# Reporting obligation of taxable person concerned

## When does the taxable person concerned have the reporting obligation

The information provider is the taxable person concerned, where the person who has provided the service related to development, marketing, making available for organization of its implementation or management of a reportable arrangement, has no obligation to provide information on such arrangement in any of the Member States or if there is no such person.

The reporting obligation will arise for the taxable person concerned in the following cases:

- the cross-border arrangement has been developed by the taxable persons themselves;
- the reportable arrangement has been developed by a person who has no connection to a Member State of the European Union;
- the information provider refrains from providing information on the arrangement due to obligation to keep professional secrecy.

## Where must the taxable person concerned provide information

If the taxable person is liable for reporting obligation in more than one Member State, one of which is Estonia, and the connection with Estonia is first on the list below, the information provider must submit the information to the Estonian Tax and Customs Board. The connection between the taxable person and the Member State may be the following:

- the taxable person is a resident thereof;
- the taxable person has a permanent establishment there, which benefits from a reportable arrangement;
- the taxable person receives income or earns profits there, but is not resident there and has no permanent establishment there;
- the taxable person is active there but is not resident there and has no permanent establishment there.

The taxable person concerned is not obliged to provide information if he or one of the related persons has already submitted the same information in another Member State and they have evidence to submit to the tax authority that the obligations have been performed in another Member State.

## Who must provide information if several taxable persons concerned are under an obligation

A number of taxable persons concerned may be involved in a single arrangement. In order to avoid double reporting, the primary reporting obligation shall be on the taxpayer who has agreed on the development of the arrangement with a service provider, and in the case of an in-house arrangement, the person under whose management and control the arrangement is planned to be implemented.

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