Brussels, 3 February 2026

EACB comments EC call for evidence on the recast of EU rules on administrative cooperation in the field of taxation (DAC)

On DAC consolidated text:

In our opinion, consolidating DAC 1 to 9 does not address the objective of reducing administrative burdens. DAC 1 to 9 have already been transposed into national law. We therefore cannot see any practical benefit for those applying the law in consolidating the EU legislation.

We think that the recognised overlap between DAC 4 and DAC 9 should be addressed in order to avoid bureaucratic costs. As banks, we do not take a position on DAC 7 as it concerns platform operators engaged in the distribution of goods.

On revision of DAC6:

The introduction of DAC6 was primarily triggered by the Panama Papers. Tax authorities at the time lacked sufficient insight into the types of arrangements being used and the resulting volume of avoidance (distinct from tax evasion). The objective of DAC6 was to enable Member States to monitor such types of avoidance arrangements and the associated volumes, thereby providing a basis for development of targeted legislative responses where the volume of avoidance due to particular avoidance structures reached a scale deemed excessive.

However, there is little evidence to date that DAC6 has delivered this intended insight. No meaningful analysis or conclusions based on DAC6 data appear to have been communicated, including in the recently published evaluation report. Nor is it apparent that any legislation has been adopted as a direct result of DAC6 reporting.

The abovementioned calls into question the added value of DAC6, particularly in light of the significant administrative burden it imposes on all stakeholders.

Given these considerations, we argue for the following changes:

1. **Remove DAC6 from the DAC framework, or, if this is not possible:**
2. **Extend the reporting deadline to 6 months.** DAC6 imposes an exceptionally short reporting deadline of 30 days, resulting in a disproportionate compliance burden for intermediaries. This might be justified if tax authorities could halt transactions. However, this is not the case, as DAC6 concerns tax avoidance arrangements that are legal.
3. **Ensure a level playing field between Member States (MS).** In several MS, tax advisers and lawyers may rely on legal professional privilege to avoid reporting, thereby shifting the reporting obligation to any other intermediaries, including banks. Banks, however, typically do not have access to the information required to assess the hallmarks. As a result, in practice, nothing is reported (see also point

The voice of 2.400 local and retail banks, 91 million members, 228 million customers in EU
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4). Effect is that the creation of reportable cross-border arrangements (RCBAs) shifts to MS where such legal professional privileges exist, to the detriment of MS where such a privilege does not exist.

4. **Exclude banks from the intermediary definition.** Based on the reports received, the Commission itself can conclude that banks do not constitute a meaningful source of information for DAC6 purposes. Banks generally only have very limited insight into the potentially more comprehensive measures that customers may be taking to avoid tax. For example, a customer simply opens an account or a securities account with the bank. The bank has no way of knowing whether the account or securities account opened is being used in conjunction with other measures taken by the customer to avoid tax.
5. **Drop hallmarks or extend the scope of the main benefit test (MBT).** Hallmarks that result exclusively or predominantly in reporting of constructions that are not tax-driven should be cancelled, in particular hallmark E3. An alternative is to include such hallmarks in the MBT.

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