

# How to organise the FATCA compliance: usual misunderstandings and observed deficiencies

## Due diligence - W8 Series and W9 forms - Reporting - Registration FATCA Manual - FATCA Compliance programme - FATCA responsible officer

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Charlie is an independent consultant with Helm Advisors, specialising in providing advice and assistance with regard to all aspects of the FATCA and CRS regimes and regulatory compliance. Charlie has worked in the financial services industry for over 40 years, including a spell with the UK Regulator Charlie worked for the UK Financial Services Regulator for five years, leading a supervisory team responsible for IFAs, small asset managers. Prior to becoming an independent consultant, Charlie worked for fifteen years for the Stonehage Fleming Group, a large and globally-represented multi-family office where he implemented the FATCA and CRS regimes and was responsible for ensuring compliance with these regimes across the global group, on an ongoing basis.

### Horizon Scanning

- The Brockman Case
- The Senate Finance Committee investigation and report
- Their conclusion and recommendations – flawed thinking?
- Possible impacts on FATCA and the current IGAs – might there be wholesale changes to the Treasury Regulations?

### Due diligence

- How far do you need to go: New Accounts/ Change of Circumstances
- Entity accounts: validation of self-certification forms
- Relationship Manager annual declaration
- Guarding against avoidance: what is avoidance and how do you police this?

### W8 Series and W9 forms

- When is each type of form applicable
- How to complete each specific type of form: examples
- The various categories of possible FATCA classifications explained
- How to deal with Chapter 3 requirements
  - Grantor Trusts
  - Foreign grantor trusts
  - Disregarded entities
- What is a withholding statement, when is it needed and how should it be completed?

### Reporting

- What information is required to be reported in respect of US account holders
  - Individuals
  - Entities
- Reporting differences between pre-existing and “new” account holders: examples
- Consent to report – when is this required?

### Registration

- Which Financial Institutions need to be registered?
- Certified Deemed Compliant and Registered Deemed compliant FFIs – What are the categories and what are the differences between them?
- The FFI Agreement – which entities fall under the agreement and what obligations does this entail?
- Sponsored Investment Entities and Sponsoring

Entities: What are the obligations of each?

- Expanded Affiliated Groups: Lead, Member and Compliance FFIs – roles and obligations of each type

### The FATCA Responsible Officer

- Who in the organisation should be the FATCA Responsible Officer?
- What are the Responsible Officer’s obligations and the liabilities of the role?
- Can the obligations of the Responsible Officer be delegated or outsourced and if so, to whom?

### Compliance Programme and FATCA certifications

- What should a Compliance Programme look like: example
- How frequently must a Compliance Programme be executed?
- Documenting the Compliance Programme and evidencing the results
- Who should receive the FATCA Compliance Programme report?
- How to handle identified issues and resolve them?

### Formalising policies and procedures: the FATCA Manual and desk-top guide content

- What should the FATCA Manual contain?
- The FATCA Manual structure and examples of content/clauses
- What should be kept out in other written forms (desk-top guides, checklists, etc.)
- What a good desk-top guide would look like?

### How to actually embed FATCA procedures within your organisation and existing Business As Usual processes?

- Who in the firm should be in charge of FATCA?
- Good processes and bad/incomplete processes: examples
- What documentation is required to be completed and retained on file?

### Specific training needed for FATCA: “doers” and “checkers”

- Which topics should be absolutely covered in the FATCA training programmes? – Example of training modules
- What evidence is required of training delivered and who attended?

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## PRACTICAL INFORMATION

**Venue**  
Zurich Sheraton Hotel  
Pflingstweidstrasse 100, Zurich

**Visio conference on Zoom**  
The Zoom link and the documentation will be sent to the participants on 1st December in the afternoon. Academy & Finance provides technical assistance before and during the conference: you can contact Matheus Amorim at: [mamorim@academyfinance.ch](mailto:mamorim@academyfinance.ch)

**How to register**  
by phone: +41 (0) 22 849 01 11  
by fax: +41 (0) 22 849 01 10  
by e-mail: [info@academyfinance.ch](mailto:info@academyfinance.ch)  
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3, chemin de la marbrerie  
PO Box 1344, CH-1227 Carouge  
[www.academyfinance.ch](http://www.academyfinance.ch)

**Fees**  
560 CHF (+ VAT 7.7%)  
Additional registrations from the same company: - 50%

**Registration and payment**  
Payment is made by bank transfer or by credit card. Credit card payments will be debited immediately upon receipt of card details. In any case, we will send you an invoice by email.

**Substitution & cancellation policy**  
Substitutions from the same company are accepted at any time. Cancellation requests must be received in writing, by fax or by post up to the following dates end of business :

- 25 November refund of 100%
- after 25 November no refund will be made for cancellation.

## REGISTRATION FORM

I register for the seminar "How to organise the FATCA compliance" in Zurich on friday 2 December 2022

I will attend in the conference room     I will attend online on Zoom

### FIRST PARTICIPANT

Full name.....  
Position.....  
E-mail.....

### SECOND PARTICIPANT (-50%)

Full name.....  
Position.....  
E-mail.....  
Company.....  
Address.....  
Postcode..... City.....  
Tel ..... Fax.....

### Person to which the invoice must be sent for payment:

Name..... Email.....  
Bank transfer  Mastercard  VISA  AMEX   
Credit card No : \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Expiry date : \_\_\_\_ / \_\_\_\_  
Cardholder.....  
Address of AMEX cardholder .....  
Date ..... Signature.....

The organisers reserve the right to amend the programme if, despite their best efforts, circumstances oblige them to do so.