

DAC6 and Cyprus holding companies

Impact of DAC6 on arrangements involving holding companies and on the reporting duties of Cyprus intermediaries

> When can arrangements involving Cyprus holding companies be caught by DAC6?

> What is the level of substance required to avoid DAC6?

> What are the reporting duties of Cyprus intermediaries?

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Holding companies: what are the most relevant hallmarks?

- Use of standardised schemes (A3)
- Conversion of taxed income into exempt income (B2)
- Use of arrangements in order to avoid the automatic exchange of information (D1)
- Use of arrangements in order to hide the identity of the UBO (D2)

Which taxes are covered by DAC6?

- Personal income tax (capital gains tax, income tax on dividends, taxation of professional income)?
- Inheritance taxes?
- Corporate income tax?
- Withholding tax on dividend distributions?

Cyprus holding companies operating as wealth / estate planning vehicles

- Is the use of a private wealth holding (company holding securities and real estate) by a HNWI family caught by DAC 6?
- Can the transfer of shares to a holding company fall into DAC6?
- Is the use of a Cyprus holding by a HNWI family resident outside the EU (Russia, Dubai,...) caught by DAC 6?
- What if the Cyprus holding company has been set up before 25 June 2018?
- What if the Cyprus holding company holds real estate companies?
- What if the Cyprus holding company is part of a chain of (inter alia) offshore companies (BVI, Panama, Jersey, Cayman Islands...)?
- What if the Cyprus holding company has a bank account in a jurisdiction which does not participate in the automatic exchange of information?
- What if the Cyprus holding company transfers its financial assets to a bank account in a jurisdiction which does not participate in the automatic exchange of information?
- What if the bank account is held in a bank established in a jurisdiction with an inadequate AML regime?

Holding companies and substance

- Does the level of substance of the (Cyprus) holding company have an impact on the reporting duty under DAC 6?

- Does the holding company need to have a sufficient degree of economical or organizational substance to avoid DAC6? If this is the case, what is the level of substance required?

Holding companies and Cyprus intermediaries

- How do EU intermediaries (lawyers, accountants, financial institutions, tax advisors, estate planners, trust companies, asset managers, insurance companies,...) approach (Cyprus) holding companies, when assessing their reporting duty under DAC6?
- Case study: what are the reporting duties of Cyprus intermediaries in the following situations:
 - Registration of a Cyprus holding company (drafting of Memorandum and Articles of Association)
 - Assistance of the UBO with the documentation relating to the transfer of shares to the Cyprus holding company
 - Transfer of seat of a Cyprus holding company to another EU member state (eg, Belgium)
- What if a Cyprus intermediary (e.g., lawyer, tax advisor, trust company) provides above-mentioned services to the benefit of the holding company (and his UBO), without knowing that these are part of a reportable cross border arrangement? Do they still have reporting obligations under DAC 6?
- What if a Cyprus lawyer is subject to legal privilege? Does he need to report the arrangement? Or does he need to notify the other intermediaries? What are his obligations if there are no other intermediaries? What are his obligations if the Cyprus lawyer is part of a partnership?
- What if a Cyprus lawyer is subject through a service company by providing shareholding, directorship or secretarial related services? Is he protected by his legal privilege?

Cyprus holding company used by a multinational group of companies: points of attention

- What are the relevant hallmarks?
- What are the obligations of the various companies of the group under DAC 6? To what should the Cyprus intermediaries pay attention?
- Case studies

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PRACTICAL INFORMATION

Venue
Four Seasons Hotel, Limassol

Visio conference on Zoom

The Zoom link and the documentation will be sent to the participants on 7 March in the afternoon. Academy & Finance provides technical assistance before and during the conference: please contact Matheus Amorim at: mamorim@academyfinance.ch

How to register

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by fax: +41 (0) 22 849 01 10
by e-mail: info@academyfinance.ch
by post: Academy & Finance SA
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Fees

390 euros
Additional registrations from the same company: - 50%

Registration and payment

Payment is made by bank transfer or by credit card. Credit card payments will be debited immediately upon receipt of card details. In any case, we will send you an invoice by email.

Substitution & cancellation policy

Substitutions from the same company are accepted at any time. Cancellation requests must be received in writing, by fax or by post up to the following dates end of business :

- 1st March refund of 100%
- after 1st March no refund will be made for cancellation.

REGISTRATION FORM

I register for the conference on «DAC6 and Cyprus holding companies» on tuesday 8 March 2022.

I wish to attend online on ZOOM I wish to attend in the conference room

FIRST PARTICIPANT

Full name.....
Position.....
E-mail.....

SECOND PARTICIPANT (-50%)

Full name.....
Position.....
E-mail.....

Company.....
Address.....
Postcode..... City.....
Tel Fax.....

Person to which the invoice must be sent for payment:

Name..... Email.....
Bank transfer Mastercard VISA AMEX
Credit card No : _____ / _____ / _____ / _____ Expiry date : ____ / ____
Cardholder.....
Address of AMEX cardholder
Date Signature.....

The organisers reserve the right to amend the programme if, despite their best efforts, circumstances oblige them to do so.