

Common Reporting Standard and Common Reporting Standard Act

The Organisation for Economic Co-operation and Development (OECD) developed a global model based on a uniform standard, the Common Reporting Standard (OE. CRS) and offers the possibility of exchanging tax information. On the basis of this legal basis, the participating states (currently around 100) undertake to pursue the guidelines with the aim of preventing tax crimes.

After integration into the legal system of the European Union, the CRS was implemented in Austria in the Common Reporting Standards Act (GMSG).

Due diligence obligations of Austrian financial institutions

Austrian financial institutions check their financial accounts, identify reportable accounts and finally report reportable data to the competent tax authority.

Financial institutions must therefore implement appropriate processes in order to be able to determine, among other things, the tax residency of their customers. If a customer is tax resident in a participating country, the financial institution must in principle submit a report to the tax authority. Where appropriate, the latter shall forward the information to the State of residence.

Reportable data according to GMSG

Reportable data may relate to natural persons and entities (as well as persons controlling those entities). The following information must be reported:

- Name
- Address
- State(s) of residence
- Foreign tax identification number(s)
- Date / place of birth (for natural persons)
- Account/securities account numbers including account balances and values at the end of the calendar year or closure of the account/securities account
- Other additional information in the case of custody accounts and deposit accounts, such as capital and other income, etc.

The GMSG exempts certain accounts as well as legal entities (regardless of their tax residence) from the reporting obligation (cf. §§ 87, 89 GMSG).

Customers' obligation to provide information

Since 01.10.2016, all customers must provide information about their tax residency (including further information) when opening a new account or custody account.

The information must be provided by each customer (regardless of tax residence).

For individual questions about your tax residence, etc. advice from a tax consultant, lawyer or a tax office is recommended.