



Universiteit
Leiden
The Netherlands

BEPS Action 12: mandatory disclosure in the EU

Mosquera Valderrama, I.J.

Citation

Mosquera Valderrama, I. J. (2018). BEPS Action 12: mandatory disclosure in the EU. *Globtaxgov*. Retrieved from <https://hdl.handle.net/1887/3275562>

Version: Publisher's Version

License: [Leiden University Non-exclusive license](#)

Downloaded from: <https://hdl.handle.net/1887/3275562>



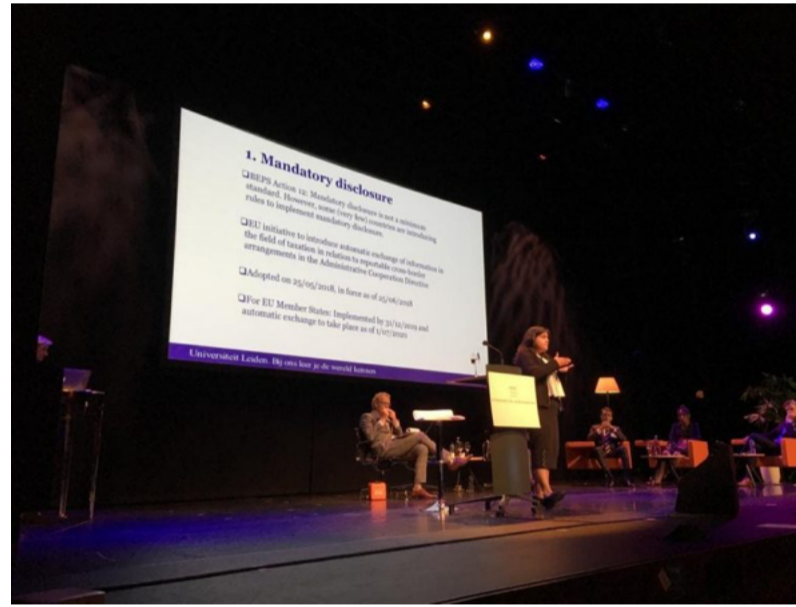
22/06/2018

BEPS Action 12: Mandatory Disclosure in the EU

By [Irma Masquera Valderrama](#)

Yesterday, at the [Dutch Association of Tax Advisers \(NOB\) Annual Congress](#), one of the topics that I addressed was the introduction of BEPS Action 12 dealing with mandatory disclosure in the EU. This has been made possible by means of the amendment to the Administration Cooperation Directive that introduced automatic exchange of information in relation to reportable cross-border arrangements ([Council Directive \(EU\) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements](#)).

EU countries including the Netherlands need to have the legislation to implement the Directive by 31/12/2019 and the automatic exchange will take place by 1/07/2020. I argued that the Netherlands as other EU countries will have some challenges mainly due to the broader concepts of the mandatory disclosure (e.g. what to report, when to report, and also how to deal with professional privilege). Since the Directive will enter into force, I also proposed the creation of an European Supervisory Board for Taxation. The EU Commission is not a competent authority, therefore, the EU Commission has limited access to the information exchange. The European Supervisory Board should be created with representatives of tax administrations, and to gather every 3 months (similar to the JITSIC- Joint International Taskforce on Shared Information & Collaboration Network). See presentation [Mandatory disclosure 21.june.2018](#).



The presentation was followed by a discussion with the audience (almost 750 tax advisers) and with the members of the panel. In my view, one of the conclusions is that right now is the moment to gather tax officials, judges, tax advisors, taxpayers so that the implementation of the Directive is the result of a dialogue between all affected parties. One of the comments made yesterday by a tax judge in the audience is the judges should also be involved, since they will have a role on the interpretation of the legislation.

The NOB could take a leading role in promoting these discussions. This could be also a small step towards enhancing dialogue and global tax governance.

BEPS cooperation disclosure EU exchange of information OECD tax administration transparency

[« Previous Post](#)

The Legitimacy of the EU Standard of Good Governance in Tax Matters

[Next Post »](#)

The Importance of Normative Theory in the Debate about Changing the Current International Tax Regime



Upcoming Events

- SEP 16** Wed all-day VII Brazilian Congress on Intern... @ Online conference
- SEP 17** Thu all-day Nexus and Jurisdiction in Intern... @ Online conference
- OCT 28** Wed 16:00 IX Encuentro de Administraciones... @ CIAT Zoom
- NOV 25** Wed 16:00 IX Encuentro de Administraciones... @ CIAT Zoom
- MAR 24** Wed all-day Towards a Policy Framework of Gl... @ Leiden University FGGA Wijnhaven building

Add

View Calendar

Archives

- September 2020
- August 2020
- July 2020
- June 2020
- May 2020
- April 2020
- March 2020
- February 2020
- January 2020
- December 2019
- November 2019
- October 2019
- September 2019
- July 2019
- June 2019
- May 2019
- April 2019
- March 2019
- February 2019
- January 2019
- December 2018
- November 2018
- October 2018
- September 2018
- August 2018
- July 2018
- June 2018
- May 2018
- April 2018
- March 2018
- February 2018

Topics

- agenda-setting ATAD
- Belt and Road Initiative BEPS
- BEPS minimum standards BEPS Project
- big data Canada China covid-19
- developing countries digital economy
- digital tax disclosure
- dispute resolution equality EU
- exchange of information fairness G20
- GAARs global governance governance
- IP regimes legitimacy
- minimum standards MLI MNEs
- multidisciplinary multilateralism OECD
- political philosophy PPT T20 tax
- tax administration tax avoidance
- Tax Certainty tax competition
- tax compliance tax cooperation
- tax policy tax treaties transparency
- UN