



The EU Council adopted an amending Directive to defer certain time limits for filing and exchanging information under DAC 2 and DAC 6

On 24 June 2020, the EU Council concluded the procedure for the adoption of a Directive amending Directive 2011/16/EU (DAC) to address the urgent need to defer certain time limits for the filing and exchange of information in the field of taxation due to the COVID-19 pandemic. Given the exceptional circumstances, the EU Council followed the written procedure and waived the ordinary eight-week consultation period of national Parliaments to speed up the procedure.

The newly adopted Directive provides for an optional deferral – to be exercised by each Member State – of the time limits for filing and exchanging information under Directive 2014/107/EU (DAC 2) and Directive 2018/822 (DAC 6). In particular, Member States may opt for the following deadline extensions:

- the exchange of financial account information under DAC 2 relating to 2019, or another appropriate reporting period, may be extended to take place within 12 months (instead of 9 months) following the end of 2019 or the other appropriate reporting period;
- cross-border arrangements the first step of which was implemented from 25 June 2018 to 30 June 2020 may be reported under DAC 6 by 28 February 2021 (instead of 31 August 2020);
- the first exchange of information on reportable cross-border arrangements under DAC 6 may be extended to 30 April 2021 (instead of 31 October 2020);
- the 30-day period for reporting cross-border arrangements which became reportable, under DAC 6, after 30 June 2020 may start on 1 January 2021 (instead of 1 July 2020); and
- in the case of marketable arrangements (i.e. not customised cross-border arrangements), the first periodic reporting under DAC6 may be submitted by 30 April 2021.

The EU Council may extend the optional deferral – acting unanimously on a proposal from the EU Commission – by an additional 3-month period depending on the evolution of the COVID-19 pandemic.

The Directive will enter into force on the day following that of its publication in the Official Journal of the EU.

As far as Italy is concerned, the implementing procedure of DAC 6 is still ongoing, although a draft implementing decree was approved by the Italian government on 29 January 2020. It is expected that, prior to its entry into force, such a decree will be adapted to reflect the amendments approved at the EU level.

For further information: **Maisto e Associati**

Milan

Piazza F. Meda 5
20121
T: +39.02.776931

Rome

Piazza d'Aracoeli 1
00186
T: +39.06.45441410

London

2, Throgmorton Avenue
EC2N 2DG
T: +44.207.3740299

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