

**FORM FOR TABLING A QUESTION FOR  
ORAL ANSWER WITH DEBATE (Rule 128)**

**Select only one addressee:**

**COUNCIL**



**COMMISSION**



**VICE-PRESIDENT / HIGH REPRESENTATIVE**



**AUTHOR(S):** Cecilia Wikström, on behalf of the Committee on Petitions

**SUBJECT:** The adverse effects of FATCA on EU citizens and in particular “accidental Americans”  
(please specify)

**TEXT:**

The United States is one of the two countries in the world using a citizen-based taxation system. Since the entry into force of the US Foreign Account Compliance Act (FATCA) and the related IGAs concluded between Member States and the United States, financial institutions in the EU have to disclose detailed information on accounts held by presumed “US persons”, implying data protection issues. The extraterritorial effects of FATCA and its related IGAs have affected a large number of European citizens, in particular the so-called “accidental Americans” as well as dual European/US citizens and their non-US family members. FATCA has resulted in an increasing number of EU citizens being denied access to basic banking services in the EU, which appears to be in breach of the Payment Accounts Directive (Directive 2014/92/EU) and of the Charter of fundamental rights.

1. How does the Commission intend to include the situation of “accidental Americans” in its transposition assessment of the Payment Accounts Directive, and guarantee the right for all EU citizens to have access to a payment account with basic features without discrimination, in accordance with article 15 and 16 of the Directive?
2. Given the significant lack of reciprocity between the US and the EU in the context of FATCA and the non- participation of the US to the Common Reporting Standard of the OECD, what diplomatic and legislative action does the Commission intend to take to protect the rights and interests of concerned EU citizens against the extraterritorial effects of FATCA?
3. Does the Commission consider a joint EU approach is needed to adequately protect the rights of European citizens and ensure reciprocity, in accordance with the highest international standards on tax transparency? In particular, would the Commission reconsider the possibility to negotiate an EU-US agreement on FATCA?
4. Could the Commission do a full impact assessment of FATCA on EU citizens, and explain if a serious discrepancy between EU citizens and residents in different EU Member States exists, especially as regards EU data protection and fundamental rights standards?

**Signature(s):**

**Date:**