

**MEMO# 31535**

December 24, 2018

# **ICI Global Letter to Swiss Government Regarding Procedures by Which US Funds Establish Treaty Eligibility**

[31535]

December 24, 2018 TO: ICI Members

ICI Global Members

ICI Global Tax Committee

Tax Committee SUBJECTS: International/Global

Tax RE: ICI Global Letter to Swiss Government Regarding Procedures by Which US Funds Establish Treaty Eligibility

ICI Global has submitted the attached letter[\[1\]](#) to the Swiss Federal Tax Administration (SFTA) following up on a recent ICI Global-SFTA meeting to discuss withholding tax rate reductions provided to US funds taxed as regulated investment companies (RICs) under the Swiss-US income tax treaty. This letter builds upon several submissions made previously by ICI Global[\[2\]](#) regarding methods by which RICs can establish the extent to which they are treaty entitled.

This December ICI Global submission, more specifically, addresses the proposals in the September 2018 ICI Global submission that responded to a June 2018 letter from the SFTA.[\[3\]](#) Among the most important points made in the letter are:

- an appreciation that the Swiss Form 82 for claiming treaty relief is not being revised;
- an explanation that certain information that the SFTA indicated must be provided to establish treaty eligibility is unnecessarily detailed to prove treaty eligibility and inconsistent with the Form 82R;
- and a proposal that a RIC provide links from the SEC's EDGAR database for the RIC's most recent prospectus and financial statement (rather than, for example, copies of all such materials for the period covered by any treaty claim).

Keith Lawson

Deputy General Counsel - Tax Law

[Attachment No. 1](#)

[Attachment No. 2](#)

[Attachment No. 3](#)

**endnotes**

[1] Please note that the attached letter, at the request of the SFTA officials with whom ICI Global met, does not identify by name the officials to whom the letter was sent.

[2] See Institute Memoranda No. [31371](#), dated September 7, 2018, No. [31148](#), dated March 29, 2018, and No. [30865](#), dated September 7 2017.

[3] [https://www.ici.org/my\\_ici/memorandum/memo31251](https://www.ici.org/my_ici/memorandum/memo31251).

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