
STATUTORY INSTRUMENTS

2016 No. 237

**The Taxes (Base Erosion and Profit Shifting)
(Country-by-Country Reporting) Regulations 2016**

Filing of CBC reports

3.—(1) This regulation applies where an MNE Group (“G”) meets the threshold requirement in respect of an accounting period (“AP”) where AP—

- (a) commences before and ends on or after 31st December 2015; or
- (b) commences on or after 1st January 2016.

(2) The accounting period immediately following AP is “AP+1”.

(3) The Ultimate Parent Entity of G must file a country-by-country report in respect of AP+1 by the filing deadline.

(4) Subject to paragraph (5), a United Kingdom Entity of G (“UKEG”) must file a United Kingdom country-by-country report in respect of AP+1 by the filing deadline if—

- (a) the UKEG is not required to file a country-by-country report under paragraph (3); and
- (b) one of the conditions in regulation 6 is met.

(5) The duty in paragraph (4) does not apply if exception A or exception B applies.

(6) Exception A applies where before the filing deadline—

- (a) a Constituent Entity of G has filed a country-by-country report further to paragraph (8) in respect of AP+1 and that report includes the information required to be contained in the United Kingdom country-by-country report otherwise required to be filed by the UKEG; and
- (b) the UKEG provides details to Revenue and Customs of—

- (i) the identity of the Constituent Entity which has filed the report; and
- (ii) the date the report was filed.

(7) Exception B applies where before the filing deadline—

- (a) a Constituent Entity of G has filed in a jurisdiction other than the United Kingdom the equivalent of a country-by-country report in respect of AP+1 and that report includes the information required to be contained in the United Kingdom country-by-country report otherwise required to be filed by the UKEG;
- (b) the appropriate authority of that jurisdiction has entered into exchange arrangements with Revenue and Customs which apply to the report filed and Revenue and Customs has not notified the UKEG that the arrangements are not operating effectively; and
- (c) the UKEG provides details to Revenue and Customs of—
 - (i) the identity of the Constituent Entity which has filed the report and where it is resident for tax purposes;
 - (ii) the jurisdiction in which the report was filed; and
 - (iii) the date the report was filed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) A Constituent Entity of G (“CEG”) may file a country-by-country report on behalf of G in respect of AP+1 by the filing deadline if—

- (a) CEG or another Constituent Entity of G is resident for tax purposes in the United Kingdom or has a permanent establishment in the United Kingdom;
- (b) CEG—
 - (i) is not required to file a country-by-country report under paragraph (3); and
 - (ii) is authorised by the Ultimate Parent Entity of G to file a country-by-country report on behalf of G in respect of AP+1 and the Ultimate Parent Entity has notified Revenue and Customs of that authority in writing on or before the filing deadline; and
- (c) one of the conditions in regulation 6 is met.