

MANDATORY DISCLOSURE OBLIGATIONS

VERSION AUGUST 2021

1. The Netherlands has implemented Directive 2018/822/EU of 25 May 2018 amending Directive 2011/16/EU on the automatic exchange of information in the field of taxation as regards cross-border arrangements subject to notification (DAC6).
2. The aim of the Dutch DAC6 implementation legislation¹ is to provide the Dutch tax authorities with timely information on reportable cross-border arrangements (RCBAs), i.e. cross-border arrangements involving at least one EU Member State and meeting at least one of the essential requirements set out in DAC6. The full text of the essential characteristics is included in DAC6.
3. We may have an obligation in the Netherlands to provide information on RCBAs under DAC6. If we are obliged to provide information on an RCBA to the Dutch tax authorities, we will inform you of this notification in good time.
4. If our office implements only part of an RCBA where another intermediary (your accountant) is supervising the implementation as a whole, or - if there is no other intermediary who will report the RCBA - because you are implementing the RCBA yourself, then you must report the RCBA yourself. In the latter case, please provide us with a copy of the report of the RCBA, so that we can show the Tax Authorities that the reporting obligation has been fulfilled.
5. The disclosure of information concerning the RCBA must be made within 30 days from:
 - a) the day after the RCBA is made available to you, or
 - b) the day after the RCBA is ready for implementation, or
 - c) the date on which the first step in the implementation was taken, whichever occurs first.
6. No notification is required for RCBAs whose first step in implementation took place before 25 June 2018.

¹ Act of 18 December 2019, Bulletin of Acts and Decrees 2019, 509.

7. As mentioned above, a DAC6 reporting obligation (if present) may fall on you, in which case you may have to report this RCBA to the Dutch tax authorities. This is generally the case where an RCBA is made without the involvement of an intermediary² who is required to report this RCBA, provided that the Netherlands is the EU Member State first mentioned in the list below:
 - a) the EU Member State where you are resident for tax purposes;
 - b) the EU Member State where you have a permanent establishment that is the beneficiary of the arrangement;
 - c) the EU Member State where you receive income or generate profits, albeit you are neither a tax resident nor have a permanent establishment in an EU Member State;
 - d) the EU Member State where you undertake activities, albeit you are neither a tax resident nor have a permanent establishment in an EU Member State.

8. We will notify you if the reporting obligation falls on you. We aim to provide you with background information and explanations on our reporting. Any information received from you or from a person acting on your behalf shall be deemed already in your possession, such that we will not be obliged to return it, forward it or remind you of it for compliance with your and our DAC6 obligations. Your own reporting obligation (if present) to the Dutch tax authorities has to be fulfilled within 30 days starting from the day after the date concerned (the starting date of this term is the same as the date referred to above) or - if applicable - within 30 days of the day of receiving our notification.

9. For the sake of completeness, we would like to inform you that the following data must be reported to the Dutch tax authorities in connection with an RCBA:
 - a) the identification details of intermediaries and relevant taxpayers, including their names, date and place of birth (in the case of an individual), tax residence, tax identification number and, where applicable, of the persons who form an affiliated business with the relevant taxpayer(s);
 - b) details of the essential characteristics referred to in the Annex which on the basis of which require the reporting of the cross-border arrangement;
 - c) a summary of the contents of the RCBA, including the name by which it is commonly known, if any, and a description, in general terms, of the relevant business activities or arrangements, which must not lead to the disclosure of any trade, business, industrial, commercial or professional secret or manufacturing or business operations, or information of which the disclosure of which would be contrary to public policy;

² Under the Dutch implementation of DAC6, you may in certain circumstances be considered an "intermediary" instead of a "relevant taxpayer".

- d) the date on which the first step of the implementation of the RCBA occurred or will occur;
- e) details of the national provisions on which the RCBA is based;
- f) the value of the RCBA;
- g) the Member State of the relevant taxpayer(s) and any other Member States likely to be affected by the RCBA;
- h) the identification details of other persons in a Member State likely to be affected by the RCBA, indicating with which Member States those persons are connected.

We hereby inform you that our details referred to under point a) above are as follows:

- our full name: TEKZ Belastingadviseurs B.V.
- our residence for tax purposes: Rogier van der Weydestraat 8N, 1817 MJ Alkmaar, The Netherlands.
- our tax identification number (RSIN): available on request.

10. You consent (and insofar as needed, you waive our obligation to keep information confidential) to the sharing of data and other information that we deem necessary to enable us to comply with our obligations under DAC6 with the Dutch tax authorities and other persons whom we reasonably believe to be other intermediaries as defined in DAC6. You shall ensure that you inform us in a timely manner of all intermediaries (and their relevant details) involved in the case we are working on for you.
11. Furthermore, you agree to inform us in advance if and when a potential DAC6 report could involve the disclosure of a commercial, industrial or professional secret or commercial operations, or information of which the publication of which would be contrary to public policy.
12. Under Dutch law, failure to comply with an obligation under DAC6 can lead to a fine of up to EUR 870,000 (in 2021) (other EU Member States impose different maximum amounts) or to criminal prosecution.
13. Due to the lack of clear definitions, the essential characteristics and other rules of DAC6 are dependent on the facts and are open to different interpretations. It is therefore possible that you may disagree with us on matters such as whether an RCBA exists, its scope and whether one or more of its essential characteristics applies to your particular case. We may decide to provide information on an RCBA or send a notification to other intermediaries and to you, based on our own views and understanding of the existence and scope of an RCBA. We will endeavour to make this assessment together with you and, if you wish, with your other intermediary(s). Nevertheless, neither of us is obliged to accept the other's DAC6 assessment if no consensus can be reached. Despite any lack of consensus, we will both agree to keep each other fully and promptly informed of any event that could reasonably be considered to have a material effect on the DAC6 impact of the services provided under this agreement.