

The Netherlands agrees on six months deferral of DAC6 reporting deadlines

The State Secretary of Finance of the Netherlands announced that, due to the Covid-19 outbreak, the reporting obligation on cross-border tax planning arrangements will be postponed from 1 July 2020 until 1 January 2021. The retroactive effect will not be affected such that the batch of historical arrangements to be exchanged under the Mandatory Disclosure rules of DAC6 remain to cover arrangements where first steps were implemented on or after 25 June 2018.

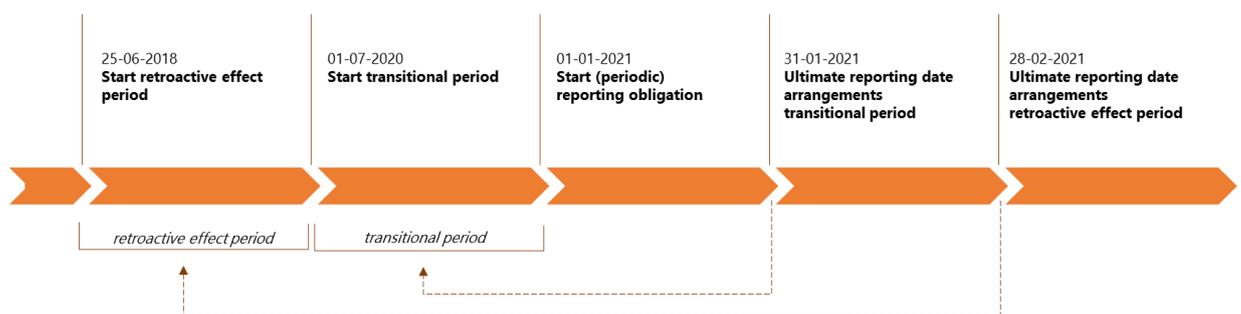
This announcement of the Dutch government follows the plenary session of 19 June 2020 in which the European Parliament voted in favour of the EU Commission's proposal for an optional six month deferral. The deferral of the reporting deadlines does also not affect the scope of the information to be reported under DAC6 but merely provides for a deferral of the reporting deadlines.

Renewed DAC6 timeline:

- The 30-day reporting period for intermediaries and relevant taxpayers starts on 1 January 2021.
- **31 January 2021:** first reporting batch. This batch includes arrangements that meet the reporting triggers between 1 July 2020 and 31 December 2020.
- **28 February 2021:** historical reporting batch. This batch includes the arrangements where first steps have been implemented between 25 June 2018 and 30 June 2020.
- **30 April 2021:** first marketable arrangements batch. This batch is the first periodic report in the event of marketable arrangements.
- The first automatic exchange of information between Member States shall take place on 30 April 2021 at its latest.

Following the above, the DAC6 portal of the Dutch tax authorities will only be available as from 1 January 2021.

Mandatory Disclosure (DAC6) timeline



As of today only Finland announced not to opt for the possibility to postpone the reporting deadlines. Reportable cross-border arrangements involving Finland (or any other Member States that do not opt for deferral) should therefore be closely monitored.

Today (30 June 2020) the Dutch tax authorities published their guidance on the interpretation of the hallmarks (in Dutch: "*Leidraad*"). We refer to <https://www.officielebekendmakingen.nl/stcrt-2020-34991.html> We will comment on the guidance in a separate newflash.