

**MEMORANDUM OF UNDERSTANDING BETWEEN THE DIRECTORATE  
GENERAL FOR THE TAX AND CUSTOMS ADMINISTRATION OF THE  
NETHERLANDS AND THE DEPARTMENT OF FINANCE OF THE REPUBLIC OF  
ITALY ON MUTUAL ADMINISTRATIVE ASSISTANCE IN THE FIELD OF  
TAXATION**

The Directorate General for the Tax and Customs Administration of the Netherlands and the Department of Finance of the Italian Republic (hereinafter referred to as “the Participants”),

Having regard to,

The provisions of Council Directive number 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation (hereinafter referred to as the “Directive”), and

Article 27 of the Convention between the Italian Republic and the Kingdom of the Netherlands for the avoidance of double taxation with respect to taxes on income and on capital and the prevention of fiscal evasion of 8 May 1990 (hereinafter referred to as the “Convention”), and

The provisions with regard to the exchange of information of the Convention on mutual administrative assistance in tax matters, closed in Strasbourg on 25 January 1988, as amended by the Protocol done in Paris on 27 May 2010, and

The definitions of exchange of information provided by the Commentary to paragraph 1 of Article 26 of the Organization for Economic Co-operation and Development (hereinafter referred to as "OECD") Model Tax Convention,

The forthcoming changes in EU Legislation on automatic exchange of information,

The general principle of reciprocity is considered an important aspect of the mutual co-operation and requires that an atmosphere of freely exchanged information subject to the provisions of this Memorandum should be continually maintained, in order to ensure that said exchange occurs appropriately and in a balanced manner, and

Both Participants desiring to strengthen the bilateral co-operation in tax matters,

Come to the following Memorandum of Understanding (hereinafter referred to as the "Memorandum"):

### **Article 1**

#### **Competent Authorities**

For the application of this Memorandum the Competent Authorities are:

In the Netherlands:

**The Director General for the  
Netherlands Tax and Customs Administration  
P.O. Box 20201  
2500 EE The Hague  
The Netherlands**

In Italy:

**The Director-General of the Department of Finance  
Ministry of Economy and Finance  
Via dei Normanni, 5  
00184 Rome (Italy)  
[df.dirgen.segreteria@finanze.it](mailto:df.dirgen.segreteria@finanze.it)**

Requests for information, and information provided upon request, spontaneously or automatically will be addressed to:

In the Netherlands:

**Belastingdienst, Central Liaison Office, P.O. Box 378, 7600 AJ Almelo, The Netherlands**

In Italy:

For information exchanged upon request, spontaneously and automatically:  <b>Revenue Agency Directorate for Tax Assessment International Division Exchange of Information Office Via Cristoforo Colombo 426 C/D 00145 Rome (Italy) <a href="mailto:dc.acc.coopint@agenziaentrate.it">dc.acc.coopint@agenziaentrate.it</a></b>	For information exchanged upon request and spontaneously:  <b>Guardia di Finanza Headquarters II Department - Analysis and International Relations Viale XXI Aprile, 51 00162 Rome (Italy) <a href="mailto:IIreparto.teletrattamento@gdf.it">IIreparto.teletrattamento@gdf.it</a></b>
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## **Article 2**

### **Exchange upon Request**

Information will be supplied upon request pursuant to Article 27 of the Convention and to the Directive. The Competent Authorities will provide information upon request as soon as possible.

The information exchanged may include information held by banks, other financial institutions, nominees or persons acting in an agency or a fiduciary capacity or relating to ownership interests in a person.

### **Article 3**

#### **Automatic Exchange of Information**

1. On the basis of Article 8 of the Directive and Article 27 of the Convention, the Participants will automatically provide each other with the information available concerning individuals and legal entities, in respect of:
  - a. immovable property as referred to in Article 8 (1)(e) of the Directive and in Article 6, paragraph 2, of the Convention (OECD code 6);  
as far as the Netherlands is concerned: ownership and value of immovable property;  
as far as Italy is concerned: ownership and income from immovable property;
  - b. as far as Italy is concerned: business profits, as referred to in Article 7 of the Convention (OECD code 7);
  - c. dividends, as referred to in Article 10 of the Convention (OECD code 10);
  - d. royalties, if available, as referred to in Article 12 of the Convention (OECD code 12);
  - e. income from independent personal services or other activities of any character, as defined in Article 14 of the Convention (OECD code 14);
  - f. income consisting of salaries, wages and other similar remunerations, as referred to in Article 8(1)(a) of the Directive and Articles 15 and 19 of the Convention (OECD codes 15 and 19);
  - g. as far as the Netherlands is concerned: director's fees and similar payments, as referred to in Article 8(1)(b) of the Directive and Article 16 of the Convention (OECD code 16);
  - h. income of artists and athletes, as referred to in Article 17 of the Convention (OECD code 17);
  - i. pensions and other similar remunerations, as referred to in Article 8(1)(d) of the Directive and Articles 18 and 19 of the Convention (OECD codes 18 and 19);



j. as far as the Netherlands is concerned: other income, as referred to in Article 22 of the Convention (OECD code 21);

k. life insurance products, if available, as per article 8 (1)(c) of the Directive.

2. In compliance with the relevant calendar years as provided for in the Annexes 1a and 1b of this Memorandum, the Participants will provide the information referred to in paragraph 1 of this Article. The information will be provided electronically, in the agreed EU/OECD electronic format.

3. If the information provided is found to be incorrect or incomplete, the recipient Authority will make this known to the other State as soon as possible. The same will apply to technical problems or difficulties in converting the data provided. The Participants will contact each other directly regarding these issues.

4. The following data will be transferred:

As regards natural persons:

a) Name (in full, if available);

b) Date of birth;

c) Place of birth, if available;

d) Address in the State of residence, if available;

e) Tax Identification Number (TIN) issued in the State of residence, if available, or VAT registration number or personal identification code.

As regards legal entities:

a) Name;

b) Seat in the State of residence, and address, if available;

c) Tax Identification Number (TIN) issued in the State of residence, if available, or VAT registration number;

As regards income:

- a) Amount and currency of the income earned;
- b) Tax year concerned;
- c) Amount of the advance payment withheld by the paying agent (if applicable).

#### **Article 4**

##### **Spontaneous Exchange of Information**

The Participants may provide each other, without any prior request being necessary, with information concerning individuals, legal entities and any other body of persons, which is obtained in the ordinary course of administration.

#### **Article 5**

##### **Other categories**

The Competent Authorities can agree by exchange of letters to exchange categories of information, other than the categories mentioned in Article 3, automatically or spontaneously for a certain period.

#### **Article 6**

##### **Presence of tax officials of one State in the territory of the other State**

1. On the basis of Article 11 of the Directive and Article 27 of the Convention, a request to allow tax officials of one State to be present during an examination on the territory of the other State will be submitted in special cases. This includes in particular:
  - a) cases in which there are indications of cross-border irregularities or tax evasion;
  - b) complex cases which make the presence of the tax officials desirable;
  - c) cases where there is a risk of the time limit being exceeded, and where the presence of the tax officials can accelerate the examination;
  - d) examinations in the framework of an agreed bilateral or multilateral control.

2. The Authorities may allow the presence of tax officials of one State in the territory of the other State in cases other than those described in paragraph 1 of this Article.
3. Where a request is granted, it is on the understanding that the requesting State will admit tax officials from the requested State in similar circumstances.
4. A request for the presence of tax officials will be submitted in writing by the Authority of the requesting State and will form part of a request for information. The request substantiates the desirability of the presence of tax officials and provides a description of the case. The Authority of the requested State will make a decision with respect to the request as soon as possible, however within two months (at the most) after receipt of the request.
5. If the request is granted, the Authority of the requested State will, as soon as possible, notify the Authority of the requesting State of the time and place of the examination and the officials designated to carry out the examination.
6. The visiting tax officials of the requesting Authority, who are present during administrative enquiries in the requested State, may interview individuals and examine records. The visiting officials will comply with the legislation and administrative practice of the requested State.
7. The visiting tax officials may be present only during those parts of the examination in the requested State, which are or may be relevant to the examination in the requesting State.
8. The visiting tax officials may put forward suggestions or questions regarding the examination to the officials designated to carry out the examination in the requested

State. Any decision regarding such suggestions or questions will be made by the Authority or officials of the requested State.

9. Officials authorised by the requesting State present in the other State in accordance with paragraph 1 will at all times be able to produce written authority stating their identity and their official capacity.
10. The information gathered during the examination has to be exchanged by the authorized Italian “Agenzia delle Entrate” and “Guardia di Finanza” officials, and the Central Liaison Office of the Netherlands and other authorized Dutch tax officials, with the exchange of information provisions of Chapter II of the Directive and Article 27 of the Convention.

#### **Article 7**

##### **Language of the Exchange of Information**

Any exchange of information will be either in English or accompanied by an English translation of the relevant information.

#### **Article 8**

##### **Miscellaneous provisions**

1. The information received by the Participants will be used and disclosed only as it is provided for by the Directive and the Convention with respect to the protection of confidentiality and the limits to the exchange of information. If the information provided is incorrect or should have not been transmitted, the Competent Authority concerned will be informed without delay.
2. Any exchange of information under this Memorandum will be made through the Authorities or authorized officials of both States.



3. The Authorities will consult each other, whenever necessary, to facilitate the carrying out of the obligations under this Memorandum.

## **Article 9**

### **Coming into effect. Modifications. Termination**

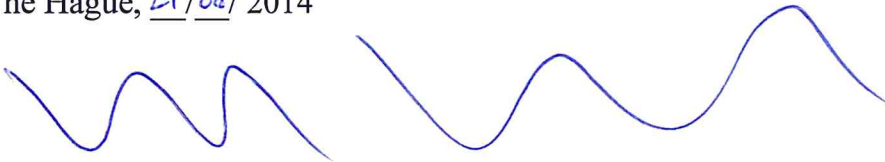
1. This Memorandum will come into effect on the day following the last date of its signature by the Director-General of the Department of Finance in Italy and the Deputy Director General for the Tax and Customs Administration of the Netherlands.
2. This Memorandum may be modified at any time by a written agreement between the Participants.
3. This Memorandum is concluded for an indefinite period of time. It may be terminated by written notification by either Participant and will cease to be operative six months after such notice has been given.
4. This Memorandum will be reviewed five years after the date of commencement, unless new EU legislation makes an earlier review necessary. However, questions with regard to this Memorandum can be taken up at any time at the request of one of the Competent Authorities.

Done in duplicate in the Italian, Dutch and English languages, all texts having equal validity. In case of any disagreement of interpretation, the English text will be applicable.

For the Directorate General  
for the Tax and Customs Administration of the Netherlands  
Theo Poolen, Deputy Director General

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The Hague, 21/08/2014

A handwritten signature in blue ink, consisting of several loops and curves, positioned above the text for the Department of Finance of the Republic of Italy.

For the Department of Finance of the Republic of Italy  
Fabrizia Lapecorella, Direttore Generale delle Finanze

A handwritten signature in black ink, appearing as a series of connected loops, positioned above the text for the date in Rome.

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Rome, 9/7/2014

## Annex 1-a

### AEIOI calendar and format per income/capital category

Italy will exchange information starting from data referring to the taxable years as follows

ITALY		Taxable year					Sending year	Format
		2011	2012	2013	2014	2015		
Immovable property	Ownership/Value						2014	
					x		2015	EU AEOI
						x	2016	EU AEOI
	Income	x	x				2014	OECD STF
				x			2015	OECD STF
					x		2016	EU AEOI
Business profits		x	x				2014	OECD STF
				x			2015	OECD STF
					x		2016	OECD STF
Dividends		x	x				2014	OECD STF
				x			2015	OECD STF
					x		2016	OECD STF
Royalties		x	x				2014	OECD STF
				x			2015	OECD STF
					x		2016	OECD STF
Income from independent personal services		x	x				2014	OECD STF
				x			2015	OECD STF
					x		2016	OECD STF
Salaries, wages and other similar remuneration			x				2014	OECD STF
				x			2015	OECD STF
					x		2016	EU AEOI
Director's fees							2014	
							2015	
							2016	
Income of artists and athletes*			x				2014	OECD STF
				x			2015	OECD STF
					x		2016	OECD STF
Pensions and similar remuneration			x				2014	OECD STF
				x			2015	OECD STF
					x		2016	EU AEOI
Other income							2014	
							2015	
							2016	
Life insurance products							2014	
							2015	
							2016	

**NOTES:**

\*According to Italian provisions, income of artists and athletes can be reported as an income from either dependent or independent personal services. As of 2014 (tax year 2012) we are able to extract this category, only when referred to an independent personal service. The remaining data will be indistinctly reported within the category of "salaries, wages and other similar remuneration".

## Annex 1-b

### AEIO calendar and format per income/capital category

The Netherlands will exchange information starting from data referring to the taxable years as follows

THE NETHERLANDS		Taxable year					Sending year	Format
		2011	2012	2013	2014	2015		
Immovable property	Ownership/Value	X	X	X			2014	OECD STF
					X	X	2015	EU AEOI
						X	2016	EU AEOI
	Income						2014	
							2015	
							2016	
Business profits							2014	
							2015	
							2016	
Dividends				X			2014	OECD STF
					X		2015	OECD STF
						X	2016	OECD STF
Royalties							2014	
							2015	
							2016	
Income from independent personal services		X	X	X			2014	OECD STF
					X		2015	EU AEOI
						X	2016	EU AEOI
Salaries, wages and other similar remuneration		X	X	X			2014	OECD STF
					X		2015	EU AEOI
						X	2016	EU AEOI
Director's fees			X	X			2014	OECD STF
					X		2015	EU AEOI
						X	2016	EU AEOI
Income of artists and athletes			X	X			2014	OECD STF
					X		2015	OECD STF
						X	2016	OECD STF
Pensions and similar remuneration			X	X			2014	OECD STF
					X		2015	EU AEOI
						X	2016	EU AEOI
Other income			X	X			2014	OECD STF
					X		2015	OECD STF
						X	2016	OECD STF
Life insurance products							2014	
					X		2015	EU AEOI
						X	2016	EU AEOI

NOTES: