



UCI PART II, SIF, RAIF: DON'T FORGET YOUR DECLARATION OF ABSENCE OF REAL ESTATE INVESTMENT IN LUXEMBOURG!

The Director of Taxes published on 20 January a circular PRE_IMM n°1 in which she reminds the rules on the real estate levy (“Précompte Immobilier”), even if in practice, the application of this real estate levy must be the exception.

Furthermore, she reminds that the law of 19 December 2020 relating to the 2021 budget provides that any Luxembourg investment fund which is a Part II UCI, a SIF or a RAIF and which is not fiscally transparent in the sense of the Luxembourg income tax, i.e. which has taken the form of a “société anonyme” (SA), a “société en commandite par actions” (SCA) or a “société à responsabilité limitée” (Sarl), will need to inform the tax authorities whether or not it has held any real estate investment in Luxembourg (directly or through a tax transparent vehicle) during 2020 or 2021.

In addition, a covered fund must inform the tax authorities if during 2020 or 2021 it has changed its legal form to become tax transparent (from SA, SCA or Sarl to SCS, SCSp or FCP). If this would be the case, it will have to mention whether at the time of the change of legal form, the fund held a real estate investment in Luxembourg (directly or through a tax transparent vehicle).

This declaration must be filed via MyGuichet before 31 May 2022, otherwise a fixed fine of EUR 10,000 will be imposed.

How can BDO help you ?

We can help you determine which funds are subject to this obligation and file the declarations via MyGuichet on their behalf.



INTERESTED?

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