFree&gt;.</b></li> </ul> <p><b>Note:</b> in the case of an <b>UndocumentedAccount</b>, when an anagram address is not available, the <b>AddressFree</b> element <b>must</b> contain the <b>UNDOCUMENTED</b> wording, instead of the actual address.</p>

Element	Mandatory	Multip.	Data type	Description, controls and Notes
<b>ADDRESS FIX</b>				

<b>AddressFix</b>	NO	1	<b>AddressFix_Type</b>	<p>The <b>AddressFix</b> element <b>must</b> be characterized by an element:</p> <ul style="list-style-type: none"> <li>• <b>City</b>.</li> </ul> <p>It <b>can</b> also be characterized by an element:</p> <ul style="list-style-type: none"> <li>• <b>Street</b>;</li> <li>• <b>BuildingIdentifier</b>;</li> <li>• <b>SuiteIdentifier</b>;</li> <li>• <b>FloorIdentifier</b>;</li> <li>• <b>DistrictName</b>;</li> <li>• <b>POB</b> (Post Office Box);</li> <li>• <b>PostCode</b> (CAP);</li> <li>• <b>CountrySubEntity</b>.</li> </ul>
<b>Street</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>In this element it is possible to indicate the address</i>
<b>BuildingIdentifier</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>In this element it is possible to show the identification of the building</i>
<b>SuiteIdentifier</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>In this element it is possible to indicate the identification of the apartment</i>
<b>FloorIdentifier</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>In this element it is possible to show the floor identifier</i>
<b>DistrictName</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>In this element you can indicate the name of the district</i>

<i>Element</i>	<i>Mandatory</i>	<i>Multip.</i>	<i>Data type</i>	<i>Description, controls and Notes</i>
<b>POB</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>In this item you can show the Mailbox</i>
<b>Postcode</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>In this element you can show the postal code</i>

City	YES	1	<u>GEN-DT-FREETEXT</u>	<p><i>In this element the City must be indicated</i></p> <p><b>If used</b>, the element is required <b>to always be specified</b> and, in any case, the following forms of representation are not allowed:</p> <ul style="list-style-type: none"> <li>empty value, p. sh. &lt;City&gt; &lt;/City&gt; o &lt;City/&gt; [or]</li> <li>space value, p. sh. &lt;City&gt; &lt;/City&gt;</li> </ul> <p><b>Note:</b> in the case of an <b>UndocumentedAccount</b>, if the address is not available and you want to communicate the address in a fixed format, the <b>City</b> element <b>must</b> contain the <b>UNDOCUMENTED</b> wording, instead of the current address.</p>
CountrySubEntity	NO	1	<u>GEN-DT-FREETEXT</u>	<i>In this element it is possible to indicate the Province</i>

#### 4.3.3.2 Definition of Name Type NamePerson\_Type

This definition must be used when **Name** refers to an **Individual** element of type **PersonParty\_Type**, and this is the case of a natural person.

Element	Mandatory	Multip.	Data type	Description, controls and Notes
NAME PERSON (name of a natural person)				

<b>Name</b>	YES	1	<b>PersonParty_Type</b>	<p>The element <b>Name</b> (of type <b>NamePerson_Type</b>), it <b>should</b> be characterized by:</p> <ul style="list-style-type: none"> <li>•An element: <b>FirstName</b>;</li> <li>•An element: <b>LastName</b>.</li> </ul> <p><b>Name</b> <b>can</b> also contain characters such as:</p> <ul style="list-style-type: none"> <li>•A <b>NameType</b>;</li> <li>•A <b>PrecedingTitle</b>;</li> <li>•One or more <b>Title</b>;</li> <li>•One or more <b>MiddleName</b>;</li> <li>•A <b>NamePrefix</b>;</li> <li>•One or more <b>GenerationIdentifier</b>;</li> <li>•One or more <b>Suffix</b>;</li> <li>•A <b>GeneralSuffix</b>.</li> </ul>
NameType	NO	1	<u>NameType</u>	<i>This attribute is a code that indicates the type of name of a natural person.</i>
PrecedingTitle	NO	1	<u>GEN-DT-FREETEXT</u>	Ex. His Majesty, His Excellency, His Eminence
Title	NO	*	<u>GEN-DT-FREETEXT</u>	Eg: God, King, Cardinal, Emperor
GenerationIdentifier	NO	*	<u>GEN-DT-FREETEXT</u>	Eg: Junior, third, XI
Suffix	NO	*	<u>GEN-DT-FREETEXT</u>	Eg: Engineer, Doctor

<i>Element</i>	<i>Mandatory</i>	<i>Multip.</i>	<i>Data type</i>	<i>Description, controls and Notes</i>
GeneralSuffix	NO	1	<u>GEN-DT-FREETEXT</u>	E.g.: deceased, retired
<b>FIRST NAME</b>				



<b>FirstName</b>	YES	1	<u>GEN-DT-FREETEXT</u>	<p>The element is given the value of the name of the natural person and <b>FirstName</b> <b>must</b> be completed if:</p> <ul style="list-style-type: none"> <li>• The <b>Individual</b> element of type <b>PersonParty_Type</b> is an <b>AccountHolder</b> [or]</li> <li>• The <b>Individual</b> element of type <b>PersonParty_Type</b> is a <b>ControllingPerson</b>.</li> </ul> <p>In exceptional cases, if it is not possible to fill in <b>FirstName</b>, then it is possible to indicate <b>&lt;FirstName&gt;NFN&lt;/FirstName&gt;</b> as, in any case, the <b>following forms of representation are not permitted</b>:</p> <ul style="list-style-type: none"> <li>•empty value, e.g. <b>&lt;FirstName&gt; &lt;/FirstName&gt; 0 &lt;FirstName/&gt;</b> [or]</li> <li>•space value, e.g. <b>&lt;FirstName&gt; &lt;/FirstName&gt;</b>.</li> </ul> <p>The <b>FirstName</b> element can be characterized by an <b>xnlNameType</b> attribute</p>
<b>xnlNameType</b>	NO	1	<u>GEN-DT-TOKEN</u>	<i>No need to be specified</i>
<b>MIDDLE NAME</b>				
<b>MiddleName</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<p><i>No need to be specified as it is part of the natural person's name.</i></p> <p><b>MiddleName</b> can be characterized by an <b>xnlNameType</b> element.</p>
<b>xnlNameType</b>	NO	1	<u>GEN-DT-TOKEN</u>	<i>No need to be specified</i>
<b>NAME PREFIX</b>				
<b>NamePrefix</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<p><i>No need to be specified as it is part of the natural person's surname.</i></p> <p>May be characterized by an <b>xnlNameType</b> element. For example: de, van, van de, von.</p>
<b>xnlNameType</b>	NO	1	<u>GEN-DT-TOKEN</u>	<i>No need to be specified</i>
<b>LAST NAME</b>				

<i>Element</i>	<i>Mandatory</i>	<i>Multip.</i>	<i>Data type</i>	<i>Description, controls and Notes</i>
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<b>LastName</b>	YES	1	<u>GEN-DT-FREETEXT</u>	<p>The element is given the value of the natural person' s last name and <b>LastName</b> <b>must be specified</b> if:</p> <ul style="list-style-type: none"> <li>• element <b>Individual</b> the tip it <b>PersonParty_Type</b> is an <b>AccountHolder</b> [or]</li> <li>• The <b>Individual</b> element of type <b>PersonParty_Type</b> is a <b>ControllingPerson</b>.</li> </ul> <p>The element is required to always be specified and, in in any case, <b>the following forms of representation are not allowed</b>:</p> <ul style="list-style-type: none"> <li>• empty value, e.g. &lt;LastName&gt; &lt;/LastName&gt; o &lt;LastName /&gt; [or]</li> <li>• value space, e.g. &lt;LastName&gt; &lt;/LastName&gt;.</li> </ul> <p>The <b>LastName</b> element can be characterized by an <b>xnlNameType</b></p>
<b>xnlNameType</b>	NO	1	<u>GEN-DT-TOKEN</u>	<i>No need to be specified</i>

#### 4.3.3.3 Definition of Name Type NameOrganisation\_Type

This definition must be used when **Name** refers to an **Organization** element of type **OrganisationParty\_Type**. In this case it refers to the title of the legal entity.

<i>Element</i>	<i>Mandatory</i>	<i>Multip.</i>	<i>Data type</i>	<i>Description, controls and Notes</i>
<b>NAME ORGANIZATION (name of a legal entity)</b>				
<b>Name</b>	YES	1	<u>GEN-DT-FREETEXT</u>	<p>The <b>Name</b> element (type <b>NameOrganisation_Type</b>) is used for the legal entity and is given the value of the legal entity's name.</p> <p>The element is always required to be specified and, in any case, the following forms of representation are not allowed:</p> <ul style="list-style-type: none"> <li>• Empty value, e.g. &lt;Name&gt;&lt;/Name&gt; o &lt; Name /&gt; [or]</li> <li>• Space value, e.g. &lt;Name&gt;&lt;Name&gt;.</li> </ul> <p>Can be characterized by a <b>NameType</b> attribute.</p>

NameType	NO	1	NameType	The <b>NameType</b> attribute identifies the name type and should be one of those expected.
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#### 4.3.3.4 Organisation

Element	Mandatory	Multip.	Data type	Description, controls and Notes
<b>ORGANISATION PARTY (legal person)</b>				
Organisation	YES	1	OrganisationParty_Type	<p>An <b>Organisation</b> element describes information related to a legal entity. The <b>Organisation</b> element <b>must</b> contain:</p> <ul style="list-style-type: none"> <li>• a <b>Name</b> of type <b>NameOrganisation_Type</b>;</li> <li>• at least one <b>Address</b>;</li> </ul> <p><b>May</b> also contain:</p> <ul style="list-style-type: none"> <li>• one or more <b>ResCountryCode</b> for each residence of the legal entity;</li> <li>• one or more <b>IN</b>.</li> </ul>
ResCountryCode	YES	n	<u>GEN-DT-COUNTRY</u>	<p>A <b>ResCountryCode</b> element indicates the country code of the residence. The <b>ResCountryCode</b> element <b>must</b> be:</p> <ul style="list-style-type: none"> <li>• <b>mandatory</b> if the <b>Organisation</b> is an <b>AccountHolder</b> or a <b>ReportingFI</b></li> <li>• <b>equal</b> to the value specified in the <b>TransmittingCountry</b> (AL) element, if the <b>Organisation</b> is a <b>ReportingFI</b></li> <li>• <b>repeatable</b>, if the <b>Organisation</b> is an <b>AccountHolder</b></li> </ul>
<b>ORGANISATION IN (Identification number of a legal entity)</b>				
IN	NO	n	OrganisationIN_Type	<p>An <b>IN</b> element describes the information of a legal entity's identification number.</p> <p>The <b>IN</b> element is generally defined as optional, but <b>should</b> be specified, if available, based on the required <b>due diligence</b> process, in particular:</p> <ul style="list-style-type: none"> <li>• if the <b>Organisation</b> is a <b>ReportingFI</b> other than Savings Companies (SGRs), which reports on behalf of a Collective Savings Investment Organization (OICR) without legal personality, then in the element <b>IN</b> <b>should</b></li> </ul>

				<p>only specify FI's TIN and this should coincide with the TIN specified in <b>SendingCompanyIN</b>;</p> <ul style="list-style-type: none"> <li>• If <b>Organization</b> is a <b>ReportingFI</b> the type SGR sends on behalf of an OICR without legal personality, <b>then files required for the element IN is 2:</b> <ul style="list-style-type: none"> <li>○ in the first instance of the <b>IN</b> element, the Albanian tax code of <b>SGR must</b> be specified and it must correspond to the tax code specified in <b>SendingCompanyIN</b>;</li> <li>○ at the instance of the second element <b>IN</b>, it must specify the identification number of the <b>Organization of collective savings investment (OICR) without legal person, as issued by the Bank of Italy.</b></li> </ul> </li> <li>• in the <b>Organisation</b> is an <b>AccountHolder</b> <ul style="list-style-type: none"> <li>○ element may contain, <ul style="list-style-type: none"> <li>• Albanian fiscal code of the financial account holder</li> <li>• one or more identifiers for each foreign jurisdiction of the residence which also decides <b>IN</b>, <b>if available under due diligence process.</b></li> </ul> </li> <li>○ If, based on the due diligence process, the identifier is not available, the <b>IN</b> element <b>should not be shown</b> and the following forms of presentation are not allowed: <b>&lt;IN&gt; &lt;/IN&gt;</b> or <b>&lt;IN /&gt;</b> or <b>&lt;IN&gt; &lt;/IN&gt;</b>.</li> </ul> </li> </ul> <p><b>Attention:</b> every Albanian <i>tax code</i> is officially checked at the client level and it is verified that it is in fact a legal entity.</p> <p>Element of <b>IN</b> can also contain the attributes:</p> <ul style="list-style-type: none"> <li>• <b>INType;</b></li> <li>• <b>issuedBy.</b></li> </ul>
<b>issuedBy</b>	NO	1	<u>GEN-DT-COUNTRY</u>	<p>The <b>issuedBy</b> attribute specifies the country code which set the identification number. If the country that provided the identification number is not entered, then the attribute can be removed.</p> <p>If <b>Organisation</b> is a <b>ReportingFI</b>, <b>each expected IN element</b> should have attribute <b>issuedBy</b> with the <b>AL</b> value.</p>

INType	NO	1	<u>GEN-DT-TOKEN</u>	<p>This element specifies the type of identification number.</p> <p>If <b>Organisation</b> is a <b>ReportingFI</b> other than a SGR reporting on behalf of an OICR without legal personality, the <b>INType</b> attribute <b>should</b> always have the valued with TIN (e.g. &lt;IN issuedBy='IT' INType = 'TIN'&gt;).</p> <p>If <b>Organisation</b> is a <b>ReportingFI</b> of type SGR reporting on behalf of an OICR without legal personality,</p> <ul style="list-style-type: none"> <li>the <b>INType</b> attribute, which corresponds to the first instance of the <b>IN</b> element, which contains the Albanian tax identification number of the <b>ReportingFI</b>, must always be valued with TIN (e.g. &lt;IN issuedBy='IT' INType = 'TIN'&gt;)</li> <li>the <b>INType</b> attribute, corresponding to the second instance of the <b>IN</b> element, which contains the identification number of the <b>OICR without legal personality, as issued by the Bank of Albania, must</b> always be valued with <b>OICRID</b> (e.g. &lt;IN issuedBy='IT' INType='OICRID'&gt;).</li> <li>If <b>Organisation</b> is an <b>AccountHolder</b> then the <b>INType</b> attribute, corresponding to the <b>IN</b> element, may contain: <ul style="list-style-type: none"> <li>the "TIN" identifier, if <b>IN</b> contains the Albanian tax identification number of the account holder;</li> <li>the type of identification of potential identifiers for each foreign jurisdiction of the residence issued by the <b>IN</b>, <b>if available based on the due diligence</b> process.</li> </ul> </li> </ul>
<b>ORGANISATION NAME (name of a non-natural person)</b>				
<b>Name</b>	YES	1	<b>NameOrganisation_Type</b>	Ref. <u><b>NAME ORGANISATION</b></u>
<b>ADDRESS</b>				
<b>Address</b>	YES	n	<b>Address_Type</b>	Ref. <u><b>ADDRESS</b></u>

#### 4.3.3.5 Individual

Element	Mandatory	Multip.	Data type	Description, controls and Notes
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PERSON PARTY (Natural person)				
Individual	YES	1	PersonParty_Type	<p>An <b>Individual</b> element describes the information of a <b>natural person</b>.</p> <p>The <b>Individual</b> element <b>should</b> be characterized by:</p> <ul style="list-style-type: none"> <li>• At least one <b>ResCountryCode</b>;</li> <li>• a <b>Name</b> of the natural person;</li> <li>• at least one <b>Address</b>;</li> </ul> <p>This <b>can</b> also be submitted by:</p> <ul style="list-style-type: none"> <li>• one or more <b>TIN</b>;</li> <li>• one or more <b>Nationality</b></li> <li>• a <b>BirthInfo</b>.</li> </ul>
ResCountryCode	YES	n	<u>GEN-DT-COUNTRY</u>	<p>A <b>ResCountryCode</b> element displays the foreign country code of the residence.</p> <p>The <b>ResCountryCode</b> element <b>must</b> be:</p> <ul style="list-style-type: none"> <li>• <b>mandatory</b> if the natural person is an <b>AccountHolder/ControllingPerson</b></li> <li>• <b>repeatable</b> if a natural person is an <b>AccountHolder/ControllingPerson</b></li> </ul> <p><b>Note:</b> if <b>Individual</b> is an <b>AccountHolder</b>, each <b>UndocumentedAccount</b> will be identified by specifying <b>ResCountryCode</b> = 'AL' (ISO Country Code for Albania).</p>
Element	Mandatory	Multip.	Data type	Description, controls and Notes
Nationality	NO	n	<u>GEN-DT-COUNTRY</u>	<p>The <b>Nationality</b> element specifies the nationality of natural persons.</p> <p><b>No need to be specified</b></p>
TIN				

<b>TIN</b>	NO	n	<b>TIN_Type</b>	<p>A <b>TIN</b> element describes the information about the tax identification number of a natural person.</p> <p>The <b>TIN</b> element is defined generally as optional, but should be specified, if available, based on the <b>due diligence</b> process.</p> <p>So, if based on the due diligence process, the tax identification number would not be available, the <b>TIN element must not be specified</b>, and the following representation formats are not allowed:</p> <ul style="list-style-type: none"> <li>•empty values, for example &lt;TIN&gt; &lt;/TIN&gt; o &lt;TIN /&gt; or</li> <li>•space values, for example &lt;TIN&gt; &lt;/TIN&gt; .</li> </ul> <p><b>Caution:</b> if specified an Albanian TIN, it will officially be checked at the client level and verified whether it is actually a natural person.</p> <p>The <b>TIN</b> element <b>may</b> be presented also by an <b>issuedBy</b> attribute .</p>
<b>issuedBy</b>	NO	1	<u>GEN-DT-COUNTRY</u>	<p>An <b>issuedBy</b> attribute specifies the country code where the tax identification number was issued.</p> <p>If <b>Individual</b> is an <b>AccountHolder</b> or a <b>ControllingPerson</b>:</p> <ul style="list-style-type: none"> <li>• <b>It should</b> be given the value <b>AL</b> if the <b>TIN</b> element is a tax identification number.</li> <li>• <b>can</b> be validated with the <b>ISO</b> coding of the jurisdictions issuing the <b>TIN</b> if the TIN element is validated with a non-Albanian fiscal identification.</li> </ul>

<i>Element</i>	<i>Mandatory</i>	<i>Multip.</i>	<i>Data type</i>	<i>Description, controls and Notes</i>
<b>BIRTH INFO</b>				

<b>BirthInfo</b>	NO	1	N / A	<p>A <b>BirthInfo</b> element describes birth information of a natural person.</p> <p>The <b>BirthInfo</b> element is generally optional but becomes mandatory if available based on <b>due diligence</b> rules.</p> <p>The <b>BirthInfo</b> element <b>can</b> be characterized by one element:</p> <ul style="list-style-type: none"> <li>•<b>BirthDate</b>;</li> <li>•<b>City</b>;</li> <li>•<b>City Subentity</b>;</li> <li>•<b>CountryInfo</b>: <ul style="list-style-type: none"> <li>○ <b>CountryCode</b> [or]</li> <li>○ <b>FormerCountryName</b>;</li> </ul> </li> </ul>
<b>BirthDate</b>	NO	1	<u>GEN-DT-DATE</u>	<p><b>BirthDate</b> element, if available and to be set up.</p> <p>The check is made between 1900 and the current year.</p>
<b>City</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>Birth city</i>
<b>CitySubEntity</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<i>Birth Province</i>
<b>CountryCode</b>	NO	1	<u>GEN-DT-COUNTRY</u>	<b>CountryCode</b> element <b>may</b> contain the ISO code of the natural person's birth country.
<b>FormerCountryName</b>	NO	1	<u>GEN-DT-FREETEXT</u>	<b>FormerCountryName</b> element <b>may</b> contain the name of the birth Country, where it is not present the <b>CountryCode</b>
<b>NAME PERSON</b>				
<b>Name</b>	YES	1	<b>NamePerson_Type</b>	Refer to <b><u>NAME PERSON.</u></b>
<b>ADDRESS</b>				
<b>address</b>	YES	*	<b>Address_Type</b>	Refer to <b><u>ADDRESS.</u></b>



#### 4.3.4 DEFINITIONS AND GENERAL TYPE RULES

TYPE	DESCRIPTION
GEN-DT-AMOUNT	Amount is a negative or positive decimal number. Amounts will be expressed in two decimal places (and therefore rounding is expected).
GEN-DT-Boolean	A boolean type has <b>true</b> or <b>false</b> values
GEN-DT-COUNTRY	A local code is a sequence of two related alphabetic characters (Latin letters in uppercase) in accordance with ISO3166
GEN-DT-CURRENCY	A currency code is a sequence of three close alphabetical characters (uppercase Latin letters) conform to the ISO4217 standard.
GEN-DT-DATE	Date. The date format is: <b>YYYY-MM-DD</b>
GEN-DT-FREETEXT	A free text is a sequence of one or more Unicode characters. <i>In this definition apply the restrictions related to the national alphabet as defined below in the document.</i>
GEN-DT-TIMESTAMP	The combination of date and time as specified in the ISO8601 standard and specifically uses the following format <b>YYYY-MM-DDThh: mm:ss</b>
GEN-DT-TOKEN	A token is a sequence of one or more Unicode characters. This sequence: <ul style="list-style-type: none"><li>• Must not contain characters like carriage return (#xD), line feed (#xA) and tab (#x9);</li><li>• must not start and end with space (# x20)</li><li>• must not contain sequences of one or more spaces (# x20).</li></ul> <i>In this definition apply the restrictions related to the national alphabet as defined below in the document.</i>
GEN-DT-WHOLE-NUMBER	An integer is made up of natural numbers (0, 1, 2, 3,) and negative numbers (-1, -2, -3,).
GEN-DT-YEAR	Determining the year that has the following format <b>YYYY</b>

#### 4.3.5 DEFINITIONS AND RULES OF SIMPLE TYPES

NAME AND TYPE	DESCRIPTION
<b>AccountHolderType</b>	<p><b>AccountHolderType</b> specifies the type of financial account holder. This type of data is characterized by the following fixed list of values:</p> <ul style="list-style-type: none"> <li>• <b>CRS101:</b> "Passive Non-Financial Entity with one or more controlling person that is a Reportable Person";</li> <li>• <b>CRS102:</b> "CRS Reportable Person";</li> <li>• <b>CRS103:</b> "Passive Non-Financial Entity that is a CRS Reportable Person".</li> </ul>
<b>AccountNumberType</b>	<p><b>AccountNumberType</b> specifies the type of financial account number. This type of data is characterized by the following list of fixed values:</p> <ul style="list-style-type: none"> <li>• <b>OECD601:</b> " IBAN International Bank Account Number (follows a known structure)";</li> <li>• <b>OECD602:</b> "OBAN - Other Bank Account Number";</li> <li>• <b>OECD603:</b> "ISIN - International Securities Information Number, International Insurance Information Number (follows a known structure) ";</li> <li>• <b>OECD604:</b> "OSIN - Other Securities Information Number, Number of Other Insurance Information ";</li> <li>• <b>OECD605:</b> "Other - Any other type of account number, e.g. insurance contract ".</li> </ul>
<b>ControllingPersonType</b>	<p><b>ControllingPersonType:</b> specifies the type of controlling person (CP). This type of data is characterized by the following list of fixed values:</p> <ul style="list-style-type: none"> <li>• <b>CRS801=</b> CP of legal person – ownership</li> <li>• <b>CRS802=</b> CP of legal person – other means</li> <li>• <b>CRS803=</b> CP of legal person – senior managing official</li> <li>• <b>CRS804=</b> CP of legal arrangement – trust – settlor</li> <li>• <b>CRS805=</b> CP of legal arrangement – trust – trustee</li> <li>• <b>CRS806=</b> CP of legal arrangement – trust – protector</li> <li>• <b>CRS807=</b> CP of legal arrangement – trust – beneficiary</li> <li>• <b>CRS808=</b> CP of legal arrangement – trust – other</li> <li>• <b>CRS809=</b> CP of legal arrangement – other – settlor-equivalent</li> <li>• <b>CRS810=</b> CP of legal arrangement – other – trustee-equivalent</li> <li>• <b>CRS811=</b> CP of legal arrangement – other – protector-equivalent</li> <li>• <b>CRS812=</b> CP of legal arrangement – other – beneficiary-equivalent</li> <li>• <b>CRS813=</b> CP of legal arrangement – other – other-equivalent</li> </ul>
<b>ISIN</b>	<p>The <i>ISIN</i> structure, based on the ISO6166 standard, is a sequence with 12 alphanumeric characters. This consists of three parts:</p> <ul style="list-style-type: none"> <li>• 2 (two) capital letters between A and Z which represent, according to the ISO-3166 standard, the two letters of the country code;</li> <li>• 9 alphanumeric characters representing national security identification</li> <li>• 1 number representing the control digit.</li> </ul> <p>For example, AL0378331005.</p>
<b>IBAN</b>	<p>The <i>IBAN</i> structure based on the ISO13616 standard is a sequence with:</p> <ul style="list-style-type: none"> <li>• 2 (two) uppercase letters between A and Z, representing, based on the ISO-3166 standard, the two letters of the country code where the account is located;</li> <li>• 2 numbers from 0 to 9, which represents the check digit;</li> <li>• From 1 to 30 numbers between 0 and 9 and / or letters between A and Z. For example, AL29RBOS60161331926819.</li> </ul>

<b>LegalAddressType</b>	<p><i>AddressType</i> specifies the type of an address</p> <p>This type of data is characterized by the following list of fixed values:</p> <ul style="list-style-type: none"> <li>• <b>OECD301</b>: "residential or business";</li> <li>• <b>OECD302</b>: "residential";</li> <li>• <b>OECD303</b>: "business";</li> <li>• <b>OECD304</b>: "registered office";</li> <li>• <b>OECD305</b>: " unspecified ".</li> </ul>
<b>MessageTypeIndic</b>	<p><b>MessageTypeIndic</b> specifies the message type.</p> <p>This type of data is characterized by the following list of fixed values:</p> <ul style="list-style-type: none"> <li>• <b>CRS701</b>: "Message contains new information";</li> <li>• <b>CRS702</b>: "The message contains corrections to previously submitted information";</li> <li>• <b>CRS703</b>: "The message announces that there is no data to report."</li> </ul>
<b>NameType</b>	<p><i>NameType</i> specifies the type of a name:</p> <p>This data type is characterized by the following list of fixed values</p> <ul style="list-style-type: none"> <li>• <b>OECD201</b>= SMFAliasOrOther (not used for CRS)</li> <li>• <b>OECD202</b>= indiv</li> <li>• <b>OECD203</b>= alias</li> <li>• <b>OECD204</b>= nick</li> <li>• <b>OECD205</b>= aka</li> <li>• <b>OECD206</b>= dba</li> <li>• <b>OECD207</b>= legal</li> <li>• <b>OECD208</b>= atbirth</li> </ul>
<b>PaymentType</b>	<p><b>PaymentType</b> describes the type of payments.</p> <p>This type of data is characterized by the following list of fixed values:</p> <ul style="list-style-type: none"> <li>• <b>CRS501</b>: "Dividends";</li> <li>• <b>CRS502</b>: "Interest";</li> <li>• <b>CRS503</b>: "Gross Proceeds / Redemptions";</li> <li>• <b>CRS504</b>: "Other - CRS". (Example: other income generated with respect to assets held in the account)</li> </ul>

<sup>1</sup> This code is used for national data collection to indicate to the Tax Administration that the FI has no data to report.

## 1.4 EXAMPLE OF COMPILING A REPORT

This section presents a practical example of the financial account' data communication, in general, and in particular how to report data in the case of a Non-Financial Entity (NFE).

Generally, based on the technical specification, for a non-financial passive entity:

- the CRS101 code is used to transmit information of the controlling person of the reported Passive Entity. Lack of controlling person's block is considered a blocking error during the client control' phase;
- the CRS103 code is used and the information should be reported for the Passive Entity who is the reporting subject, but not for the controlling person, which should be communicated separately and with the code CRS101. The presence of blocking controlling person in case of CRS103 code creates a blocking error during the client control' phase.

To understand better, let's consider the following complex example:

- an account belonging to many entities (Individual / Entity Account Holder) with multiple tax residences;
- a Passive Non-Financial-Entity (passive NFE) with multiple tax residences and various Controlling Person (Controlling Person), with multiple tax residences.

For example, the following indications have been followed and applied regarding the reporting methods of a non-Financial-Entity (passive NFE)'s account holder that is reportable and that has a Controlling Person, also reportable. For more details, please refer to:

- The last point of paragraph 13 of part I of the CRS Commentary Guide on page 99 of "CRS Implementation Handbook": *"an account held by a Passive NFE that is a Reportable Person with a Controlling Person that is a Reportable Person, where the entire balance or value of the account held by the Passive NFE, as well as the entire amount paid or credited to the account, must be reported with respect to both the Passive NFE and the Controlling Person."*
- Paragraph 3 of Part IV in Appendix 3 to the CRS Commentary Guide on page 248 of "CRS Implementation Handbook": *"Where an Entity Account Holder is a Reportable Person and is also a Passive NFE with one or more Controlling Persons that is a Reportable Person [...] may be reported (i) as an account of an Entity that is a Passive NFE with a Controlling Person that is a Reportable Person, or (ii) as such and as an account of an Entity that is a Reportable Person (i.e. as if information were with respect to two accounts)."*

#### **4.4.1 MEMBER STATES HAVE AGREED ON THE NECESSITY OF USING THE METHOD (II) (IN EU).**

The example is based on the situation in which an account is held by the financial institution "Bank X" resident in MS1 = 'AL' and is held by 3 individuals, respectively:

- **Individual Account Holder A**, resident for tax purposes in MS1=AL and MS2
- **Individual Account Holder B**, resident for tax purposes in MS2 and MS3
- **Entity Account Holder (Passive NFE) C**, resident for tax purposes in MS3 and MS4, entity for which the following 2 Controlling Persons have been identified in bank X:
  - **Controlling person D**, resident for tax matters in MS4 and MS5
  - **Controlling person E**, resident for tax matters in MS5 and MS6

#### **4.4.2 SCENARIO ANALYSIS**

Based on the scenario shown above we have the following concrete application.

Number of communication messages: **a unique message** must be sent by Bank X because:

- has a limited number of records (**and you have no threshold limit at the moment**);
- there are no special requirements for account report (for example the tax period is the same).

Account Report number: the following restriction applies: **the Account Report block will include one and only one Account Holder block in order to prevent the Account Report block from being repeated as many times as there are blocks in the Account Holder.**

Under the effect of the imposed limit, the total number of Account Reports will generally be given by the sum of:

- Total number of **Individual Account Holder**;
- Total number of **Entity Account Holder** (non passive NFE);
- The number of **Passive NFEs that are Reportable Person** and the number of **Passive NFEs that have one or more Controlling Persons, who are Reportable Persons**;

#### 4.4.3 CONCRETE APPLICATION OF THE EXAMPLE

Regarding the number of messages: Bank X will send a message to the tax authority MS1 = AL.

Regarding the Account Report number: the message sent by Bank X to the resident tax authority MS1 will include **4 Account Reports**:

- **1 Account Report for Individual Account Holder A** (which has two tax holdings, one of which is foreign, for which the MS1 residence should not be communicated, as it is not subject to international exchange)
- **1 Account Report for Individual Account Holder B** (having two foreign fiscal residences)
- **0 Account Report for Entity Account Holder (non Passive NFE)**
- **1 Account Report for Passive NFE C as Reportable Person**, having:
  - 2 tax residences
  - entity type CRS103
  - **No Controlling Person**
  - **1 Account Report for NFE Passive C with Controlling Person** having:
    - 2 tax residences
    - entity type CRS101
    - **2 Controlling Person D and E** because they are Reportable Person and each have different fiscal residences.

#### 1.5 ALLOWED CHARACTERS IN XML MESSAGE DESIGN

XML message must be encoded according to [UTF-8 without BOM](#) format.

The XML message, although encoded according to UTF-8 without BOM, may only contain characters specified by **ISO/IEC 8859-1**, and in particular special characters<sup>1</sup>, described in the first green box of the figure below, are allowed. while the characters represented in the second red box are not allowed:

---

<sup>1</sup> characters returned at the beginning, new row, and TAB are also allowed.

Hex	_0	_1	_2	_3	_4	_5	_6	_7	_8	_9	_A	_B	_C	_D	_E	_F
0_																
1_	<b>Karaktere te lejueshme</b>															
2_	SP	!	"	#	\$	%	&	'	(	)	*	+	,	-	.	/
3_	0	1	2	3	4	5	6	7	8	9	:	;	<	=	>	?
4_	@	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
5_	P	Q	R	S	T	U	V	W	X	Y	Z	[	\	]	^	_
6_	`	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
7_	p	q	r	s	t	u	v	w	x	y	z	{		}	~	
8_																
9_	<b>Karaktere jo te lejueshme</b>															
A_		¡	¢	£	¤	¥	¦	§	¨	©	ª	«	¬	SHY	®	—
B_	°	±	²	³	´	µ	¶	·	¸	¹	º	»	¼	½	¾	¿
C_	À	Á	Â	Ã	Ä	Å	Æ	Ç	È	É	Ê	Ë	Ì	Í	Î	Ï
D_	Ð	Ñ	Ò	Ó	Ô	Õ	Ö	×	Ø	Ù	Ú	Û	Ü	Ý	Þ	ß
E_	à	á	â	ã	ä	å	æ	ç	è	é	ê	ë	ì	í	î	ï
F_	ð	ñ	ò	ó	ô	õ	ö	÷	ø	ù	ú	û	ü	ý	þ	ÿ

Furthermore, the possible presence of the characters listed in the first column of the table below are not allowed in the content of the XML message' elements and should therefore always be replaced with those presented in the last column.

Illegal character	Summary	Replaced
&	ampersand	& Amp;
<	Less than	& Lt;
>	Greater than	& Gt;
'	apostrophe	& APOS;
"	Quotation mark	& Quot;

For security reasons, in the contents of the elements of the XML document, it is forbidden to use the character sequences presented in the first column of the following table:

The sequence of free lej ived	Summary
-	Double Dash
/ *	Slash Asterisk
& #	Ampersand Hash

The presence of inadmissible characters or sequences of inadmissible characters causes the rejection of the entire file being checked, before being sent.

## 1.6 PROCESS OF MODIFICATION OF INFORMATION SUBMITTED BEYOND DEADLINE

In this section ARE presented simple cases of use of corrective communications sent **after more than fifteen after the deadline** by the Tax Administration for the data reference year.

The process of modifying and correcting is based in two basic principles as below:

- An element can only be corrected if it is "correctable". Two corrective elements are defined in the CRS XSD Scheme, **ReportingFI** and **AccountReport**.
- If a correction is addressed to the child element of a previously submitted corrective element, the correcting element must be sent entirely to the parent element (**ReportingFI** or **AccountReport**) and all its child elements.

To determine **the nature of the corrections**, it is necessary to know the **different combinations allowed** for **DocTypeIndic**, present in each correctable **DocSpec** element, as shown below in the Table below:

		Without AccountReport	With AccountReport			
		-	OECD1	OECD2	OECD3	OECD0
ReportingFI	OECD1					
	OECD2	yes		yes	yes	
	OECD3	yes			yes	
	OECD0			yes	yes	

The easily readable table assumes that while the **ReportingFI** correctable element is always mandatory in all communications, the other correctable element, **AccountReport**, may be optional:

Some explanatory examples for the table above (**non exhaustive**):

- *In the case of Without AccountReport communication:*
  - **ReportingFI.DocSpec.DocTypeIndic = OECD2**: indicates that you intend to modify ReportingFI information;
  - if you intend to cancel a ReportingFI, you must use a subsequent communication, specifying **ReportingFI.DocSpec.DocTypeIndic = OECD3** referring to the previous invalid record.
- *In case of With AccountReport communication:*



- If, beyond the terms, you intend to modify or cancel certain information that relates only to previously communicated AccountReport accounts and that is valid, the following combination within the same communication is acceptable:
  - **ReportingFI.DocSpec.DocTypeIndic=OECD0:** you do not intend to change the information in ReportingFI;
  - **AccountReport.DocSpec.DocTypeIndic=OECD2:** modify the information of a previously reported financial account and not invalid;
  - **AccountReport.DocSpec.DocTypeIndic=OECD3:** cancels information from another previously reported financial account and is not invalid
- If, beyond the terms, you intend to cancel an entire previously communicated message, you must continue to cancel all of its ReportingFI and AccountHolder records. The following acceptable combination can be used, taking care to verify the cancellation of all previously communicated AccountHolder, because otherwise the cancellation of ReportingFI would cause the presence of the unaccounted **orphaned** AccountReport:
  - **ReportingFI.DocSpec.DocTypeIndic=OECD3:** ReportingFI data are cancelled;
  - **AccountReport.DocSpec.DocTypeIndic= OECD3:** all previously reported financial accounts are canceled;
- Sequence **ReportingFI.DocSpec.DocTypeIndic=OECD3** and **AccountReport.DocSpec.DocTypeIndic = OECD2** is not allowed, as it is not realistic to modify an AccountReport and cancel the ReportingFI to which it refers.
- Sequence **ReportingFI.DocSpec.DocTypeIndic=OECD0** and **AccountReport.DocSpec.DocTypeIndic=OECD1** is not acceptable in the presence of **MessageTypeIndic = CRS702**, as it does not represent a corrective communication, but is allowed when **MessageTypeIndic** of the new data is **CRS70** of AccountReport, in relation to a ReportingFI already communicated in the reference period.

It should be noted that it is possible to specify **OECD0 - resend the data**, for the **ReportingFI** element, if:

- making a corrective communication or cancellation of information (CRS702) pertaining to **AccountReport**.
- making a supplementary communication for a certain referral period (CRS701).

It is important to note that:

- Corrective communications referring to a specific year must contain "correction" records already sent by previous communications for the **same reference year**

- The same message may not contain more than once the same identifier of the document to be corrected.

#### 4.6.1 CORRECTING ELEMENTS OF A MESSAGE CONTAINING NEW DATA

##### Correcting elements of a message that contains new data

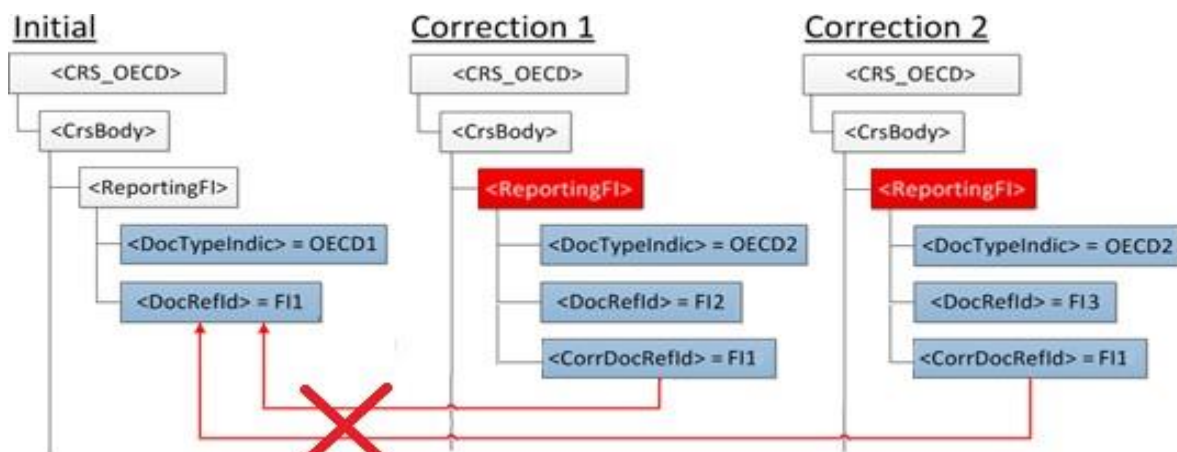
It is a common situation when you intend to correct what has been detected as inaccurate or delete the elements contained in a new data message.

A corrective message must be created according to these rules:

- Creates a new **MessageRefId** message unique in time and space
- The value **CRS702** is set in **MessageTypeIndic** which indicates that the content of the message consists of corrections / cancellations
- A unique **DocRefId** is created in time and space for each correctable element to be modified (correction / cancellation)
- **DocTypeIndic** is created for each **DocSpec** according to the allowed combinations.
- **CorrDocRefId** is created so that it always refers to the **DocRefId** of the element to be corrected or deleted.

#### 4.6.2 CORRECTION OF CORRECTIONS

Correcting corrections (or corrective sequence) are allowed, provided that **CorrDocRefId** of the second correction should refer to **DocRefId** of the first correction (and not that of the former, invalid by the application of the first correction). If this condition were not met, an unspecified situation would arise based on the order of implementation of the corrections, for which a change of the corrective message is generated.



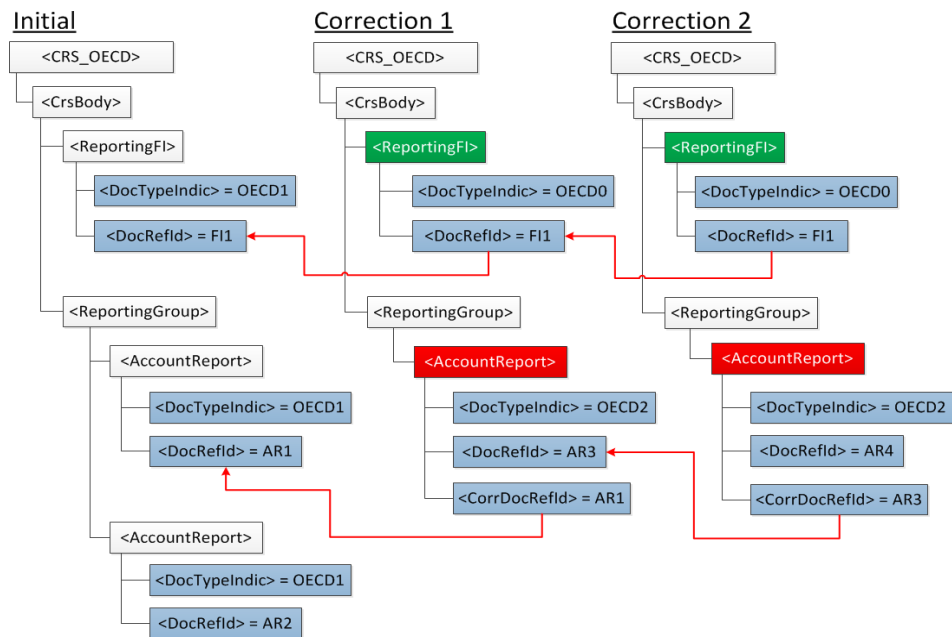
#### 4.6.3 TWO CONSECUTIVE CORRECTIONS OF THE SAME AccountReport

The example refers to the following scenario:

- FI sends an **intial communication of new data** containing two Reports (**AccountReport**).
- The FI sends a **corrective communication** that corrects the initial communication of the new data and in particular the information regarding the monetary amount of a payment of the first Report.
- The FI then sends a second corrective communication that corrects the information reported in the previous corrective communication and this time relates to the monetary amount of the balance in the first Report.

The following is a description of the methods required in communicating corrections and highlighted in the following scheme:

- **CorrDocRefId** of the Correction Report, refers to the Report immediately for correction.
- The report **DocTypeIndic** is set to OECD1 only within the initial message while **OECD2** must be valid within the corrections.
- The FI, in corrective communication, should always retransmit **ReportingFI** even if this does not require changes related to the report to be corrected (otherwise it would not be valid communication). In this specific case, the **ReportingFI DocTypeIndic** must be OECD0 and the relative DocRefId **must be the same as that of the previous communication immediately**.
- The FI, in both cases, sends the corrective communication regarding the first Report that it intends to correct, while the second report does not need to be communicated because it is not subject to correction.



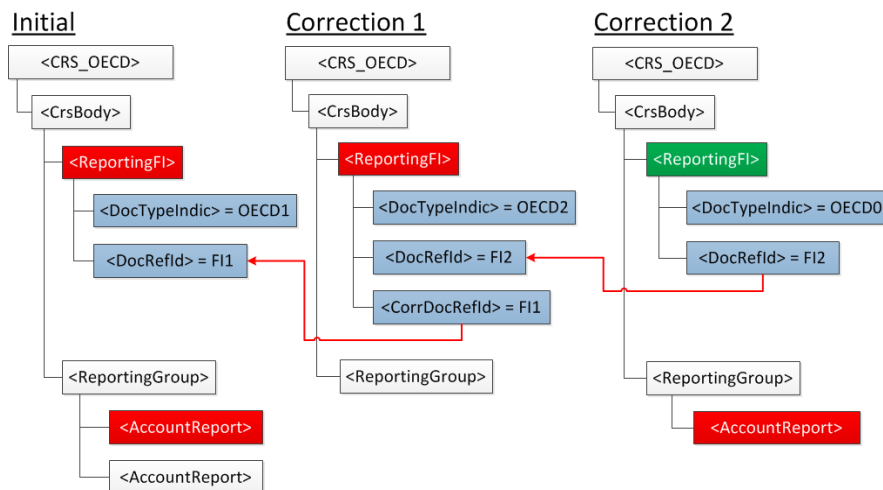
#### 4.6.4 TWO CONSECUTIVE CORRECTIONS OF THE SAME MESSAGE DATA

The example illustrates the following scenario:

- FI sends an **initial communication with new data** containing two reports (**AccountReport**).
- The FI sends a **corrective communication** that corrects **the first communication** and especially the information regarding the **ReportingFI Address**.
- FI sends a **further corrective communication** correcting the first report adding payment (**Payment**).

Below are the descriptions and methods required in the communication of corrections and illustrated in the schema:

- The FI, in the corrective communication, must always retransmit **ReportingFI** accompanied by the Report which must be corrected. **DocTypeIndic** of the **ReportingFI** should be **OECD0** and the corresponding **DocRefId** is the same as in the immediate preceding communication, if the **ReportingFI** itself was not subject to modification, while **OECD2** is valid if it intends to modify **ReportingFI**.
- FI can send a correction **without Report** if it is intended to correct only the data of **ReportingFI** and Reports do not require modifications (ref. The first correction).
- The FI must transmit for correction only the Report intending to modify and only that (ref. Second Correction).



#### 4.6.5 CORRECTION OF AN *AccountReport* CHILD ELEMENT

The example illustrates the following scenario:

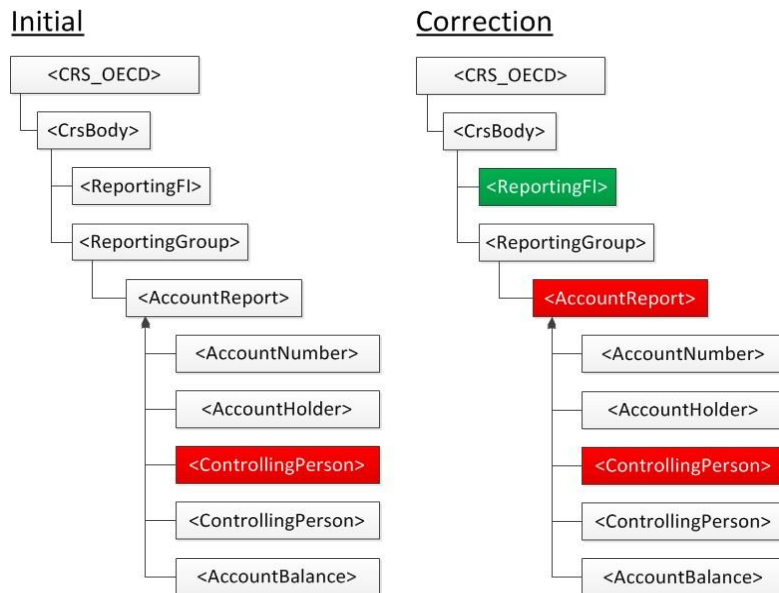
- FI sends an **initial communication with new data** containing a **Report** (**AccountReport**) consisting of the following children:
  - An account number (**AccountNumber**)
  - An account holder (**AccountHolder**)
  - Two controlling persons (**ControllingPerson**)
  - A balance (**AccountBalance**)
- The FI sends a corrective communication which aims to correct the address (Address) of the first controlling person.

The following are the methods required in correction communication and described in the following schema:

- The FI must send a correction who corrects the Report communicated on the first shipment and thereby retransmits the entire Report which summarizes with it all the child elements that are not included in the correction and the accurate data of the controlling person.
- For **ReportingFI** transmission methods, **DocSpec. DocTypeIndic** must have the value **OECD0** and **DocSpec.DocRefId** must be the same as that of the previous communication, as **ReportingFI** is not subject to modification itself;
- For **AccountReport** transmission methods, **DocSpec. DocTypeIndic** must have the value **OECD2**, **DocSpec.DocRefId** must have the value of a new identifier and

**DocSpec.CorrDocRefId** must have the value of **DocRefId** of the **previously** sent **AccountReport**, exactly the subject of correction.

It should be noted that in this case all the information of the correctable element is transmitted, and it is not possible to intervene with specific corrections in the individual child elements with greater accuracy. *By definition, in fact, a correctable element is the minimum block of information that can be corrected.*



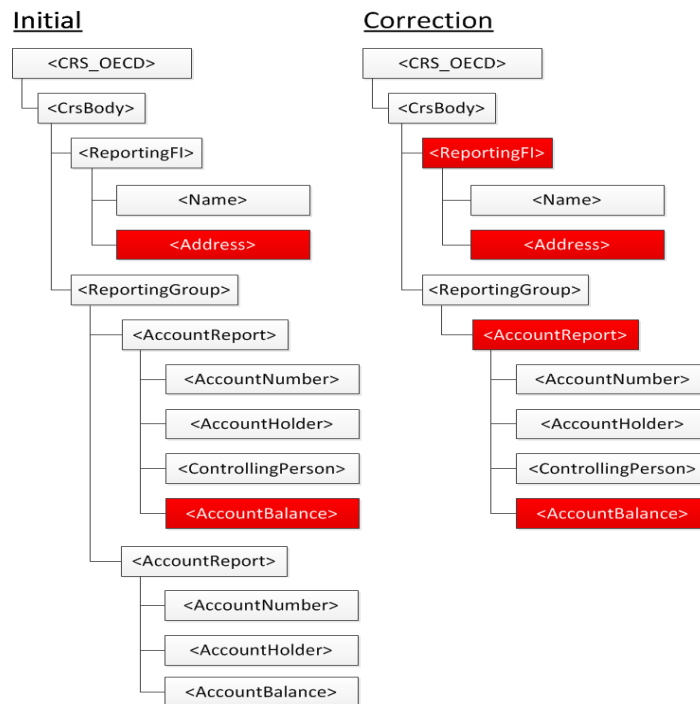
#### 4.6.6 CORRECTION OF TWO CORRECTIVE ELEMENTS OF THE SAME MESSAGE

The example illustrates the following scenario:

- The FI sends **an initial communication with new data** containing the financial institution (**ReportingFI**) and **two Reports** (**AccountReport**).
- The FI sends a corrective communication in which it will correct the **Address** of the Financial Institution and the **AccountBalance** of the first Report.

The following are the methods required to communicate the corrections which are highlighted in the following figure:

- The FI must retransmit accurate information relating only to the elements it must correct, i.e., **ReportingFI** and the first **AccountReport**, while it must not transmit the information of the second **AccountReport**.
- For **ReportingFI** and **AccountReport** transmission methods you must specify for each **DocSpec**, **DocTypeIndic** with **OECD2** value



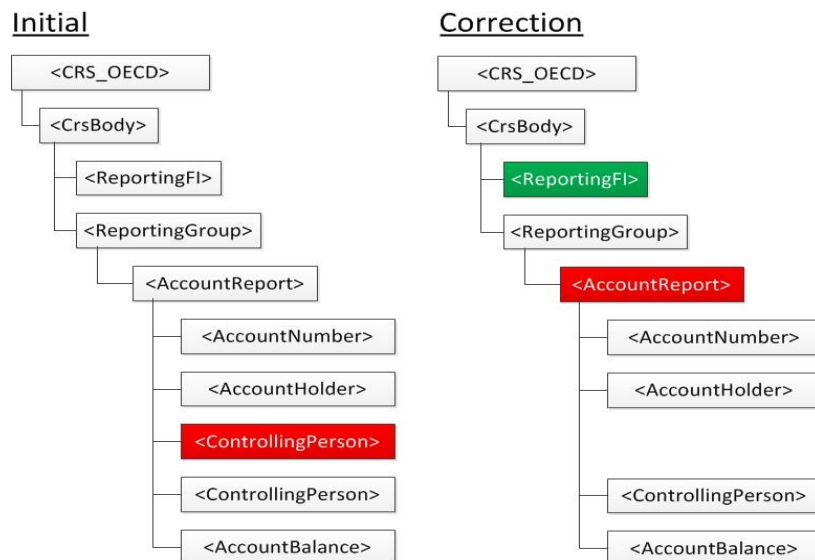
#### 4.6.7 REMOVAL OF CHILD ELEMENT FROM AccountReport

The example illustrates the following scenario:

- The FI sends an **initial communication with new data** containing a **Report (AccountReport)** consisting of the relevant child elements:
  - An account number (**AccountNumber**)
  - An account (holder **AccountHolder**)
  - Two controlling persons (**ControllingPerson**)
  - A balance (**AccountBalance**)
- The FI sends a corrective communication in which it intends **to remove** the first controlling person.

The following describes the methods required in corrective communication as well as illustrated with pictures:

- The Operator retransmits all **ReportingFI** information to set the value **OECD0** to **DocTypeIndic**.
- The operator transmits **AccountReport** information except for the first **ControllingPerson** (because this object will be removed) by setting the **OECD2** value to **DocTypeIndic**.



#### 4.6.8 REMOVAL OF A CHILD ELEMENT FROM ReportingFI

The example illustrates the following scenario:

- The FI sends an **initial communication with new data** containing **two Accounts** (**AccountReport**) and a **Financial Institution** (**ReportingFI**) consisting of two respective children:
  - A name (**Name**)
  - Dy Addresses (**Address**)
- The FI sends a corrective communication aimed at removing the second address of the reporting financial institution.

The following describes the methods required in corrective communication:

- The FI must send all information relating to **ReportingFI** except the second address, by specifying the **OECD2** value in the **DocTypeIndic** element and the **CorrDocRefId** has the **DocRefId** value reported in the original message.
- FI does not transmit any **AccountReport** (as it is not subject to correction).

#### 4.6.9 REMOVAL OF A CORRECTABLE ELEMENT AccountReport

The example illustrates the following scenario:

- The FI sends an **initial communication with new data** containing **two Accounts** (**AccountReport**) and one **Financial Institution** (**ReportingFI**).



- The FI sends a corrective communication in which it intends to remove the first Report.

The following describes the methods required in corrective communication:

- The FI retransmits the **ReportingFI** element (as required) by assigning the **DocTypeIndic** value **OECD0** (as it is not a correction object).
- FI transmits the first report **AccountReport** giving value **OECD3** to the element **DocTypeIndic** by signaling the removal.
- FI does NOT transmit the second **AccountReport** report (as it is not corrective).

**Caution:** Removing correctable elements may cause **an inconsistent state** of previously sent information. In a case, which however does not have any particular impact, timely cancellation can be verified for all reports of a specific reference year, but not of the financial institution. While the other issue, i.e. **the cancellation of the financial institution and not the related Reports** for a given reference year, constitutes an error as we are dealing with 'orphan' reports and is signalled as communication rejected by the receiving foreign jurisdiction, which may follow from a request for correction in message status.

Basically, facing an initial communication of 2 reports (A and B), where one of those reports should not have been transmitted, the following actions must be carried out:

The type of error to be corrected	Action 1	Action 2	result
Report A not needed	Report A is canceled		The report B remains valid
Both reports not needed	Report A is canceled	Report B canceled	FI remains without any valid report submitted
Not all reports are required	The message is canceled		FI remains with nothing sent

The action described below, in order not to be blocked at the waiting level, during the processing phase of the receiving administration, generates inconsistencies:

The type of error to be corrected	Action 1	Action 2	result
All reports are not needed	Report A is canceled	The message is canceled	Report B, with no relation to the FI, is kept. Following the notification of the host authority, a confirmation will be required from the FI.

#### 6.4.10 CREATION OF A CHILD ELEMENT OF **AccountReport**

The example illustrates the following scenario:

- The FI sends an **initial communication with new data** containing a **Report (AccountReport)** and a **Financial Institution (ReportingFI)** consisting of the following children:
  - An account number (**AccountNumber**)
  - Account holder (**AccountHolder**)
  - Two controlling persons (**ControllingPerson**)
  - Balance (**AccountBalance**)

FI sends a corrective communication which aims to create a payment (**Payment**) in addition to other elements communicated earlier in the report.

The following describes the methods required in correction communication:

- FI retransmits report **ReportingFI** (which is a mandatory element) giving value **OECD0** to the **DocTypeIndic** element (as it is not subject to correction)
- The operator transmits the first **AccountReport** report giving the **OECD2** value to the **DocTypeIndic** element including the child element **Payment**.

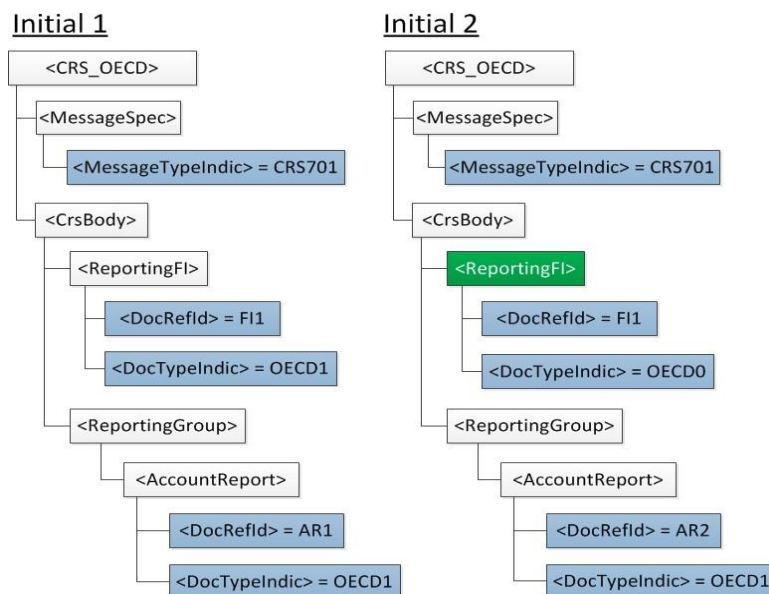
#### **4.6.11 CREATION OF A NEW AccountReport (INTEGRATED COMMUNICATION)**

The example illustrates the following scenario:

- FI sends an **initial communication with new data** containing **IF** and a **Report (AccountReport)**.
- The FI sends a communication to which another Report will be added.

The following describes the methods required in corrective communication and is illustrated with a schema:

- FI sends an **initial communication with new data**, giving value **CRS701** to the **MessageTypeIndic** element, with which is retransmitted the **ReportingFI** with value **OECD0** of the **DocTypeIndic** element.
- The FI transmits **the only new Report** to be added as a new element which has the **OECD1** value to the **DocTypeIndic** element.



## 1.7 EXAMPLES OF CREATING XML FILES

This section gives an example of creating an XML file based on the type of communication:

- **Communication of new data:** *in this example 2 AccountHolders are communicated, the first is a natural person (Individual), the other is a Passive NFE (Organization). As shown in the previous paragraphs, the actual communication is realized through the Passive NFE communication, first with the typology CRS103, then with the typology CRS101 (through which are communicated the Controlling Persons as well).*
- **Communication of nil reporting:** *in the specific example, it illustrates how a FI that has closed its activity during the year, communicates that for that year and as long as it has been in business, it has no data to send.*

**Note:** In order to save space, the self-organization of the data is illustrated in relation to the highlighted objects, leaving aside those simple compilation (e.g. {IN or TIN, Name, Address})

### 4.7.1 EXAMPLE OF NEW DATA COMMUNICATION

Communication of new data			
OECD_CRS			
	version		1.0
	MessageSpec		
		SendingCompanyIN	99999999999
		TransmittingCountry	AL

Communication of new data									
		ReceivingCountry			AL				
		MessageType			CRS				
		MessageRefId			AL20199999999999990000000001				
		MessageTypeIndic			CRS701				
		ReportingPeriod			YYYY-MM-DD				
		timestamp			YYYY-MM-DDT12:30:00				
CrsBody (multiplicity = 1)									
		ReportingFI							
			ResCountryCode		AL				
			IN		99999999999				
				issuedBy		AL			
				INType		TIN			
			IN						
			Name						
			address						
			DocSpec						
				DocTypeIndic		OECD1			
				DocRefId		AL2019999999999999FI0000000001			
		ReportingGroup (multiple = 1)							
			AccountReport # 1						
				DocSpec					
					DocTypeIndic		OECD1		
					DocRefId		AL2019999999999999AR0000000001		
				AccountNumber					
				AccountHolder					
					individual				
						ResCountryCode		ES	
						{TIN, Name, Address}			
				AccountBalance					
			AccountReport # 2/1 (PassiveNFE as reportable)						
				DocSpec					
					DocTypeIndic		OECD1		
					DocRefId		AL2016999999999999AR0000000002		
				AccountNumber					
				AccountHolder					
					Organization				
						ResCountryCode		ES	

Communication of new data						
					{IN, Name, Address}	
					AcctHolderType	CRS103
				AccountBalance		
			AccountReport # 2/2 (Passive NFE with 2 ControllingPerson)			
				DocSpec		
					DocTypeIndic	OECD1
					DocRefId	AL2019999999999999AR0000000003
				AccountNumber		
				AccountHolder		
					Organization	
						ResCountryCode ES
						{IN, Name, Address}
					AcctHolderType	CRS101
				ControllingPerson		
					individual	
						ResCountryCode ES
						{TIN, Name, Address}
						CtrlgPersonType CRS805
				ControllingPerson		
					individual	
						ResCountryCode FR
						{TIN, Name, Address}
						CtrlgPersonType CRS813
				AccountBalance		

#### 4.7.1 EXAMPLE OF COMMUNICATING NIL REPORTING

Communication Assistance Communication Data					
OECD_CRS					
	version			1.0	
	MessageSpec				
		SendingCompanyIN		88888888888	
		TransmittingCountry		AL	
		ReceivingCountry		AL	
		MessageType		CRS	
		MessageRefId		AL20198888888888880000000001	
		MessageTypeIndic		CRS703	
		ReportingPeriod		YYYY-MM-DD	
		timestamp		YYYY-MM-DDT12:30:00	
	CrsBody				
		ReportingFI			
			ResCountryCode	AL	
			IN	88888888888	
				issuedBy	AL
				INType	TIN
			Name		
			address		
			DocSpec		
				DocTypeIndic	OECD1
				DocRefId	AL2019888888888888FI0000000001
	ReportingGroup (not following AccountReport)				

#### 4.7.2 EXAMPLE OF COMMUNICATION OF A SGR FOR AN OICR WITHOUT LEGAL PERSONALITY

Below are some examples that present the methods of compiling an initial communication that sends, by an SGR that sends on behalf of an OICR without legal personality.

- TIN<sub>SGR</sub> = **33333333333** - *Albanian fiscal code of SGR active in Tax Administration*
- ID<sub>OICR</sub> = **12345** - *OICR identifier issued by the Bank of Albania*

Communication of an SGR sending on behalf of an OICR without legal personality			
OECD_CRS			
	version		1.0
	MessageSpec		
		SendingCompanyIN	33333333333 <TIN SGR>
		TransmittingCountry	AL

		ReceivingCountry	AL
		MessageType	CRS
		<b>MessageRefId<sup>2</sup></b>	AL 2019 <b>00000012345</b> 00000000001
		MessageTypeIndic	<b>CRS701</b>
		ReportingPeriod	<b>YYYY-MM-DD</b>
		timestamp	<b>YYYY-MM-DDT12:30:00</b>
	<b>CrsBody</b>		
		<b>ReportingFI</b>	
		ResCountryCode	AL
		<b>IN</b>	<b>33333333333</b> <TIN SGR>
			issuedBy AL
			<b>INType</b> TIN
		<b>IN</b>	<b>12345</b> <OICR Identification>
			issuedBy AL

			<b>INType</b>	<b>OICRID</b>
			Name <NAME OF OICR>	
			Address <...>	
			DocSpec	
			DocTypeIndic	<b>OECD1</b>
			<b>DocRefId<sup>3</sup></b>	AL2019 <b>00000012345FI</b> 00000000001
		<b>ReportingGroup</b>		
			<b>AccountReport # 1</b>	
			<b>DocSpec</b>	
			DocTypeIndic	<b>OECD1</b>
			<b>DocRefId</b>	AL2019 <b>00000012345AR</b> 00000000001
			<b>AccountNumber</b>	
			<b>AccountHolder</b>	
			individual	
			ResCountryCode	ES
			{TIN, Name, Address}	
			AccountBalance	

<sup>2</sup> Attention, MessageRefId must contain the OICR identifier provided by the Bank of Albania (eg 12345) according to the required format, filling it with 0 on the left side in order to have a length of 11.

<sup>3</sup> Attention, for all DocRefId also applies the special exception for OICR without legal personality, whose communication is performed by SGR, for which the introduction of the numerical identifier (assigned by the Bank of Albania) is required, filled in on the left with 0 until it reaches the length of 11 alphanumeric characters.

If an SGR is administered by more than one OICR without legal personality, it should make **as many communications as the OICR has under administration**, as it is not possible to enter all data in a single communication as CrsBody is not repeated and will have other discrepancies reported by the Client control module.



## **Personal data protection requirements for financial operators**

Financial operators must ensure that:

- a)** the entities involved in the data extraction and transmission procedures are selected by the financial operators on the basis of high standards of reliability and capabilities, preferably among those with a stable relationship with them;
- b)** also taking into account the dimensions of the financial operator, encryption and security mechanisms have been adapted, respectively in order to protect the information contained in the files during further steps within the operator itself and ensure the integrity of the content and prevent changes;
- c)** the files' access in the further stages of processing, even after encryption, is limited to as little number of persons in charge as possible;
- d)** if the financial operators decide to entrust the communication to the third parties, responsible for the processing, the file is provided to them already encrypted;
- e)** encrypted file that was transmitted to third parties mentioned above, to be sent later to the tax authorities, is stored in the exchange nodes<sup>4</sup> for as long as necessary to perform the data exchange. The financial operator must verify the cancellation from the exchange nodes, as soon as the confirmation of the successful exchange is received;
- f)** third parties responsible with users and credentials management through the Government Single Sign-On Interaction Platform, must comply with the minimum-security measures, periodically notifying the administration, within set deadlines and through secure channels, regarding new credentials for accessing the web services;
- g)** exchange nodes must have a dedicated space on the Government Single Sign-On Interaction Platform for annual integrated communication. In the case of nodes serving more than one financial operator, the space must be defined for each of them. The credentials for accessing the Government Single Sign-On Interaction Platform must be unique to each operator;
- l)** referring to the role assigned by the exchange nodes in the protection of personal data, albeit encrypted, if the transmission is made to third parties:
  - for this purpose a responsible person is appointed as the node administrator, who must provide appropriate guarantees according to the Personal Data Protection legislation;

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<sup>4</sup> can be considered an infrastructure or information exchange interface

- this person must be provided with the relevant instructions related to the processing to be carried out, taking into account in particular the hypothesis in which this person has been assigned as responsible by several operators, to guarantee technical-organizational measures in order to ensure separation of the workflow between the tax administration and each operator;

**m)** regarding the possibility of useful use of already certified or interacting exchange nodes (external nodes), it is guaranteed that the transmission in this node of the file that will be communicated to the tax authority is done with the same security measures as those provided in the exchange between the node itself and the Tax Administration.