



## Dutch tax authorities set up website for CbC report, notification filings

### Global Transfer Pricing Alert 2017-037

Dutch entities and some branches<sup>1</sup> that are part of multinational groups to which the Dutch country-by-country (CbC) legislation applies (that is, those with consolidated group revenue of EUR 750 million) will need to file a CbC notification with the Dutch tax authorities for reporting periods starting on or after January 1, 2016.

The tax authorities have set up a comprehensive, obligatory [web portal](#) to file the CbC notification. The web portal is available in Dutch and English. Further, the web portal allows authorized group entities to file a CbC notification for all the entities/branches located in the Netherlands.

The notification must be filed by the end of the reporting period. However, an exception applies to the first notification, which must be received by September 1, 2017 (for financial years ending before August 31, 2017).

#### **CbC report**

If the CbC report is to be filed in the Netherlands, the reporting entity is required to provide the report to the Dutch tax authorities within 12 months after the reporting year of the ultimate parent company.

<sup>1</sup> Those that prepare separate financial statements.

### *Possibility of appointing EU reporting entity*

For filings in the Netherlands, it is possible to assign a Dutch group entity that files CbC reports for all entities in the EU. Please note that this requires legislative approval by the other EU member states, and may lead to requirements for specific notification in those countries.

### *Voluntary filing in the United States*

Following the release of the final IRS regulation in the United States in relation to voluntary filing, the Dutch tax authorities have indicated a willingness to allow voluntary CbC filing in the United States for reporting periods beginning between January 1, 2016 and June 30, 2016. Formal publications by the Dutch tax authorities in this regards are expected.

### *Incomplete filing*

If a foreign ultimate parent entity refuses to share the requested information with a Dutch reporting entity, and as a result the Dutch entity is unable to file a complete CbC report, the Dutch tax authorities must be notified accordingly, together with the submission of the incomplete report. How this affects other countries within the group should be analyzed separately.

### **Administrative sanctions and penalties**

Entities that fail to file the CbC report or the CbC notification, file an incomplete report, or fail to file the report or the notification in due time risk a maximum penalty of up to EUR 820,000 and criminal prosecution.

### **Overview of key deadlines**

	<b>Deadline</b>	<b>Example: FYE Dec 31, 2016</b>
<b>CbC notification</b>	End of reporting period (extension for first notification to September 1, 2017)	September 1, 2017
<b>CbC report</b>	Within 12 months after reporting period	December 31, 2017

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