

# ***Luxembourg issues Q&A on OECD country-by-country reporting obligations***

## **Notification deadline extended to 31 March 2017**

27 December 2016

### ***In brief***

Several practical questions remained after 13 December 2016 when the Luxembourg Parliament passed legislation implementing country-by-country (CbC) reporting requirements for Luxembourg entities that are part of a Multinational Enterprise Group (MNE Group).

Further guidance was published today by the Luxembourg tax authority in the form of Frequently Asked Questions (FAQ) to be updated on a regular basis.

Under the FAQ, notification based on the 23 December 2016 law for the 2016 fiscal year has been extended to 31 March 2017. This notification must be made through MyGuichet, a secure interactive electronic platform on guichet.lu.

### ***In detail***

The new law (CbC law) enacts Luxembourg parliamentary Bill 7031, and implements into Luxembourg law Council Directive (EU) 2016/881 of 25 May 2016 regarding the mandatory automatic exchange of information in the field of taxation (DAC 4). Although they have only been enacted now, the measures are applicable for fiscal year 2016 as well as future fiscal years.

#### ***Notifications***

A Luxembourg resident entity affected by this legislation needs to notify the Luxembourg tax authority of whether it is going to file a CbC report as the ultimate parent, under the secondary mechanism, or as a surrogate filer. Alternatively, if a Luxembourg entity is a constituent entity (this being defined as a Luxembourg tax resident entity forming part of an MNE group which must comply with CbC reporting obligations), each such entity must notify the Luxembourg tax authority of which other entity in the MNE group is filing the CbC report, and of its country of residence. This will ensure that the Luxembourg tax authority is able to effectively track the filing of CbC reports for constituent entities.

This notification is due by the last day of the fiscal year of the MNE group; therefore, for 31 December year-ends, the first notification would be due on 31 December 2016.

Today, the Luxembourg legislator published a FAQ which states that the deadline for exchanging notifications according to the law of 23 December 2016 relating to country-by-country reporting for fiscal year 2016 is postponed to 31 March 2017.

Notification shall be made through MyGuichet, a secure interactive electronic platform on [guichet.lu](http://guichet.lu). MyGuichet allows administrative formalities to be carried out online with the competent authority in a safe and secure manner via a LuxTrust certificate. The user completes his form online, signs it electronically, attaches the supporting documents if needed and submits the form via MyGuichet.

## ***In conclusion***

With this FAQ extending the deadline to file notifications, the Luxembourg tax authority has ended uncertainty. We recommend that you regularly visit the authority's website for updates to the FAQ.

[http://www.impotsdirects.public.lu/echanges\\_electroniques/CbCR/FAQ/index.html](http://www.impotsdirects.public.lu/echanges_electroniques/CbCR/FAQ/index.html)

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