DAC6: Guidance for CIOT and ATT members and students on the regulations

Management of taxes

07 January 2021

At the time of writing (early December), it is our intention to publish guidance on our websites by the beginning of January 2021 to help CIOT and ATT members and students understand when they might themselves be classified as an 'intermediary' within the meaning of the regulations implementing DAC6, by virtue of being 'registered with a professional association related to legal, taxation or consultancy services in a Member State' and when, as a possible consequence of that, they might be required to make a disclosure to HMRC.

The International Tax Enforcement (Disclosable Arrangements) Regulations 2020 (see tinyurl.com/y5eam23w) bring into UK law the provisions of EU Directive 2018/822 amending Directive 2011/16/EU (otherwise known as DAC 6 (see see tinyurl.com/y8b6scce)). DAC6 provides for the mandatory disclosure of 'reportable cross-border arrangements' by intermediaries to national tax authorities and the mandatory automatic exchange of this information amongst EU member states. At the time of writing, it is our understanding that the regulations will remain in force after the end of the UK's transitional period in the Brexit process on 31 December 2020. The first disclosures under the regulations fall to be made within 30 days of 1 January 2021.

The guidance will explain that the CIOT and ATT are 'professional associations related to legal, taxation or consultancy services in a Member State' and focuses on areas where a member or student may be an intermediary under the regulations and have an obligation themselves to make a report to HMRC. It should be noted that CIOT members and students include International Tax Affiliates of the CIOT holding the Advanced Diploma in International Tax (ADIT) qualification, and

ADIT students.

As soon as it is available, we will be highlighting links to the guidance in other member communications, so please do look out for these. If you have any questions about the guidance, please contact either technical@ciot.org.uk or atttechnical@att.org.uk.