TAXMODEL MDR/DAC6

tax-model.com/mdr

Legend: CBA = Cross Border Arrangement | PE = Permanent Establishment | FA = Financial Account | FI = Financial Institution | CTRY = Country | MS = Member State | AH = Account Holder | CP = Controlling Persons | LEs = Legal Entities | UBOs = Ultimate Beneficial Owners | EBIT = Earnings before Interest and Taxes



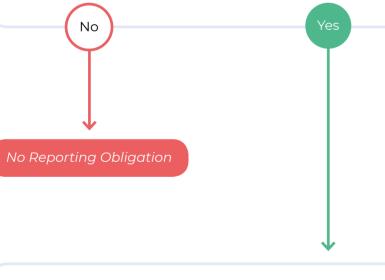
A. Designs, markets, organises B. Provides aid, or makes available for assistance or advice with respect to the implementation activities as per A. or manages the implementation of a CBA

2. Role intermediary ("IM") (Any Person That:)

3. Cross-Border Agreement ("CBA")? Cross-border: > 1 MS or MS <-> 3rd country Meets ≥ 1 condition:

- 1. Participants tax resident in ≥ 1 CTRYs
- 2. ≥ 1 participants dual resident
- 3. ≥ 1 participants has PE + CBA is part of PE activities
- 4. ≥ 1 participants has PE in CTRY active in another
- CTRY + CBA is part of PE activities
- 5. CBA impacts at least 2 CTRYs

0



4. Is the main benefit test fulfilled?

Obtaining of a tax advantage or avoiding reporting obligation.



Category A: Generic Hallmarks linked to main benefit test

A3: CBA substantially standarised available

to ≥ 1 taxpayer

A1: CBA with condition of confidentiality Yes / No

A2: CBA where IM is entitled to fee linked to amount or achievement of tax advantage

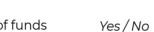


Category B: Specific Hallmarks linked to main benefit test

B1: CBA around acquisition and planning loss-Yes / No making company

B2: CBA converting income into capital or revenues taxed at a lower level or exempt

B3: CBA resulting in the round-tripping of funds



Yes / No

Category C: Specific Hallmarks linked to main benefit test

C1. CBA with deductible cross-border payments between ≥ 2 associated enterprises: meets ≥ 1 conditions: participant in jurisdiction with: 1. zero or ≈ zero tax, 2. preferential tax regime or 3. where payment benefits from a preferential tax regime



Category C: Specific Hallmarks related to cross-border transactions

C1. CBA with payments between ≥ 2 affiliates: recipient = (a) stateless or (b) resident tax haven

C2: CBA with deductions for same depreciation on asset claimed in ≥1 CTRY

C3: CBA with relief from double taxation for same item of income / capital claimed in \geq 1 CTRY.

C4: CBA with non arm's length transfers of assets Yes / No

Category D: Specific Hallmarks concerning automatic exchange of information agreements in the union

D1: CBA undermining the reporting obligation:

a. CBA with use of account, product or Yes / No investment similar to those of a FA but is not an FA

Yes / No

Yes / No

Yes / No

Yes / No

b. CBA with transfer FA to CTRYs not bound Yes / No by the automatic FA info exchange

c. CBA with re-classification to products / Yes / No payments not subject to automatic FA info exchange

d. CBA with transfer FI or a FA or assets into a Yes / No FI or FA or assets not subject to reporting

e. CBA with LEs / arrangements / structures that Yes / No (purport to) eliminate reporting ≥ 1 AH or CP

f. CBA undermining, exploiting weaknesses in FI's DD procedures for FA reporting obligations, including the use of jurisdictions with inadequate or weak regimes

D2: CBA with non-transparent legal or beneficial ownership chain with the use of persons, legal arrangements or structures: (a) no substance; and (b) incorporated, managed, resident, controlled or established in any CTRY other than CTRY of residence of one or more of the UBOs of the assets held by such persons, legal arrangements or structures; and c. where the UBOs of such persons, legal arrangements or structures, as defined in Directive (EU) 2015/849, are made unidentifiable.



Category E: Specific Hallmarks concerning Transfer Pricing

E1: CBA which involves the use of unilateral safe harbor rules

E2: CBA involving the transfer of hard-to-value Yes / No intangibles

E3: CBA with transfer of functions / risks and/or Yes / No assets, if EBIT within 3 years post transfer < 50% projected EBIT

5. One or more hallmarks applicable? No No Reporting Obligation

6. Summary Transaction

A summary of the CBA, including a reference name and description



7. Details National Provision

Details of the national provisions forming the basis of the reportable CBA



9. Identification Member State of Relevant Tax Payer Identification MS taxpayer(s) and any other MS concerned by the CBA

10. Identification of any other person in MS

Identification person in MS affected by CBA, indicating MS residency of such person



11. Date of Delivery Advice

A. Day CBA made available for implementation; Day CBA is ready for implementation; Day 1st step of implementation is made

B. Day aid, assistance or advice has been provided

12. Deadline notification

point 11) <u>+ 30 days.</u>