

Luxembourg

Summary of CbC Reporting and Transfer Pricing Documentation Rules

Country-by-Country Report (see [Country by Country Reporting \(CBCR\) webpage](#))

- **Effective Date**: Fiscal years beginning on or after January 1, 2016.
- **Filing Threshold**: Luxembourg MNEs with annual consolidated group revenue of at least €750 million in the previous fiscal year.
- **Local Filing**: A Luxembourg entity must file a CbC report if certain conditions are met.
- **Information Reported**: Consistent with OECD guidance.
- **Language**: English, German, or French.
- **Forms/Filing Information** (see [Guichet.lu Information Portal – Country-by-Country Reporting](#)):
 - CbC Notification of Reporting Entity: Filed electronically via the [MyGuichet portal](#).
 - CbC Report: Filed electronically via the [MyGuichet portal](#).
- **Deadline for Filing Notification of Reporting Entity**: By the last day of the fiscal year covered.
- **Deadline for Filing CbC Report**: Within 12 months of the last day of the fiscal year covered.
- **Penalties**: Failure to comply with the CbC rules may result in penalties up to €250,000.
- **Exchange of Information**:
 - MCAA CbC: signed.
 - EU Directive 2016/881: enacted.
 - U.S. CAA CbC: signed.

For a schedule of CbC report and CbC notification deadlines (by country), please see [CbC Reporting Deadlines](#).

Public Country-by-Country Report ([Law of 15 August 2023 transposing Directive \(EU\) 2021/2101](#))

- **Effective Date**: Fiscal years beginning on or after June 22, 2024.
- **Reporting Threshold**:
 - Luxembourg MNEs (or a Luxembourg autonomous enterprise) with consolidated revenue exceeding €750 million in each of the last two consecutive financial years (and business activities in more than one jurisdiction).
 - Non-EU MNEs with a large or medium-sized subsidiary undertaking¹ in Luxembourg with consolidated revenue exceeding €750 million in each of the last two consecutive financial years (or a non-EU undertaking with a branch in Luxembourg and the revenue of the Luxembourg branch exceeds €8.8 million in each of the last two consecutive financial years).
 - Luxembourg subsidiary undertakings or branches established for the sole purpose of circumventing the EU public CbC reporting requirements.

Consistent with the EU directive, enterprises established in Luxembourg that are already subject to separate reporting under EU Directive 2013/34 are exempt from this reporting obligation.

¹ [Law of Dec. 19, 2002, concerning the register of commerce and companies as well as the accounting and annual accounts of companies and modifying certain other legal provisions](#), Articles 35 and 47.

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- *Information Reported and Presentation of Information:* The information report, as well as the presentation of the information, is consistent with the EU directive. A common template and electronic reporting format will be provided.

Consistent with the EU directive, the information reported includes the name of the company, financial year in question and currency used; a brief description of the nature of the business activities; number of full-time employees; revenue; profit or loss before income tax; income tax paid and accrued; and accumulated earnings.

Under the Luxembourg rules, the report may also include a general statement explaining any significant discrepancies between the amount of income tax accrued and the amount of income tax paid. In addition, the information may be reported in accordance with the reporting instructions related to the CbC report (under EU directive 2016/881).

The data will be disclosed (i) separately for each EU member state contracting state; (ii) separately for each country listed on the EU list of non-cooperative jurisdictions (i.e., “blacklist”) on March 1 of the relevant financial year or listed on the “grey list” on March 1 of the relevant financial year and on March 1 of the previous financial year; and (iii) aggregated for the rest of the world.

- *Publication and Accessibility:* In general, the report (and any notice) must be submitted to the Luxembourg Trade and Companies Register and made available to the public in an electronic declaration, machine-readable format on the Trade and Companies Register website, free of charge and accessible for at least 5 consecutive years. The company will be exempt from publishing the report on its website if its website contains information on the exemption and a reference to the Trade and Companies Register website.

Where publication of the report on the company’s website is required, the report (and any notice) must be made available to the public in at least one of the official languages of the EU, free of charge, and accessible for at least 5 consecutive years.

- *Publication Deadline:* The report must be published within 12 months of the balance sheet date for the relevant financial year.
- *Deferral:* MNEs can temporarily omit certain information if the disclosure of such information could seriously prejudice the commercial position of the undertakings to which the report relates. Any omission must be clearly indicated in the report with a duly substantiated explanation of the reasons for the omission. The omission does not apply to information related to tax jurisdictions included in the EU list of non-cooperative jurisdictions. The omitted information must be included in a subsequent report within 5 years of the omission.
- *Audit Requirement:* If an audit report of the financial statements of the reporting entity is required, it must include a statement of whether a CbC report was required to be published (for the preceding financial year) and, if so, if the report was published in accordance with the rules.
- *Penalties:* Penalties for non-compliance may apply

Master File

There are no OECD master file requirements in Luxembourg; however, in March 2023, the government issued a draft bill introducing a master file documentation requirement for entities meeting certain thresholds (expected to apply from tax year 2024).

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Local File

There are no OECD local file requirements in Luxembourg; however, in March 2023, the government issued a draft bill introducing a local file documentation requirement for entities meeting certain thresholds (expected to apply from tax year 2024).

Transfer Pricing Documentation

Luxembourg has not implemented any specific transfer pricing documentation requirements; however, the tax law does include general tax documentation requirements, which “apply to transfer pricing for related enterprises.” In the absence of detailed guidance, a taxpayer may refer to the OECD Transfer Pricing Guidelines for guidance.

For more detailed guidance, please see the Transfer Pricing Portfolio: [Luxembourg, Chapter 100:VII.B](#) (Reporting and Documentation Requirements – Transfer Pricing Documentation Requirements).