



Introduction

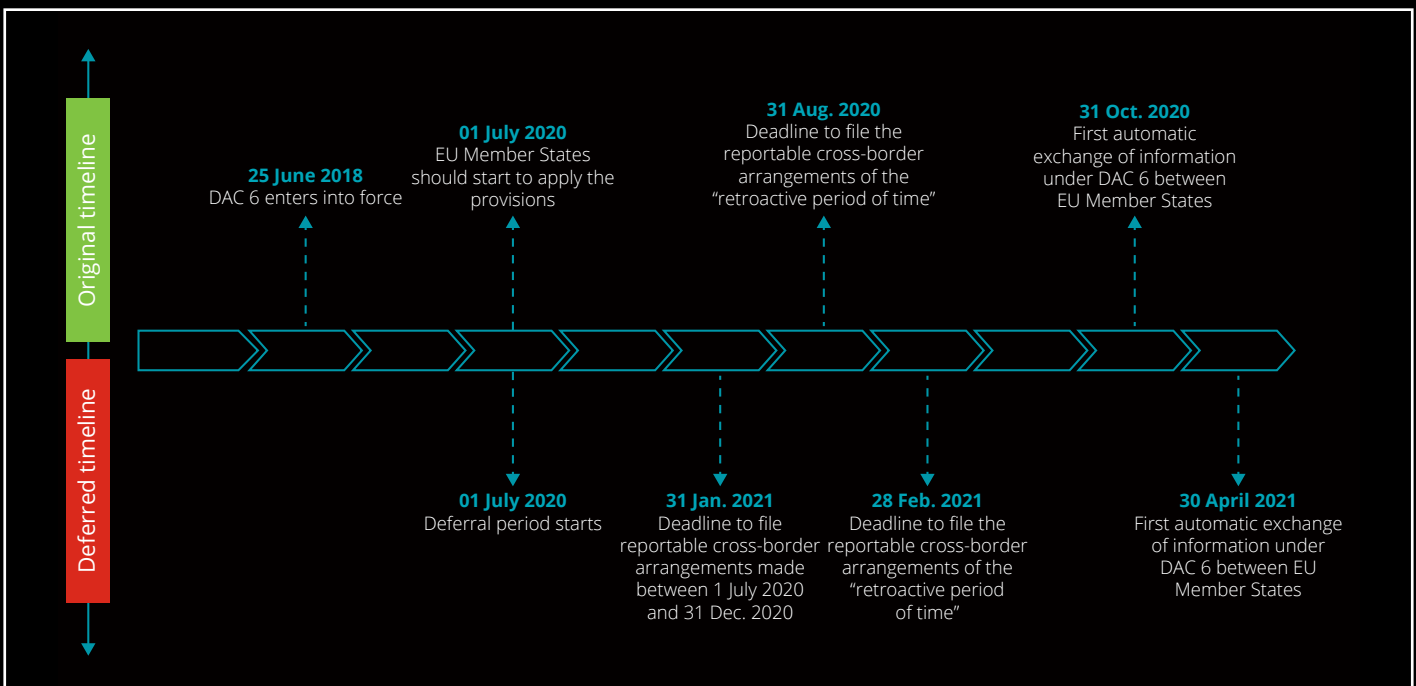
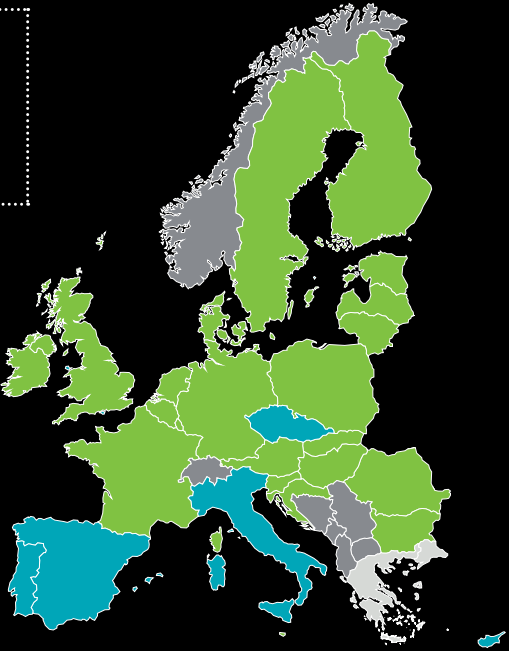
A new wave of reporting rules will be effective in the European Union on 1 July 2020, with retroactive effect to 25 June 2018. These new requirements were introduced by the latest amendments to the EU Directive on Administrative Cooperation in the field of taxation, commonly known as DAC 6.

It will soon be required to disclose all cross-border arrangements/ structures meeting the criteria and hallmarks of DAC 6. Although the implementing deadline of 31 December 2019 has already passed, only 21 countries have implemented these rules into their domestic legislation, while 6 countries are still at the implementation drafting stage. Greece has not yet unveiled its proposal to introduce the DAC 6 package into its legislative landscape.

On 24 January 2020, the [European Commission sent formal notices](#) to Belgium, Cyprus, Czech Republic, Estonia, France, Greece, Italy, Latvia, Luxembourg, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom regarding the implementation of DAC 6. If these countries do not follow up on these formal notices in the next two months, the Commission should issue a reasoned opinion. However, there is no information published that reveals which aspects of the DAC 6 implementation the Commission is not satisfied with specifically.

On 26 June 2020, a directive amending the DAC 6 rules was published in the [Official Journal](#). It provides Member States with an option to defer the time limits for filing and exchanging the following information by up to six months:

- 01. automatic exchanges of information on financial accounts of which the beneficiaries are tax residents in another Member State; and
- 02. reportable cross-border tax planning arrangements. Depending on how the COVID-19 pandemic evolves, the amended directive also allows the Council to extend the deferral period once for a maximum of three months.



Recent developments

Belgium

On 3 June, the Belgian Federal Public Service-Finance [announced](#) the following extensions of the DAC 6 reporting deadlines:

01. deadline extension to 28 February 2021 for arrangements reportable between 25 June 2018 and 30 June 2020; and
02. the 30-day time limit for reporting will begin on 1 January 2021, for arrangements reportable by parties or intermediaries between 1 July 2020 and 31 December 2020.

In addition, they published a [webpage](#) dedicated to the XML tool. A [Royal Decree](#) related to the penalties for non-compliance with the DAC 6 reporting obligations has been published in the Official Gazette. On 26 June, the Federal Public Service-Finance [announced](#) the publication of a FAQ related to DAC 6.

Croatia

On 18 June, the Tax Administration [announced](#) that deadlines for the submission of information on financial accounts (CRS) have been extended until 30 September 2020, and the reporting obligation for cross-border structures (DAC 6) will take effect on 1 January 2021 instead of 1 July 2020.

Czech Republic

The Czech Financial Administration [has announced](#) that, due to delays in transposing the DAC 6 cross-border arrangement reporting requirements and the impact of COVID-19, it expects that the reporting requirements will not apply from 1 July 2020 as originally intended. The announcement also notes the optional six-month extension at the EU level, which has since been approved.

Denmark

The [Executive Order \(BEK\) No. 1049](#) of 29 June 2020 extended by 6 months the reporting deadline for DAC6.

Finland

On 18 June, the Finnish Ministry of Finance [announced](#) that it will not postpone the DAC 6 reporting deadlines. On 22 June, the Finnish Tax Authorities published some English-language [guidelines](#) on the reporting.

France

On 25 June, the French government submitted a [draft law](#) to the parliament amending the DAC 6 legislation. The proposal will clarify the existing rules and endorse a six-month extension of the reporting deadlines.

Hungary

The Hungarian National Assembly is currently reviewing a [draft law](#) that includes a provision amending the DAC 6 legislation. § 91 of this proposal should extend the DAC 6 reporting deadlines by six months.

Ireland

On 4 June, the Irish Revenue [confirmed](#) the delay of reporting requirements for CRS, DAC 6 and FATCA. The DAC 6 filing portal will be open from 1 January 2021.

Latvia

On 29 June, the Latvian Ministry for Finance [announced](#) that they will trigger the optional six-month deferral of reporting on cross-border arrangements (DAC 6) and provide a three-month deferral for financial account reporting (CRS).

Luxembourg

On 4 June, the Luxembourg Ministry of Finance [announced](#) the deadline extension and the postponement of two

directives on administrative cooperation due to the COVID-19 pandemic.

The announcement includes:

01. a six-month postponement for reporting certain cross-border tax arrangements under DAC 6; and
02. a three-month deadline extension for the exchange of financial account information (CRS). On 2 June, the British Chamber of Commerce for Luxembourg published an [English translation of the law](#) implementing the DAC 6 rules in Luxembourg. The Luxembourg Tax Authorities also issued on 26 June a [newsletter](#) related to the extension of the reporting deadlines.

Netherlands

On 26 June 2020, the Dutch Tax Authorities [announced](#) that the reporting obligation for cross-border structures (DAC6) will take effect on 1 January 2021 instead of 1st July 2020 due to the consequences of the COVID-19 pandemic. Further to this decision, the Dutch Tax Administration updated on 1 July their [FAQs](#) related to the implementation of DAC 6. On 30 June, [guidance](#) was published in the Staatscourant—notably using examples to describe the hallmarks and the main benefit test as well as the notion of intermediary.

Poland

On 18 June, the [Polish Senate adopted](#) a bill implementing the rules related to hybrid mismatches with third countries (ATAD II) and completing the transposition of the DAC 6 rules in its domestic legislation. The [law](#) was published on 25 June in the Official Gazette.

Portugal

On 19 June, the Portuguese parliament passed [Decree No. 30/XIV](#) implementing the EU directive on the mandatory automatic exchange of information for cross-border tax arrangements. The law will enter into force the day after its publication.

Sweden

On 5 June, the [law](#) implementing the EU directive on the mandatory automatic exchange of information for reportable cross-border arrangements (DAC 6) has been published in the Swedish Official Gazette. The Swedish tax administration has updated its [guidance](#) regarding the DAC 6 reporting obligations. The guidance addresses the following issues:

01. the purpose of the new legislation;
02. which arrangements need to be reported;
03. who needs to report the information;
04. what information needs to be provided and
05. when and in what form the information needs to be submitted to the Swedish tax administration.

On 30 June, the Swedish Official Gazette published Regulations [SFS 2020:682](#) and [SFS2020:683](#) specifying new reporting deadlines related to cross-border tax arrangements due to the consequences of the COVID-19 pandemic.

United Kingdom

On 16 June, HMRC published [guidance](#) related to the six-month deferral of reporting deadlines for DAC 6.

Local specificities

Estonia

Includes additional hallmarks regarding arrangements affecting the exchange of information on financial accounts included in the [implementing law](#).

France

The [French legislation](#) exempts permanent establishments of French intermediaries located outside France from the reporting requirement when the arrangement is related to their activity.

Germany

Whereas the Directive distinguishes between promoters and service providers giving aid, assistance or advice, currently the [German bill](#) does not specifically reference the service provider. If an intermediary has a German nexus, it will trigger a reporting obligation in Germany, regardless of the relevant taxpayer's residence and where the tax advantage arises.

Italy

Italian financial institutions will be considered as intermediaries for CRS purposes.

Poland

Includes broadened disclosure requirements including domestic arrangements and all taxes. Hallmarks are more broadly defined than DAC 6 standards require. [Guidance published on 31 January 2019](#) provides some clarity on the interpretation of the Polish legislation and also sets

out how the tax authorities anticipate the reporting process to operate.

Portugal

The [proposal](#) includes domestic arrangements and VAT in its scope, as well as additional hallmarks.

Spain

Individuals can also be considered as intermediaries according to the [current proposal](#).

Sweden

The [law](#) includes domestic arrangements in its scope.

Useful links

- [Global Tax alert on tax intermediaries directive](#)
- [Luxembourg Tax Alert on DAC 6 implementation](#)
- [Text of the Council Directive \(EU\) 2018/822 of 25 May 2018 relating to reportable cross-border arrangements \(DAC6\)](#)
- [Understanding DAC 6 - EU tax directive 2018/822 and its effects on cross-border tax arrangements](#)
- [DAC 6 law voted by the Luxembourg parliament](#)
- [Text of the Council Directive \(EU\) 2020/876 of 24 June 2020 addressing the urgent need to defer certain time limits for the filing and exchange of information in the field of taxation because of the COVID-19 pandemic](#)

Previous editions

- [Issue 1](#) (6 December 2019)
- [Issue 2](#) (17 January 2020)
- [Issue 3](#) (10 March 2020)
- [Issue 4](#) (20 May 2020)

Contacts



Eric Centi
Partner
Financial Services Tax



Julien Lamotte
Partner
Financial Services Tax



Pierre-Jean Estagerie
Partner
Global Employer Services

Deloitte.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte is a leading global provider of audit and assurance, consulting, financial advisory, risk advisory, tax and related services. Our global network of member firms and related entities in more than 150 countries and territories (collectively, the “Deloitte organization”) serves four out of five Fortune Global 500® companies.

Learn how Deloitte’s approximately 312,000 people make an impact that matters at www.deloitte.com.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms or their related entities (collectively, the “Deloitte organization”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.