

Spain

Summary of CbC Reporting and Transfer Pricing Documentation Rules

Country-by-Country Report

- Effective Date: Fiscal years beginning on or after January 1, 2016.
- Filing Threshold: Spanish MNEs with consolidated net revenue equal to or exceeding €750 million in the preceding 12 month period.
- Local Filing: A Spanish subsidiary of a foreign MNE, or a foreign corporation with a permanent establishment in Spain, is required to file the CbC report if certain conditions are met.
- Information Reported: Generally consistent with OECD guidance.
- Forms/Filing Instructions:
 - CbC Notification of Reporting Entity: filed online.
 - CbC Report: [Model 231](#), Declaration of country-by-country information.
- Deadline for Filing Notification of Reporting Entity: Before the last day of the relevant tax period.
- Deadline for Filing CbC Report: Within 12 months following the end of the relevant tax period.
- Exchange of Information:
 - MCAA CbC: signed.
 - EU Directive 2016/881: enacted.
 - U.S. CAA CbC: signed.

Public Country-by-Country Report (Official Gazette, No. 306, [Law 28/2022 of 21 December 2022](#) (pages 179053-179058)).

- Effective Date: Financial years beginning on or after June 22, 2024.
- Reporting Threshold:
 - Spanish MNEs with consolidated revenue exceeding €750 million in each of the last two consecutive financial years.
 - Non-EU MNEs with a qualifying subsidiary or branch in Spain with consolidated revenue exceeding €750 million in each of the last two consecutive financial years.

Consistent with the EU directive, financial institutions established in Spain that are already subject to separate reporting under EU Directive 2013/36 are exempt from this reporting obligation.

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

According to the EU directive, the information reported includes the name of the ultimate parent company, financial year in question and currency used; a brief description of the nature of the business activities; number of full-time employees; net revenue; profit or loss before income tax; income tax accrued; income tax paid; and accumulated earnings. Under the Spanish rule, the reasons for any significant discrepancy between the amount of income tax accrued and income tax paid must be presented in the report.

In addition, the EU directive provides that the data be disclosed (i) separately for each EU member state; (ii) separately for each country listed on the EU list of non-cooperative jurisdictions (i.e.,

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“blacklist”) or listed for two consecutive years on the “grey list”; and (iii) aggregated for the rest of the world.

- *Publication and Accessibility*: In general, the report must be published and made available to the public (for five years) on the company’s website and deposited in the Spanish Mercantile Registry (with the documents that make up the annual accounts).
- *Publication Deadline*: The report must be published within 6 months from the closing date of the relevant financial year.
- *Deferral*: MNEs can temporarily omit (i.e., for up to five years) certain information if the disclosure of such information could be seriously detrimental to the commercial position of the companies to which the report refers. The omission does not apply to information related to tax jurisdictions included in the EU list of non-cooperative jurisdictions. Any omission must be clearly indicated in the report with a duly reasoned justification.
- *Penalties*: Specific penalty provisions have not been introduced.

Master File

- *Effective Date*: Fiscal years beginning on or after January 1, 2016.
- *Filing Threshold*: Spanish entities or permanent establishments that are part of a multinational group with consolidated net revenue of at least €45 million.
- *Information Reported*: Generally consistent with the OECD guidance.
- *Deadline for Preparation*: By the tax return filing deadline.
- *Penalties*: Existing transfer pricing documentation penalties may apply.

Local File

- *Effective Date*: Fiscal years beginning on or after January 1, 2016.
- *Filing Threshold*: Spanish entities or permanent establishments that are part of a multinational group with consolidated net revenue of at least €45 million.
- *Exemption*: Transactions with the same counterparty and total market value not exceeding €250,000.
- *Information Reported*: Generally consistent with the OECD guidance.
- *Deadline for Preparation*: By the tax return filing deadline.
- *Penalties*: Existing transfer pricing documentation penalties may apply.

Simplified Documentation

- *Filing Threshold*: Spanish entities that are part of a multinational group with consolidated net revenue not exceeding than €45 million. Rules do not apply to certain high-risk transactions.
- *Information Reported*: In general, a description of the nature and the amount of the controlled transactions; the identification of the taxpayer and related party; the transfer pricing method selected; and the comparable data used and the arm’s length range.
- *Deadline for Preparation*: By the tax return filing deadline.
- *Penalties*: Existing transfer pricing documentation penalties may apply.

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Simplified Documentation for SMEs

- Filing Threshold: Spanish entities that are part of a multinational group with consolidated net revenue not exceeding €10 million. Rules do not apply to certain high-risk transactions.
- Information Reported: Specific form to be issued by the tax authorities.
- Deadline for Preparation: By the tax return filing deadline.
- Penalties: Existing transfer pricing documentation penalties may apply.

Transfer Pricing Disclosure

Form 232 is an information return disclosing information on certain related party transactions, as well as information on intragroup transactions involving tax haven countries or territories.

For more detailed guidance, please see the Transfer Pricing Portfolio: [Spain, Reporting and Documentation Requirements](#) and the Country Portfolio: [Spain, Intercompany Price Adjustments Among Domestic Companies – Documentation Requirements](#).