



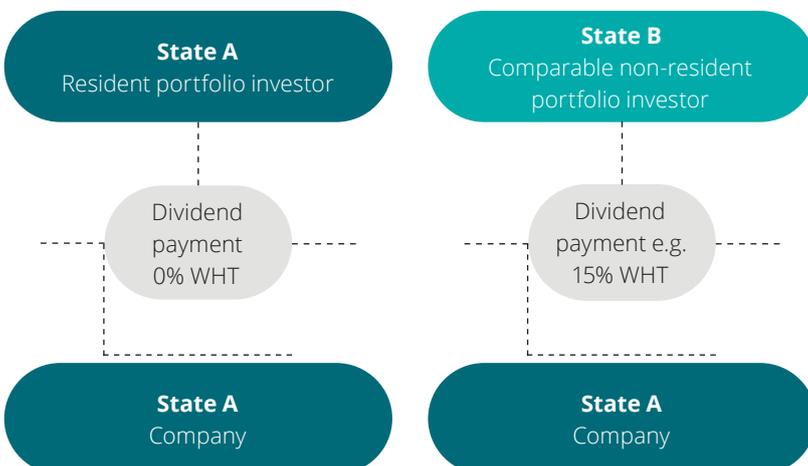
## EU Law based Withholding Tax Refunds

### Increased return for Swiss investment funds

Swiss investment funds may be entitled to a refund of discriminatory withholding taxes deducted on dividend payments from European stocks. Such refunds are based on EU law and come in addition to the withholding tax refunds available under double tax treaties. Because of the applicable statute of limitations and adjustments of EU member states' laws to remove discrimination, the window to file such refund requests is closing.

#### Is your investment vehicle entitled to a refund?

All Swiss investment funds that suffered discriminatory withholding tax treatment on portfolio investments in an EU member state may be eligible to make a claim for a refund. Putting aside administrative procedures, a number of conditions must be met in order to be entitled to a withholding tax refund. Specifically, the fund must have invested in European stocks on a portfolio basis on which non-recoverable withholding taxes were deducted and, a comparable investment fund in the EU member state must have suffered a lower tax cost on the same income, without acceptable justification for such a discrimination.



#### Is your investment vehicle entitled to a refund?

The European Court of Justice (ECJ) confirmed in several court cases that discriminatory tax regimes are contradictory to EU law.

In April 2014 the ECJ decided in the EMS DFA Case (C-190/12) that the Polish tax treatment of outbound dividends to a US investment fund was contradictory to EU law and discriminatory withholding taxes levied must be refunded.

This decision opened the door for third country investment funds, such as Swiss investment funds to claim back discriminatory withholding taxes suffered in EU member states.



## How can Deloitte help?

Leveraging our EU network of subject matter experts and their established contacts with tax authorities, we support you in the refund process from start to finish, i.e., from the comparability analysis, the cost-benefits assessment, the filing of the refund request, and post-filing activities.

Deloitte serves as a central point of contact for the refund process, alleviating the complexity of interacting with multiple parties that each have different processes. We will help you plan and organize the refund process, making the usual challenges of data collection and claim documentation as seamless as possible saving you time to focus on what matters most.

Deloitte has successfully supported Swiss investment funds to obtain significant refund amounts. We would be happy to share our credentials with you.



## Contacts



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