

**Comunicazione
da parte dell'Amministrazione federale delle contribuzioni (AFC)
concernente la procedura d'assistenza amministrativa richiesta
dall'Internal Revenue Services (IRS) degli Stati Uniti d'America
del 17 aprile 2013 riguardante la relazione
tra la banca Julius Baer & Co. Ltd e alcuni suoi clienti**

L'AFC, visto l'articolo 14 capoverso 5 della legge federale del 28 settembre 2012 sull'assistenza amministrativa internazionale in materia fiscale (LAAF; RS 672.5), comunica quanto segue:

1. In virtù della Convenzione del 2 ottobre 1996 tra la Confederazione Svizzera e gli Stati Uniti d'America per evitare le doppie imposizioni in materia di imposte sul reddito (CDI-US; RS 0.672.933.61), il 17 aprile 2013 l'IRS ha presentato all'AFC una domanda d'assistenza amministrativa riguardante la relazione tra la banca Julius Baer & Co. Ltd e alcuni suoi clienti. Simultaneamente all'ordinanza di produzione di documenti, l'AFC ha chiesto alla banca Julius Baer & Co. Ltd di informare della procedura in corso le persone interessate dalla domanda d'assistenza amministrativa e di invitarle a designare, entro il termine di 20 giorni, un mandatario in Svizzera autorizzato a ricevere le notificazioni. Al fine di essere certi che tutte le persone interessate siano al corrente, la notificazione viene anche pubblicata nel Foglio federale.
2. Tramite la presente pubblicazione, l'AFC attira l'attenzione sull'esecuzione semplificata della procedura, la quale consiste nella trasmissione delle informazioni in seguito al consenso irrevocabile della persona interessata, conformemente all'articolo 16 LAAF, così come sul fatto che l'AFC notificherà una decisione finale al mandatario autorizzato a ricevere le notificazioni da essa designato, qualora la persona interessata non ne avesse designato alcuno entro il termine di 20 giorni.
3. L'AFC informa inoltre che le persone interessate possono ottenere ulteriori informazioni concernenti la procedura presso il mandatario autorizzato a ricevere le notificazioni designato dall'AFC: Zaehringen Anwälte, Effingerstrasse 45, 3008 Berna, Svizzera.
4. Essendo la maggioranza delle persone interessate di madre lingua inglese, questa comunicazione sarà pubblicata anche in inglese, conformemente agli allegati.

2 luglio 2013

Amministrazione federale delle contribuzioni

NOTICE TO UNITED STATES BENEFICIAL OWNERS OF ACCOUNTS WITH BANK JULIUS BAER & CO. LTD

The United States Internal Revenue Service (the IRS) has submitted a request for administrative assistance to the Swiss Federal Tax Administration (the FTA) pursuant to Article 26 of the Convention of 2 October 1996 between the Swiss Confederation and the United States of America with respect to Taxes on Income (the 1996 Convention). The IRS is seeking *information with regard to Bank Julius Baer accounts owned by U.S. persons and held by domiciliary companies (a «DC»)* – as applicable in a given case in the IRS Treaty Request – *within the time period from 1 January 2002 to 31 December 2012.*

The identifying characteristics are as follows:

- The account is held by a domiciliary company (a «DC account») with a U.S. beneficial owner;
- The account includes U.S. securities;
- The account had, at any point in time during the tax period defined in the request, an aggregate balance in excess of US \$ 50,000;
- Julius Baer has no record of the timely filing of accurate Forms 1099 naming the account's U.S. beneficial owners and reporting to the IRS all payments made to such U.S. beneficial owners;
- A contradiction between Form A and Form W-8BEN exists (or other equivalent documentary evidence), or a Form W-8 or W-9 is not associated with the account; and
- There is evidence that the U.S. beneficial owner exercised control over the account in violation of corporate governance, for instance by giving investment instructions to the bank regarding the DC account without being an authorized officer, trustee, or director of the DC or without the express written authorization of the DC, or by withdrawing funds from the DC account for personal use.

This notice informs you that the Bank Julius Baer account of which you might have or had the beneficial ownership (your Bank Julius Baer account) appears to be within the abovementioned scope of the IRS Treaty Request.

This notice also provides certain information on the Treaty Request Procedure opened by the FTA and the courses of action available to you in connection with that procedure, which are the following:

- Appoint within 20 days from 2 July 2013 an agent authorized to receive service and/or a lawyer in Switzerland to receive all official notifications by the FTA. Should you not act upon this notice, your account will nevertheless stay in the Treaty Request Procedure and the FTA will proceed as described under #1 below.
- You may choose to consent to the FTA sending the account information directly to the IRS, see # 2 below.

If you have questions, you may contact Bank Julius Baer by phone +41 (0) 58 886 2828 / by telefax +41 (0) 58 888 0589 or by e-mail: call.center-amb@juliusbaer.com / http://www.juliusbaer.com/SFTA_order.

1. Appointment of an agent authorized to receive service and/or a lawyer in Switzerland

In connection with the IRS Treaty Request, the FTA has issued a disclosure order directing Bank Julius Baer to submit corresponding account information to the FTA.

If, after a preliminary examination of the bank documents, the FTA comes to the conclusion that information relating to your Bank Julius Baer account is required to be transferred to the IRS pursuant to the 1996 Convention, the FTA will issue a final order to that effect. The final order is subject to appeal to the Swiss Federal Administrative Court. Should no appeal be lodged, the relevant account information will be transferred to the IRS.

If you wish to follow this procedure, the FTA requests that you:

- appoint a person authorized to receive service and/or a lawyer in Switzerland to receive all official notifications, and
- provide the FTA with the details of the person you appointed (agent or lawyer) including his/her address in Switzerland within *20 days* from 2 July 2013. Please send this information to:
 - Federal Tax Administration
Service for Exchange of Information in Tax Matters (SEI)
Eigerstrasse 65
CH-3003 Bern
Switzerland

Should you need assistance in identifying a person to serve as your agent authorized to receive service and/or as a/your lawyer in Switzerland or be in need of advice in Swiss legal matters, you may contact the Swiss Bar Association at:

Swiss Bar Association
Marktgasse 4
CH-3001 Bern
Switzerland

Telephone +41 31 313 06 15
infousa@swisslawyers.com / info@sav-fsa.ch
<http://www.swisslawyers.com>

The Swiss Bar Association will refer you to Swiss lawyers with the appropriate specialization.

Should you neglect to inform the FTA of the agent authorized to receive service and/or the lawyer in Switzerland within 20 days from 2 July 2013, the FTA will appoint the following law firm as your agent authorized to receive service and subsequently direct all notification and orders to:

Zaehringen Anwälte, Attorneys at Law
Effingerstrasse 45
CH-3008 Bern
Switzerland
Telephone +41 31 382 37 39
asg-avocats@gmx.ch

You can contact the abovementioned agent authorized to receive service in Switzerland with regard to any questions concerning the Treaty Procedure during the following opening hours (except on weekends and local public holidays):

- until 28 June 2013: Monday to Friday from 08:00 AM to 12:00 AM and from 01:30 PM to 04:30 PM (Swiss time)
- from 1 July 2013 to 31 January 2014: Monday to Friday from 02:30 PM to 04:30 PM (Swiss time)

Information regarding the option to appeal to the court

If the FTA comes to the conclusion that information concerning your Bank Julius Baer account requested on the basis of the 1996 Convention must be transferred to the IRS, the FTA issues a final order. The order contains the instruction on the right to appeal to the Swiss Federal Administrative Court and will be sent to your agent authorized to receive service and/or a/your lawyer in Switzerland.

It is important to note that if you choose to appeal against a final order, you should be aware that Title 18 United States Code Section 3506 applies, where Section (a) states that «any national or resident of the United States who submits, or causes to be submitted, a pleading or other document to a court or other authority in opposition to an official request for evidence of an offense shall serve such pleading or other document on the Attorney General [of the United States] at the time such pleading or other document is submitted.»

2. Information regarding the option to consent to transmission

You may consent to the transfer of information by the FTA to the IRS. In order to do so, you can authorize the FTA beforehand to send your Bank Julius Baer account information to the IRS directly in accordance with Article 16 of the Federal Act of 28 September 2012 on International Administrative Assistance in Tax Matters (Tax Administrative Assistance Act, TAAA).

You can find a standard form for this authorization under:
<http://www.estv.admin.ch/aktuell/00978/index.html?lang=en>

The appropriately completed and duly signed original is to be sent to the FTA at the address specified above. The FTA will transfer the account information in question to the IRS. Such authorization is irrevocable and results in the completion of the Treaty Procedure concerning your Bank Julius Baer account.

JULIUS BAER & CO. LTD
Reference No. (Account No):

Name and address of the Domiciliary Company (Accountholder):

Name and address of the Beneficial Owner:

To:

Swiss Federal Tax Administration
Service for Exchange of Information in Tax Matters (SEI)
Eigerstrasse 65
CH-3003 Bern
Switzerland

Re: Consent to Transmission of Information by the FTA

Dear Sir/Madam,

By publication the FTA informed me that the IRS has submitted a request for the exchange of information based on Art. 26 of the Double Taxation Convention between the Swiss Confederation and the United States of America of 2 October 1996 and the FTA has thereby opened the administrative assistance procedure (the Treaty Procedure). The IRS is seeking information with regard to Bank Julius Baer accounts owned by U.S. persons and held by domiciliary companies within the time period from 1 January 2002 to 31 December 2012.

Based on point 2 of the notice, I hereby formally and irrevocably give my consent to the FTA that all information and documents requested in the Treaty Procedure concerning my aforementioned bank account with Julius Baer, Switzerland, be transmitted to the IRS.

I note that after receiving this declaration of consent to transmit the required information and documents to the IRS, the FTA will conclude the Treaty Procedure with regard to this account.

Yours faithfully,

.....
(Signature of the Beneficial Owner)

Place, Date:

.....
(Signatures of all Authorized Signatories for the Domiciliary Company)

Place, Date: