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<p>ASSEMBLY OF THE REPUBLIC Law No. 26/2020, of July 21</p>

Summary: Establishes the obligation to report to the Tax and Customs Authority certain internal or cross-border arrangements with fiscal relevance, transposing Council Directive (EU) 2018/822, of May 25, 2018, and repealing Decree-Law no. 29/2008, of February 25.

Establishes the obligation to notify the Tax and Customs Authority of certain internal or cross-border mechanisms of fiscal relevance, transposing Council Directive (EU) 2018/822, of 25 May 2018, and repealing Decree -Law nº 29 / 2008, of February 25

The Assembly of the Republic decrees, under the terms of paragraph c) of article 161 of the Constitution, the following:

CHAPTER I

General provisions

Article 1

Object

The present Law

- a) Establishes the obligation to notify the Tax and Customs Authority (AT), for the purposes set out therein, of certain internal or cross-border arrangements with fiscal relevance;
- b) Transposes Council Directive (EU) 2018/822 of May 25, 2018 to the internal legal order, amending Council Directive 2011/16 / EU of February 15, 2011, as regards the mandatory automatic exchange of information in the field of taxation in relation to cross-border arrangements to be reported.

Article 2

Definitions

1. For the purposes of the provisions of this law, the following definitions apply:
 - a) «Intangible assets that are difficult to assess», intangible assets or rights over intangible assets for which, at the time of their transfer between associated companies, there are no reliable comparison elements, and, at the time of completion

- of that transaction, the projections of future cash flows or expected returns resulting from the transferred intangible asset, or the assumptions used in the valuation of the intangible asset, are highly uncertain, making it difficult to predict, at the time of the transfer, the level of final success of the intangible asset;
- b) «Specific hallmarks», those that translate, objectively and by themselves, the indication of a potential risk of tax evasion, including the circumvention of legal obligations of information on financial accounts or identification of beneficial owners;
 - c) "Relevant taxpayer" means any person or entity without legal personality to whom an arrangement to be communicated is made available or who is prepared to apply an arrangement to be reported or who has applied any step or part of an arrangement to be reported;
 - d) «Associated enterprise» means a person who is related to another person, at least in one of the following ways:
 - i) A person participates in the management of another person because he or she is in a position to exert significant influence over the other person;
 - ii) A person participates in the control of another person through a participation greater than 25% of the voting rights;
 - iii) A person participates in another person's capital through a property right that, directly or indirectly, is greater than 25% of the capital;
 - iv) A person is entitled to 25% or more of another person's profits;
 - e) «Intermediary», any person who conceives, markets, organizes or makes available for application or manages the application of an arrangement to be communicated, these actions not integrating the mere communication of information strictly descriptive of existing tax schemes, including tax benefits, and the strictly provided advice on an existing tax situation of the relevant taxpayer, including the exercise of the mandate within the scope of the administrative tax procedure, the tax challenge process, the criminal tax procedure or the tax administrative offense procedure, including advice regarding the conduct of tax proceedings;
 - f) «Arrangement» means any plan, project, proposal, advice, instruction or recommendation, expressed or tacitly expressed, whether or not object of an agreement or transaction, consisting of a construction with one or more step or part, or a series of simultaneous or sequential constructions, which can be marketable or bespoke;
 - g) "Marketable arrangements" mean arrangements designed, marketed, ready to be applied or made available for application, without requiring substantial adaptation thereof;
 - h) «Internal arrangements», are those that, depending on their objective hallmarks, are capable of being applied or producing effects, totally or partially, in Portuguese territory and are not cross-border arrangements;
 - i) "Bespoke arrangements" mean any arrangements that are not considered marketable arrangements;
 - j) "Cross-border arrangements" mean those that have a cross-border structure because they concern more than one Member State of the European Union or one Member State and a third country, if at least one of the following conditions is met:

- i) Not all participants in the arrangement are, for tax purposes, resident in the same jurisdiction;
 - ii) Any of the participants in the arrangement is, for tax purposes, simultaneously resident in more than one jurisdiction;
 - iii) Any of the participants in the arrangement carries out an activity in another jurisdiction through a permanent establishment located in that jurisdiction and the arrangement forms part or all of the activity of that permanent establishment;
 - iv) Any of the participants in the arrangement is active in another jurisdiction without being resident for tax purposes in that jurisdiction or creating a permanent establishment located in that jurisdiction;
 - v) The arrangement has a possible impact on the automatic exchange of information related to financial accounts or on the identification of the beneficial owner;
- k)* «Main benefit test», is one that is considered satisfied if it is possible to determine, without reasonable doubt, that obtaining a tax advantage, in the legal sphere of the relevant taxpayer or third party, is the main benefit or one of the main benefits whereas, objectively and in the light of all the relevant facts and circumstances, the arrangement can reasonably be expected;
- l)* «Tax advantage», the reduction, elimination or temporary deferral of tax, including the use of tax losses, or the obtaining of tax benefit, which would not be achieved, in its whole or in part, without the use of the arrangement.
2. For the purposes of subparagraph d) of the previous number:
- a)* If more than one person participates in the management, control, capital or profits of the same person, all persons concerned are considered associated enterprises;
 - b)* If the same persons participate in the management, control, capital or profits of more than one person, all persons concerned are considered to be associated enterprises;
 - c)* A person acting jointly with another person with respect to the voting rights or share capital of an entity is treated as holding an interest in the total voting rights or capital of that entity that are held by the other person;
 - d)* In indirect participations, the fulfillment of the requirements established in iii) of subparagraph d) of the previous number is determined by multiplying the participation percentages by the successive levels, considering that a person who holds more than 50% of the vote holds 100%;
 - e)* An individual, his or her spouse and his or her relatives in the straight line ascending or descending are considered a single person.

CHAPTER II
Scope of the reporting obligation for arrangements

SECTION I
Cross-border arrangements

Article 3
Cross-border arrangements to be reported

Any cross-border arrangement that contains at least one of the specific hallmarks typified in Article 5 must be reported to AT.

Article 4
Covered taxes

Taxes of any kind, collected by or on behalf of Member States, or on behalf of their territorial or administrative political subdivisions, or on behalf of them, including local authorities, covered in the territory whereas treaties under Article 52 of the Treaty on European Union apply, with the exception of value added tax, customs duties, excise duties covered by other European Union legislation on administrative cooperation between States Member States and compulsory social security contributions due to a Member State, a subdivision of the Member State, or to public law social security institutions.

Article 5
Specific hallmarks

1. Generic hallmarks related to the main benefit test are considered to be present whenever:
 - a) The relevant taxpayer or any other participant in the arrangement undertakes not to disclose to any third parties, namely to other intermediaries or to AT, how the arrangement can provide a tax advantage;
 - b) The intermediary is entitled to receive fees for the arrangement, also considering provisions, interest or remuneration for financing costs and other charges as such, and these fees are fixed by reference to the amount of the tax advantage resulting from the arrangement or the fact whether or not the arrangement effectively allows a tax advantage to be obtained, which may include the obligation to refund, partially or completely, the fees, if part or all of the intended tax advantage is not obtained;
 - c) The arrangement involves substantially standardized documents and or a structure that is available to more than one relevant taxpayer, without the arrangement having to be substantially adapted to apply.
2. Specific hallmarks related to the main benefit test are considered to be present whenever:
 - a) One of the participants in the arrangement takes measures consisting of the acquisition of a loss-making company, the cessation of the main activity of that company and the use of the respective losses to reduce its tax burden, including by transferring those losses to another jurisdiction or accelerating their use;

- b) An arrangement has the effect of converting income into capital, donations or other categories of income taxed more favorably, exempt from taxation or not subject to taxation;
 - c) An arrangement includes circular operations that result in a "carrousel" of funds (round-tripping), through the involvement of interposed entities with no other primary commercial function or operations that compensate or cancel each other, or have other similar characteristics.
3. Specific hallmarks related to cross-border operations are considered to be present whenever:
- a) An arrangement involves the deductibility of cross-border payments made between two or more associated enterprises and where at least one of the following conditions is met:
 - i) The recipient is not a resident, for tax purposes, in any tax jurisdiction;
 - ii) Although the recipient is resident, for tax purposes, in a tax jurisdiction, it appears on the list of third country jurisdictions that have been assessed as non-cooperative by Member States, collectively or within the Organization for Economic Cooperation and Development (OECD);
 - iii) Although the recipient is resident, for tax purposes, in a tax jurisdiction, that jurisdiction does not subject him or her to any corporate tax, exempting him or applying a nominal fee of less than 1 %;
 - iv) The payment is taxed more favorably, exempt from taxation or not subject to taxation in the jurisdiction in which the recipient resides for tax purposes;
 - b) Deductions on the same depreciation of an asset are required in more than one tax jurisdiction;
 - c) The elimination or mitigation of double taxation in relation to the same item of income or capital is required in more than one tax jurisdiction;
 - d) An arrangement includes transfers of assets and there is a material difference in the tax jurisdictions involved in the amount treated as payable with respect to those assets.
4. Specific hallmarks related to legal obligations to provide information on financial accounts or to identify beneficial owners are considered to be present whenever:
- a) An arrangement may have the effect of circumventing the obligation to submit information set out in the rules implementing European Union law on the automatic exchange of information relating to financial accounts or any equivalent agreements, including agreements with third countries, or to withdraw advantage of the absence of such rules or agreements, and in which at least one of the following conditions is met:
 - i) *The use of an account, product or investment that is not, or is not intended to be, a financial account, but which has characteristics substantially similar to those of a financial account;*
 - ii) *The transfer of financial accounts or financial assets to jurisdictions that are not subject to the automatic exchange of information regarding financial*

- accounts with the State of residence of the relevant taxpayer, as well as any other use of those jurisdictions;*
- iii) The reclassification of income or capital in products or payments that are not subject to the automatic exchange of information related to financial accounts;*
 - iv) The transfer or conversion of a financial institution, a financial account or the assets contained therein to a financial institution, financial account or assets not subject to the obligation to communicate information under the automatic exchange of information relating to financial accounts;*
 - v) The use of legal entities, arrangements or structures that eliminate, or that intend to eliminate, the obligation, under the automatic exchange of information related to financial accounts, to communicate the identity of one or more holders of financial accounts or persons who exercise control;*
 - vi) Defrauding due diligence procedures, or exploiting gaps in them, used by financial institutions to fulfill their obligations to report information regarding financial accounts, including the use of jurisdictions with inadequate or insufficient regimes to ensure application of anti-money laundering legislation or insufficient transparency requirements in relation to legal persons or legal arrangements;*
- b) An arrangement involves a non-transparent chain of legal ownership or beneficial owners, using legal persons, arrangements or structures:*
- i) That they do not pursue a substantial economic activity supported by adequate personnel, equipment, assets and facilities; and*
 - ii) Are constituted, managed, resident, controlled or established in any jurisdiction other than the jurisdiction of residence of one or more of the beneficial owners of the assets held by those persons, arrangements or legal structures; and still,*
 - iii) Where it is not possible to identify the beneficial owners of these persons, arrangements or legal structures, applying the definition of "beneficial owners" contained in Law No. 83/2017, of August 18.*
5. Specific hallmarks related to transfer pricing are considered to be present whenever:
- a) An arrangement involves the use of unilaterally safeguarded or protected regimes in a jurisdiction but not provided for in the international consensus enshrined in OECD rules on transfer pricing;*
 - b) An arrangement involves the transfer of intangible assets that are difficult to assess;*
 - c) An arrangement involves a cross-border transfer, within the group of associated companies, of functions and or risks and or assets, if the projected annual results before interest and taxes (EBIT), during the three-year period following the transfer, of the assignor or assignors, are less than 50% of the projected annual EBIT of that or those assignors if the transfer had not been made.*

Article 6

Main benefit test

The specific hallmarks contained in no. 1, no. 2 and iii) and iv) of subparagraph a) of no. 3 of the previous article are only relevant for the purposes of the reporting obligation if they can be considered the main benefit test has been verified.

SECTION II

Internal arrangements

Article 7

Internal arrangements to report

Any internal arrangement that contains at least one of the specific hallmarks typified in no. 2 to 5 of article 5 must be reported to AT, without prejudice to the need to consider the main benefit test to be verified, when applicable.

Article 8

Covered taxes

The following taxes are covered by the reporting obligation in this section:

- a) Personal income tax, as well as autonomous taxation related to them;
- b) Corporate income tax, as well as autonomous taxation and related spills;
- c) Value added tax;
- d) Municipal property tax;
- e) Municipal tax on onerous transfers of real estate;
- f) Stamp duty.

CHAPTER III

Subjects and object of the reporting obligation

SECTION I

Intermediary

Article 9

Obligation to report by the intermediary

1. The obligation to notify the AT of the arrangements provided for in article 3 and article 7, as provided for in this law, applies to the intermediary, provided that he or she fulfills at least one of the following conditions:
 - a) Is a resident, for tax purposes, in Portuguese territory;

- b) Has a permanent establishment in Portuguese territory through which the services related to the arrangement are provided;
 - c) Is incorporated in Portugal or governed by Portuguese law;
 - d) Is registered in Portugal with a professional association related to the provision of legal, tax or consultancy services.
2. The obligation to report referred to in the previous number, and its qualification as an intermediary, is extended to any person who, fulfilling at least one of the conditions mentioned there, and taking into account the relevant facts and circumstances and based on the information available and in the relevant knowledge and skills necessary to provide these services, know or can reasonably be expected to know that you have committed to provide, directly or through other people, help, assistance or advice in the creation, marketing, organization or availability for the application of an arrangement to be reported or that has undertaken to administer the application of such an arrangement.
3. For the purposes of the preceding number, any person has the right, against the evidence presented by AT, to oppose evidence that he or she did not know or that he could not reasonably be expected to know that was involved in an arrangement to report, and may refer to all relevant facts and circumstances, as well as the information available and their relevant knowledge and skills.

Article 10

Compliance with the reporting obligation

1. In situations not covered by the legal or contractual duty of secrecy, the intermediary must report to AT all information that is known or that is in his or her possession or under his/her control relating to any of the arrangements provided for in article 3 and in article 7, and must do so within 30 consecutive days, counting, whichever occurs first, from the day following the one on which the arrangement to be reported is made available to be applied or from the day following that on which the arrangement to be reported is ready to be applied or from the moment the first step in the application of the arrangement to be reported has been carried out, without prejudice to the provisions of article 13.
2. Even if there is a legal or contractual duty of secrecy, the intermediary must communicate to AT all information that is known to him or that is in his possession or under his control relating to any of the arrangements provided for in article 3 and in article 7, in the cases in which the subsidiary obligation of reporting provided for in no. 4 of article 13 is verified.
3. The person considered an intermediary under the terms of no. 2 of the previous article is also obliged to report to AT all information that is known to him or her or that is in his or her possession or under the intermediary's control relating to any of the arrangements provided for in the article 3 and article 7, and must do so within 30 consecutive days, counting from the day following the one on which he or she provided, directly or through other people, help, assistance or advice.

4. In the case of the communication of a marketable arrangement, the intermediary must also submit an update report to AT every three months that includes the new information that may have emerged since the initial reporting or since the presentation of the previous report as to the elements referred to in subparagraphs a), d), g) and h) of no. 1 of article 15.
5. If the intermediary is subject to the obligation to report information on the cross-border arrangement to be communicated also to the competent authorities of other Member States, that information is communicated only to the competent authorities, whichever is verified first:
 - a) the Member State in which the intermediary is resident for tax purposes;
 - b) the Member State in which the intermediary has a permanent establishment through which services related to the arrangement to be reported are provided;
 - c) the Member State in which the intermediary is constituted or by whose laws is governed;
 - d) the Member State in which the intermediary is registered with a professional association related to the provision of legal, tax or consultancy services.
6. If the provision of the previous number results in a multiple obligation to report information that includes a communication to AT, the intermediary is exempt from such communication to AT if it produces, within the period provided for in no. 1, 2 or 3, depending on the case, plus 10 consecutive days, documentary evidence that the same information has already been reported to another Member State.
7. If there is more than one intermediary, the obligation to report information to the AT rests with all intermediaries involved in the same arrangement to be communicated.
8. The intermediaries are exempt from the communication referred to in the previous number if, within the period provided for in no. 1, 2 or 3, as the case may be, plus 10 consecutive days, they present documentary evidence to the AT that the same information has already been reported to AT by another intermediary.

SECTION II Relevant taxpayer

Article 11 Reporting obligation of the relevant taxpayer

The obligation to notify the AT of the arrangements provided for in article 3 and article 7, as provided for in this law, applies to the relevant taxpayer, provided that he or she meets at least one of the following conditions:

- a) Is a resident, for tax purposes, in Portuguese territory;

- b) Has a permanent establishment in Portuguese territory that benefits from the arrangement;
- c) Receives or generates income in Portuguese territory;
- d) Performs an activity in Portuguese territory;
- e) Is registered, for tax purposes, in Portugal.

Article 12

Compliance with the reporting obligation

1. In the absence of an intermediary under the terms provided for in article 9, the relevant taxpayer has the obligation to report to AT all information regarding any of the arrangements provided for in article 3 and article 7, and must do so - within 30 consecutive days, counting, whichever occurs first, from the day following the one on which the arrangement to be reported is made available for application, from the day following that on which the arrangement to be reported is ready for application or from the day in which the first step of applying the arrangement to be reported is carried out, without prejudice to the provisions of the following article.
2. In addition to the reporting obligation provided for in the preceding number, the relevant taxpayer shall, in each of the years in which the reported arrangement is applied, inform the AT of this, including an update of the previously reported information.
3. If the relevant taxpayer is subject to the obligation to report information on the cross-border arrangement to also communicate to the competent authorities of other Member States, that information shall be reported only to the competent authorities, whichever is verified first:
 - a) the Member State in which the relevant taxpayer is resident for tax purposes;
 - b) the Member State in which the relevant taxpayer has a permanent establishment that benefits from the arrangement;
 - c) the Member State in which the relevant taxpayer receives income or generates profits, despite not being a resident for tax purposes or having a permanent establishment in any Member State;
 - d) the Member State in which the relevant taxpayer carries out an activity, despite not being a resident for tax purposes or having a permanent establishment in any Member State.
4. If the provision of the preceding paragraph results in a multiple obligation to report information that includes AT, the relevant taxpayer is exempt from such communication to AT if he or she produces, within the period provided for in nos. 1 or 2, as the case may be, plus 10 consecutive days, documentary evidence that the same information has already been communicated to another Member State.
5. If there is more than one relevant taxpayer, the obligation to report information to the AT rests with the relevant taxpayer who has agreed with the intermediary on the

arrangement to be communicated or the relevant taxpayer who manages the application of the same.

6. Relevant taxpayers are exempt from the communication referred to in the previous number if, within the period provided for in nos. 1 or 2, as the case may be, plus 10 consecutive days, they present documentary evidence to the AT that the same information has already been reported to AT by another relevant taxpayer.

Article 13

Compliance with the obligation to report in case of secrecy

1. In situations covered by the legal or contractual duty of secrecy, the obligation to report to AT all information regarding any of the arrangements provided for in article 3 and article 7 falls upon the relevant taxpayer, without prejudice to the subsidiary reporting obligation of the intermediary provided for in number 4.
2. For the purposes of the previous number, the intermediary shall notify the relevant taxpayer within five consecutive days, counted under the terms of number 1 or 3 of article 10, as the case may be, that he or she must comply with the reporting obligation referred to in the previous article.
3. The relevant taxpayer informs the intermediary, within 30 days of receiving the notification from the latter, of the fulfillment of the obligation to communicate referred to in the previous article, presenting the intermediary with proof of submission of the statement before the AT.
4. In the event that the intermediary has not been informed of the fulfillment of the reporting duty by the relevant taxpayer under the terms of the previous number, the communication of information relating to any of the arrangements provided for in article 3 and article 7 must be fulfilled by the intermediary, within 10 consecutive days.

SECTION III

Object of the reporting obligation

Article 14

Duty of secrecy

1. The fulfillment of the reporting obligations to which the intermediaries and the relevant taxpayers are bound prevails over the duty of secrecy to which, legally or contractually, they are bound, and this cannot be invoked by them under the scope of this law.
2. The provisions of the preceding number exclude any type of liability of the persons referred to therein for breach of the duty of confidentiality to which they were bound.

3. Without prejudice to the provisions of articles 16 and 17, the information reported to AT under the terms of this law is covered by the duty of secrecy provided for in article 64 of the General Tax Law.

Article 15

Information to report

1. The information to be communicated to AT relating to any of the arrangement provided for in article 3 and article 7 by the intermediary or the relevant taxpayer, depending on the one who is subject to the obligation to communicate under the terms of this law, must include, as applicable, the following elements:
 - a) The identification of intermediaries and relevant taxpayers, including their names, dates and places of birth, in the case of natural persons, residences for tax purposes, tax identification numbers and, if applicable, persons who are associated enterprises of the relevant taxpayer;
 - b) The details of the specific hallmarks that configure the arrangement as an arrangement to report;
 - c) A summary of the content of the arrangement to be reported, including the name reference by which it is commonly known, if any, and a description, in abstract terms, of the relevant business activities or relevant normative provisions, unless that description leads to the disclosure a commercial, industrial or professional secret or a commercial procedure, or information whose disclosure is contrary to public order;
 - d) The date on which the first step in the application of the arrangement to be reported was or shall be carried out;
 - e) Details of the normative provisions that form the basis of the arrangement to be reported, and these provisions, depending on the arrangement, may be part of more than one jurisdiction;
 - f) The value of the transactions that constitute the arrangement itself to be reported, regardless of the tax advantage expected from the same;
 - g) the identification of the Member State of the relevant taxpayers and any other Member State likely to be related to the arrangement to be reported;
 - h) The identification of any other person or entity without legal personality in a Member State likely to be covered by the arrangement to be communicated, indicating the Member States to which that person or entity is linked.
2. AT may notify, under the terms of the Code of Tax Procedure and Proceedings, the subject of the obligation to report so that, within a period to be fixed between 10 and 20 days in a row, clarify, perfect or duly complete the information referred to in the previous number.
3. The information referred to in the preceding numbers is contained, in compliance with the legal requirements applicable to the protection of the data contained therein, in a national database of AT, accessible by the bodies and services of the latter for the pursuit of the respective powers and for the purposes provided for in articles 16 and 17.

4. Without prejudice to the right of access and rectification of the personal data reported under the present law, they shall be maintained until the end of the fifteenth year following that to which they relate, being obligatorily destroyed within six months after the end of this term.

CHAPTER IV **Purposes of the information reported**

Article 16 **Automatic exchange of information**

1. The information referred to in the previous article that is communicated to the AT, if related to cross-border arrangements, is communicated by it to the competent authorities of all other Member States, through an automatic exchange and in accordance with the practical measures adopted by the European Commission inherent in standard forms and the central secure directory at Member State level on administrative cooperation in the field of taxation.
2. The automatic exchange takes place within one month from the end of the quarter in which the information has been communicated to AT.
3. The competent authorities of all Member States have access to the information registered in the directory referred to in no. 1.
4. The European Commission has access to the information referred to in the previous article, with the exception of that referred to in subparagraphs a), c) and h) of no. 1 of the previous article.

Article 17 **Internal purposes of the information reported**

1. With the information reported, referred to in article 15, in addition to the provisions of the previous article, AT proceeds:
 - a) to the classification, according to the rules in force, of the tax situations revealed by the communicated arrangements;
 - b) to the conception and proposal of the normative measures adequate to a better framing of the tax situations revealed by the communicated arrangements;
 - c) to the adequacy of the tax inspection schedule and action in view of the relevance of the arrangements communicated;
 - d) to the disclosure, on the finance portal, for the purpose of preventing tax evasion, of the reported arrangements, without identifying the respective participants and in

abstract and synthetic terms, this disclosure being able to include arrangements of which the AT may have become aware by itself.

2. The provision in subparagraph d) of the previous number is not applicable if the disclosure of the arrangement, in view of its complexity or novelty, proves to be inadequate for the purposes of preventing tax evasion or defending the public interest pursued by AT.
3. Without prejudice to the competences of the other bodies and services of the AT, it is a prerogative of tax inspection to verify compliance with the obligations provided for in this law.

Article 18

Tax framework

The absence of AT's pronouncement on an arrangement reported to it under the terms of this law does not have the effect of tacit acceptance of the intended tax framework with that arrangement.

CHAPTER V

Sanctioning regime

Article 19

Infractions

1. Failure to submit, or to present, outside the legal deadline, to the AT, any of the communications required in articles 10, 12 and 13, including the lack of production or production outside the legal proof period required in nos. 6 and 8 of article 10 and in nos. 4 and 6 of article 12, it is punishable by a fine of € 6000 to € 80 000.
2. The omissions or inaccuracies related to the information required in no. 1 of article 15 are punishable by a fine of € 2000 to € 60 000.
3. Failure to submit, or to present, outside the legal deadline, to the AT, any of the clarifications, improvements or additions required, as provided for in no. 2 of article 15, is punishable by a fine of € 3000 to € 80 000.
4. Failure to submit, or to present, outside the legal deadline, to AT, any of the communications, including the lack of production or the production outside the legal proof period, or any of the clarifications, improvements or additions, as well as the omissions or inaccuracies related to the information to be reported, as required in no. 1 of article 22, are punishable, as the case may be, under the terms of the previous numbers, with the limits of fines being reduced to one fifth.

Article 20
Applicable regime

1. The infractions foreseen in the previous article constitute tax infractions, being applicable to them, with the necessary adaptations, the General Regime of Tax Infractions, except as provided in the following number.
2. The body of the Government responsible for the area of finance, with the possibility of delegation, is responsible for the practice of all acts in administrative offense processes, as well as the decision to apply fines and accessory sanctions.

Article 21
Compliance with the omitted obligation

The payment of the fine and the compliance with the accessory sanction that has been applied does not waive it from the fulfillment of any of the obligations provided for in this law.

CHAPTER VI

Transitional regime

Article 22
Arrangements to be reported already available

1. The intermediaries and relevant taxpayers, as the case may be and as provided for in articles 10, 12 and 15, shall communicate to AT, until August 31, 2020, for the purposes provided for in articles 16 and 17, any cross-border arrangement to be reported whose first step in its application has occurred or shall occur in the period between June 25, 2018 and June 30, 2020.
2. In the situations referred to in the preceding number, in which the existence of a legal or contractual duty of secrecy is verified, the obligation to report is the responsibility of the relevant taxpayer, in which case, the intermediary shall notify him, within 10 consecutive days after the entry into force of this law, so that he or she fulfills the obligation to report the cross-border arrangements referred to in the previous number, within 30 consecutive days from the said notification, and the intermediary shall comply in the alternative with that duty to report by August 31, 2020 in the event that the relevant taxpayer has not been informed of the duty to report within that 30-day period.
3. For the purposes of the preceding numbers, the additional period of 10 days provided for in no. 6 and 8 of article 10 and no. 4 and 6 of article 12 ends on September 10, 2020.

Article 23

Beginning of the automatic information exchange

The first communication of information by AT to the competent authorities of all other Member States, as provided for in Article 16, takes place until October 31, 2020.

CHAPTER VII

Final dispositions

Article 24

Regulations

Templates of compliance statements with the obligations set out in this law, including the specifications and instructions for completion and the respective delivery procedures, are approved by order of the Government organ responsible for finance.

Article 25

Repealing rule

Decree-Law No. 29/2008 of February 25, is hereby repealed.

Article 26

Entry into force and production of effects

1. This law shall enter into force on the day following that of its publication.
2. Without prejudice to the provisions of the preceding number and article 22, the present law shall produce effects from July 1, 2020.

Approved on May 28, 2020.

The President of the Assembly of the Republic, Eduardo Ferro Rodrigues.

Enacted on July 11, 2020.

It shall be published.

The President of the Republic, MARCELO REBELO DE SOUSA.

Countersigned on July 15, 2020.

The Prime Minister, António Luís Santos da Costa.