

DAC6 • LUXEMBOURG

Introduction to DAC6

▲ 9 chapters

▲ Scope, tax advantage, reporting parties and DAC6 hallmarks

9 CHAPTERS

▲ Training programme

1 DAC6 General Framework

1.1 Origin and background

- Tax transparency
- Fight against tax avoidance
- EU administrative cooperation

1.3 Luxembourg implementation

- Law of 25 March 2020

1.2 DAC6 objectives

- Identification of aggressive arrangements
- Mandatory information exchange
- Protection of tax revenues

2 Scope of Application

2.1 Cross-border arrangements

- Cross-border element
- Information exchange impact
- Beneficial ownership

2.2 Taxes covered

- Included taxes
- Excluded taxes

3 Persons and Entities Concerned

3.1 Covered categories

- Individuals
- Legal arrangements
- Legal entities

4 DAC6 Tax Approach

4.1 Main benefit test

- Objective assessment
- Overall analysis

4.2 Assessment of tax advantage

- Absence of non-tax purpose
- Insufficient economic rationale

4.3 Definition of tax advantage

- Reference situation
- Types of advantages

5 Compliance Challenges

5.1 Challenges for taxpayers

- Reporting obligations
- Compliance programme

5.2 Challenges for intermediaries

- Governance
- Internal procedures
- Training

6 Reporting Parties

6.1 Taxpayer

- Direct reporting

6.2 Intermediaries

- Promoter intermediary
- Service provider intermediary

6.3 Luxembourg nexus

- Territorial criteria

6.4 Professional secrecy

- Notification
- Deadlines

7 Reporting Obligations

7.1 Reporting modalities

- Competent authority
- Priority rules

7.2 Deadlines

- Promoter intermediary
- Service provider intermediary

7.3 Reporting content

- Required information
- Technical submission

7.4 Sanctions

- Reporting failures

8 DAC6 Hallmarks

8.1 General overview

8.3 Category B

- Specific hallmarks

8.2 Category A

- General hallmarks

8.4 Category C

- Hallmarks subject to MBT
- Hallmarks not subject to MBT

8.5 Category D

- Automatic exchange
- Beneficial ownership

8.6 Category E

- Transfer pricing

9 Conclusion

9.1 DAC6 key takeaways

- Risk control
- Accountability

KEY TAKEAWAY

Risk control and accountability.