

Tax Authorities Amend DAC6 Guidelines Concerning Financial Accounts, Further Clarify Whitelisted Example for Hallmark D.1.b

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Report from our correspondent Pierre Burg

The tax authorities have updated their guidelines on reportable arrangements under DAC6 rules and clarified an example of a whitelisted arrangement regarding hallmark D.1.b.

Hallmark D.1.b concerns arrangements undermining reporting obligations under agreements for the automatic exchange of information of financial account information, such as the Common Reporting Standard (CRS). They achieve this by transferring financial accounts or assets to jurisdictions that are not bound by such agreements with the residence state of the taxpayer in question.

The example provided in the guidelines is that of an individual resident in Germany with a bank account in France. The individual regularly transfers funds to a bank account in Algeria, i.e. a jurisdiction not applying the CRS.

The previous guidelines stated that such arrangements were not reportable because funds were not considered assets for CRS purposes. However, the updated guidelines remove this standpoint and now emphasize that the arrangement is whitelisted only if the financial institution is unaware of any transfers involving financial accounts, assets or payments made within a reportable arrangement.

The updated guidelines also indicate that the account holder and the financial institution must report the account under DAC2, CRS and AML obligations.

The updated guidelines are available [here](#) (in French only) under reference BOI-CF-CPF-30-40-30-20, paragraph no. 240.