

**MEMO# 32692**

August 20, 2020

## **Survey Regarding Tax Reclaims Based Upon Article 63 of EU Treaty ("EU Reclaims")**

[32692]

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TO: Tax Committee RE: Survey Regarding Tax Reclaims Based Upon Article 63 of EU Treaty ("EU Reclaims")

For many years, the ICI has supported members' claims to recover taxes withheld by certain European countries based upon the free movement of capital article (Article 63) of the Treaty on the Functioning of the European Union (EU). With the recent victories in the highest courts in Spain and Sweden, and the decision by France to concede claims, funds now are recovering previously withheld taxes in five countries.

To assist us in urging the remaining EU countries to concede the issue, and to provide accurate information to the SEC and IRS regarding the benefits to fund investors of their assistance in supporting your claims, we would like to update the survey information that we collected in 2018. The information that you provide, of course, will remain entirely confidential. We will provide relevant government authorities only with industry totals.

This survey requests per-complex aggregated information for every country for which you have filed claims. Data is requested for both "pending claims" and "successful claims." For the five countries (Finland, France, Poland, Spain, and Sweden) for which claims have been pursued successfully by US funds, please include in "pending claims" both claims that have been filed and—to the extent that you have the information—those that you intend to file. For the other countries, to limit the burden of this request, please include as pending claims only those claims that you have filed. For successful claims, please report separately, **in the relevant currency**, the tax and interest recovered.

Please complete the attached spreadsheet and e-mail your survey results to Katie Sunderland at [katie.sunderland@ici.org](mailto:katie.sunderland@ici.org) **no later than September 10, 2020**. Any questions regarding the survey or the EU reclaim issue may be directed to Katie at [katie.sunderland@ici.org](mailto:katie.sunderland@ici.org) or 202-326-5826 or to Keith Lawson at [lawson@ici.org](mailto:lawson@ici.org) or 202-326-5832.

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[Attachment](#)

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