

Consistency as the governing principle

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The decisive practical point is consistency. Every piece of information that a client or his advisers give to one authority will sooner or later be compared with what has been given to another. The beneficial owner reported by a Ticino company to the Federal Office of Justice must be the same person whom the Lugano bank recorded in its Form A, who is reported as controlling person under the CRS and who declares the company's assets in his Italian *quadro RW*. A discrepancy will be reported by the bank within thirty days under the TJPG. It will also appear in the cross-checks that the Agenzia delle Entrate runs between CRS data and tax returns.

Consistency also governs the relationship between the corporate and the tax analysis. A Ticino company that its owner describes to the Swiss register as controlled by him personally cannot be presented to the Italian authorities as independent and managed in Switzerland without further evidence. Conversely, an Italian resident who declares a Ticino company as an investment in the *quadro RW* must be prepared to explain where the company is managed. Chapter H.II examines the Italian rules on deemed residence. The roadmap's purpose is to ensure that the factual narrative is the same in every forum.

1 Advice, privilege and documentation

The Swiss adviser must finally organize his own position. Where he acts as lawyer, his advice is protected by professional secrecy and he has no duty to report suspicions. Where he forms or manages non-operative companies for the client, he is subject to the identification and documentation duties of the AMLA. Where he sits on the board or holds signatory powers, he is personally responsible for the TJPG reports and exposed to fines of up to CHF 500,000 for intentional breaches.¹ He should also consider whether the structure he designs is a reportable arrangement

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under DAC6, which the Italian client will have to report if no EU intermediary does so.

For the practitioner. A roadmap for an Italian-nexus client in Lugano, 2026 – 2028: - Map all entities, accounts, trusts and holdings of Kryptowerte und Digital Assets, with legal owner, beneficial owner (TJPG and Art. 20 of Legislative Decree No. 231/2007), CRS controlling persons and tax residences. - Reconcile the share register, the former register under Art. 6971 CO, the bank's Form A and the trust deed before filing the first TJPG report (deadlines between 1 January and 1 April 2027). - Check the Italian *quadro RW* and IVAFE for every year still open, including *cripto-attività*, and align the declared values with the Swiss bank statements. - Prepare the Italian beneficial owner communication for Italian companies, trusts and fiduciary mandates, to be filed as soon as the Italian register reopens. - Test the criminal exposure in both states: Legislative Decree No. 74/2000 as amended in 2024, and Art. 186 DBG with Art. 305bis para. 1bis SCC. - Examine whether the structure is a DAC6 arrangement and who reports it. - Separate protected legal advice from fiduciary, board and transactional services in the engagement letters and files.

2 Notes

1. Grant Thornton (above); Homburger (above). ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

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