

## Unofficial translation of specific sections

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## Tax Administration's decision on the general requirement to report information

Pursuant to sections 15(9), 15 a(4), 15 e(3), 16(15), 17(11), 18(10) and 22(5) of the act on assessment procedure (Laki verotusmenettelystä 1558/1995), as they are, sections 15 a(4), 17(11) and 22(5) of act 520/2010, section 15(9) of acts 520/2010 and 1394/2019, section 15 e(3) of act 523/2019, section 16(15) of acts 520/2010 and 733/2019, and section 18(10) of acts 520/2010, 1131/2017 and 1344/2018, and section 30(5) of the act on transfer tax (Varainsiirtoverolaki 931/1996), as it is in act 18/2018, the Tax Administration has decided on the following:

### Chapter 1

#### Income information

##### § 1

##### *Limitation of the requirement to report income information*

The Tax Administration limits the disclosure of the information referred to in sections 15 and 18(6) of the Act on Assessment Procedure (Laki verotusmenettelystä 1558/1995) and section 30(1) of the Act on Transfer Tax (Varainsiirtoverolaki 931/1996) so that the parties liable to report information must only provide the Tax Administration, without any separate request, the information referred to in sections 2–20 of this decision.

The information referred to in the Act on the Income Information System (Laki tulotietojärjestelmästä 53/2018) must be provided for the Incomes Register Unit.

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##### § 6

##### *Income information related to an agreement on an equity savings account*

A service provider providing an agreement on an equity savings account as laid down in the act on equity savings accounts (Laki osakesäästötilistä 680/2019) must report information on saved assets withdrawn from the equity savings account and the proportion of the equity savings account's profit included in the saved assets.

According to the agreement on an equity savings account, information on dividend income accrued on invested saved assets during the savings period, interest income, income received from the transfer of property and other income information, apart from summary information on dividends, do not need to be reported if the person entitled to the saved assets is a resident taxpayer. If the person entitled to the saved assets is a non-resident taxpayer, income information must be reported as determined in this decision.

## § 7

### *Interest, after-market bonus, other capital income and guarantee commission*

The payer or agent must report the taxable income paid and brokered to natural persons and estates, income comparable to interest, an index bonus, an after-market bonus, any monetary compensation paid in place of dividends and a consent fee paid in conjunction with the exchange of bonds or changes in terms and conditions. Guarantee commissions must also be reported. However, interest on wage income, guarantee commissions or other comparable capital income reported to the Incomes Register do not need to be reported.

## § 8

### *Dividend and surplus, as well as payments paid by fund companies*

Fund management companies, Finnish branches of foreign fund companies and foreign fund companies that manage an investment fund established in Finland must report the annual profit paid for the investment fund's profit shares and collective investment vehicle shares on a fund-specific basis.

Companies that distribute dividends or other assets must report the information required for taxation on the dividends paid and the distribution of assets taxed as dividends from unrestricted equity funds.

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Account operators referred to in the Act on the Book-Entry System and Settlement Activities (348/2017) and payment agents must report dividends based on share deposit certificates and foreign shares processed in the Finnish book-entry system, other dividends based on foreign shares and profit paid for a foreign collective investment vehicle share. The information referred to in this subsection must only be reported if the recipient is a Finnish resident taxpayer.

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## § 11

### *Traded securities and redemptions of fund shares*

Investment service companies referred to in the Act on Investment Services, foreign investment service companies and other investment service providers referred to in the said Act, insurance companies other than earnings-related pension providers referred to in the Insurance Companies Act (521/2008), agencies and agents referred to in the Act on Foreign Insurance Companies (398/1995), and local mutual insurance associations referred to in the Local Mutual Insurance Associations Act (1250/1987) must provide information on trades on shares, share deposit certificates, warrants, subscription rights, selling rights and an investment fund's fund shares and collective investment vehicle shares they have brokered or concluded. Furthermore, subscriptions and redemptions of collective investment vehicle shares must be reported insofar as the information has not been provided pursuant to subsection 2. In addition, the aforementioned parties liable to report information must provide information on derivative contracts that are used for

trading on the regulated markets referred to in the Act on Trading in Financial Instruments (1070/2017), or on other regulated markets supervised by the authorities, and on the derivative contracts referred to in chapter 1, section 14(3–9) of the Act on Investment Services and other derivative contracts and parties to the contracts. Trades must be reported by purchase and sale for each customer. The object and number of trades, the purchase and selling date, the sale price, the costs paid by the customer and the amount of transfer tax paid must be reported regarding trades. Corresponding information must be reported regarding subscriptions and redemptions.

Fund companies, Finnish branches of foreign fund companies and foreign fund companies that manage an investment fund established in Finland, as well as EEA alternative investment fund managers that manage an alternative investment fund established in Finland must provide information on investment fund, collective investment vehicle and alternative investment fund shares redeemed from taxpayers. In addition, information on the purchase price and purchase date of investment fund, collective investment vehicle and alternative investment fund shares and costs collected in conjunction with subscriptions and redemptions must be provided, insofar as this information is held by the party liable to report information.

Monetary considerations of at most 100 euros paid in conjunction with business restructuring as referred to in sections 52–52 c and 52 f of the Act on the Taxation of Business Income do not need to be reported. Furthermore, payments of at most 100 euros paid for shareholders as a result of the sale of shares left over from a reverse share split as referred to in chapter 15, section 9 of the Limited Liability Companies Act do not need to be reported.

The information referred to in this section above must be reported on everyone, both Finnish resident and non-resident taxpayers.

If the information referred to in this section above concerns the long-term savings or equity savings account assets of resident taxpayers, the information does not need to be reported.

## § 12

### *The information required for calculating capital gains and losses from securities*

Credit institutions referred to in the Act on Credit Institutions, Finnish branches of foreign credit institutions, investment service companies, Finnish branches of foreign investment service companies referred to in the Act on Investment Services, account operators referred to in the Act on the Book-Entry System and Settlement Activities and other securities custodians must provide the Tax Administration with the information on the sale and other transfer of securities required for calculating capital gains and losses of natural persons and estates regarded as resident and non-resident taxpayers for taxation purposes, insofar as this information is held by the party liable to report information. Furthermore, the information required for calculating capital gains and losses must be provided on sales and other transfers of bond loans, insofar as this information is held by the party liable to report information and in such a format that it can be provided.

The information required for calculating capital gains and losses referred to in subsection 1 above does not need to be reported for monetary considerations of at most 100 euros paid in conjunction with business restructuring as referred to in sections 52–52 c and 52 f of the

Act on the Taxation of Business Income or payments of at most 100 euros paid for shareholders as a result of the sale of shares left over from a reverse share split as referred to in chapter 15, section 9 of the Limited Liability Companies Act.

If the information referred to in this section above concerns the long-term savings or equity savings account assets of resident taxpayers, the information does not need to be reported.

## § 13

### *Information on returns of capital*

Account operators referred to in the Act on the Book-Entry System and Settlement Activities must report information on returns of capital brokered regarding equities and shares processed in the book-entry system. In addition, the aforementioned party liable to report information must report the information required for calculating capital gains received from a taxpayer's return of capital, insofar as this information is held by the party liable to report information.

Limited companies and cooperatives must report information on returns of capital paid for their equities and shares. The information must only be reported if it has not been reported pursuant to subsection 1. The information referred to in subsection 1 above and this subsection must only be reported if the recipient is a Finnish resident taxpayer.

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## § 17

### *Payments paid to non-resident taxpayers*

Payers must report income paid to non-resident taxpayers referred to in the Act on the Taxation of Nonresidents' Income (Laki rajoitetusti verovelvollisen tulon verottamisesta 627/1978), such as dividend, interest, an after-market bonus and other payments subject to tax at source, excluding payments that are reported to the Incomes Register, and tax at source, withholding tax and health insurance contributions collected from the payments. In addition, payers must report income paid for investment fund and collective investment vehicle shares and tax at source collected on the profit.

Payers must report the payments referred to in subsection 1 paid to non-resident taxpayers even though no tax was collected on them on the basis of an act or international agreement.

With regard to interest on bond loans and after-market bonuses paid to non-resident taxpayers, identification information on the financial institution of a participating country or a reporting US financial institution pursuant to the FATCA agreement between Finland and the United States, whose account includes the assets on the basis of which interest or after-market bonuses have been paid, can be reported in place of the payment recipient.

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## **Chapter 3**

### **More detailed provisions**

#### § 25

#### *More detailed provisions on reporting income and assets*

The following must be reported regarding the income and assets referred to in sections 2–24 above:

1. identification information on the party liable to report information;
2. identification information on beneficiary, payor and owner of asset items;
3. the type and amount of payment or asset item, and tax withheld from the payment;
4. in addition, information on non-resident taxpayers must include the Personal Identity Code or Business ID or other tax identification (TIN) in their country of residence, if known.

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## **Chapter 5**

### **Other details**

#### § 41

#### *Information on dividends paid for nominee-registered shares*

An Authorised Intermediary referred to in section 10 c of the Act on the Taxation of Nonresidents' Income (laki rajoitetusti verovelvolisen tulon verottamisesta 627/1978) must report the information referred to in section 15 e(1) of the Act on Assessment Procedure, apart from identification information on the Authorised Intermediary to whom the information was transmitted.

Publicly listed companies that distribute dividends as referred to in section 33 a of the Act on Income Tax (Tuloverolaki 1535/1992) must, in addition to the information referred to in sections 8(2) and 17(1) above, report the information referred to in section 15 e(2) of the Act on Assessment Procedure regarding dividends paid for nominee-registered shares.

The information referred to in this section must be reported, even though no tax was collected on the payments on the basis of an act or international agreement.

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## **Chapter 6**

### **Other provisions**

#### § 44

### *Time period for reporting the information*

The information referred to in sections 2–13, 15–17, 20–22, 24, 26–32, 34–36, 41 and 42 above must be provided annually by the end of January regarding the previous calendar year. The information referred to in section 14 above must be provided annually by February 24 regarding the previous calendar year.

### § 45

#### *Information reporting method*

The information referred to in this decision can be provided using an electronic data transfer method in the Tax Administration's electronic reporting services or using the Tax Administration's forms. The information referred to in sections 2(1), 3, 4(1 and 3), 5(1 and 2), 6, 8(1 and 6), 10–13, 20–22, 24, 26–30, 32, 33, 35, 36, 41 and 42 can only be provided using an electronic data transfer method.

An annual information return on dividends paid to nonresident beneficiaries, an annual information return on interest paid to nonresident beneficiaries, an annual information return for other payments made to nonresident beneficiaries, an annual information return on dividends, an annual information return on profit surplus by cooperative society, an annual information return on prices paid for timber, and an annual information return on interest and after-market bonuses under the Act on Income Tax must be provided using an electronic data transfer method if the annual information return concerns five or more beneficiaries. The obligation to provide information using an electronic data transfer method does not apply to natural persons or estates liable to report information.

Publicly listed company's annual information return on dividends paid to nonresident taxpayers, Authorised Intermediary's annual information return and an annual information return on other payments regarded as earned or capital income can only be provided using an electronic data transfer method.

### § 46

#### *Entry into force*

This decision enters into force on 1 January 2021.

This decision applies for the first time to information provided for 2021. This decision supersedes the Tax Administration decision on the general duty to disclose (1124/2019), which applies for the last time to information provided for 2020.