

Joint declaration
of the Government of the Italian Republic and
the Government of the Principality of Liechtenstein

Building on their common membership in the European Economic Area and wishing to develop their relationship further, after the signing of the Agreement for the Exchange of Information on Tax Matters (hereafter called “the Agreement”), Liechtenstein and Italy declare that:

- they commit to enact and implement the relevant agreements and the necessary domestic legislation so as to ensure the automatic exchange of information between the respective competent authorities according to the OECD Standard for Automatic Exchange of Financial Account Information (“Common Reporting Standard”) as from 2017, with reference to pre-existing accounts that are open on 31 December 2015 and new accounts opened from 1 January 2016;
- they fully subscribe to the concept of non-discriminatory tax treatment of each other's nationals;
- they acknowledge that, based on Italian or Liechtenstein law, respectively, banks, financial institutions as well as consultants and their employees are responsible for their own tax infringements and not for the tax infringements of their clients. In principle, they are not liable to penalties for tax infringements of their clients. Their cooperative attitude in the regularization of the past will be positively taken into consideration in the evaluation of their behavior, whenever it will be necessary. Their behavior will be considered cooperative if, for example, they have contacted their clients to encourage them to use the regularization mechanism available or if they spontaneously ask their clients whether the assets deposited are duly taxed.
- since the Agreement, with Protocol and Additional Protocol, provides for exchange of information equivalent to that provided for by Article 26 of the OECD Model Tax Convention and the Commentary thereof, upon entry into force of the Agreement, with Protocol and Additional Protocol, Italy shall for the purposes of the Voluntary Disclosure treat Liechtenstein as a White List Country according to the relevant legislation (Article 5-quinquies of Law 04.08.1990, No 227, as amended by Article 1 of Law 15.12.2014, No 186) and treat all relevant assets held at Liechtenstein financial institution as eligible for the most favorable conditions.
- moreover, since the Agreement provides for adequate exchange of information, upon entry into force of the Agreement, Italy will include Liechtenstein in the White Lists of Countries with agreements allowing information exchange (for example: *Decreto Ministeriale 4 settembre 1996; Imposta sulle transazioni finanziarie, Legge 24 dicembre 2012, n. 228, Decreto del Ministro dell'Economia e Finanze del 21 febbraio 2013*);
- upon entry into force of the Agreement Liechtenstein insurance companies are no longer required to appoint an Italian tax representative in order to fill the tax form and to make payments referred to in Article 9, Law No 1216/1961;
- taking into account the economic relations between the two Parties, upon entry into force of the Agreement, they will swiftly start negotiations on a Double Taxation Convention.

Done at Rome this 26th day of February 2015.

For the Government
of the Italian Republic

For the Government
of the Principality of Liechtenstein