

MEMO# 32325

March 26, 2020

ICI Letter to IRS Regarding COVID-19-Related Withholding Tax Relief Challenges

[32325]

March 26, 2020 TO: ICI Members

Investment Company Directors

ICI Global Members

ICI Global Tax Committee

Tax Committee SUBJECTS: International/Global

Tax RE: ICI Letter to IRS Regarding COVID-19-Related Withholding Tax Relief Challenges

The ICI has requested that the IRS Commissioner (Large Business & International) encourage treaty partners to provide temporary relief from treaty-eligibility documentation requirements. The COVID-19 pandemic makes it practically impossible for many funds to satisfy requirements that treaty relief certifications be hand-signed and submitted, with supporting documents, on paper. Without temporary relief, that must extend for some period beyond the return to “business as usual,” fund investors may not receive the withholding tax reductions to which they are entitled by treaty.

The temporary relief measures that we request should include:

- accepting 2019 (recently-expired) certificates of tax residence (Forms 6166, for US residents);
- accepting electronic (e.g., PDF) copies of forms and supporting documents;
- permitting these forms to be signed electronically;
- providing reasonable extensions for filing deadlines;
- extending the statute of limitations for filing claims; and
- providing a temporary reclaim system in at-source-only tax relief jurisdictions.

The letter’s recipient raised these concerns today during a virtual meeting of the Organisation for Economic Co-Operation and Development’s (OECD’s) Forum on Tax Administration (FTA).

Keith Lawson
Deputy General Counsel - Tax Law

[Attachment](#)

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