EU Public Country-by-Country Reporting: Implementation state of play

Updated: January 31, 2024
EU Public CbyC Reporting – Four questions to start getting ready

01 What is the status?

02 What triggers a reporting obligation?

03 Who has to report?

04 What should be reported?

For more information please refer to the KPMG’s EU Tax Centre dedicated webpage.
EU Public CbyC Reporting – Overview (1/2)

01 What is the status?
EU Member States have until June 22, 2023 to transpose the EU Public Country-by-Country (CbyC) Reporting Directive (Directive) into national law. Individual Member States may choose to implement the rules at an earlier date.

Relationship with other CbyC reporting initiatives
The initiative is similar to the non-public CbyC reporting, but differs in some important respects. It also builds on earlier EU public CbyC reporting initiatives, i.e., those applying to the extractive sector and to the financial sector (CRD IV).

First reporting year
The rules will apply 12 months after the transposition deadline, i.e. at the latest from the commencement date of the first financial year starting on or after June 22, 2024.

For calendar year taxpayers, the first reportable year will be 2025, with the report due by the end of 2026. However, Member States may set shorter reporting deadlines.

02 What triggers a reporting obligation?
A reporting obligation will arise for multinational groups with a consolidated net turnover of at least EUR750 million in each of the last two consecutive financial years, if the group’s ultimate parent undertaking is either:

- Based in the EU, or
- Based in a third-country and operates in the EU through a qualifying subsidiary or branch¹.

The disclosure obligation will also apply to EU entities that are not part of a group (i.e. standalone undertakings) that meet the size threshold and have a taxable presence from a corporate income tax perspective in at least two Member States.

¹A qualifying EU presence includes:
- Medium-sized or large subsidiaries that meet two of the following three conditions: i) balance sheet > EUR 5 million, ii) net turnover > EUR 10 million, or iii) average number of employees > 50
- For branches only the net turnover is relevant.
Note that the thresholds may vary by Member State. Lower thresholds generally apply for 2023.
EU Public CbyC Reporting – Overview (2/2)

03 Who has to report?

EU-headquartered groups

The disclosure obligation lies with the EU parent. Reports must be filed in publicly accessible commercial registers in the relevant Member State as well as on applicable group websites (unless Member States opted for the publication exemption option described in the next slides).

Non-EU headquartered groups

The main rule is that each of the qualifying EU subsidiaries or EU branches is required to disclose information for the in-scope group.

There is one exception to this rule, whereby the EU subsidiaries and branches of the non-EU headquartered group are exempt from their obligations if the non-EU parent has published the report on their website and has assigned one of the EU subsidiaries or branches to file the report with their national commercial registry.

04 What should be reported?

The report should cover specified data for the whole group. The data should be provided on the following basis:

- separately for each Member State;
- separately for each jurisdiction included on the EU list of non-cooperative jurisdiction or on the ‘grey list’ for two consecutive years;
- aggregated for the rest of the world.

The data should consist of:

- brief description of the nature of the activities;
- number of full time equivalent employees;
- net turnover, including turnover with related parties;
- profit/loss before income tax;
- income tax accrued (current year);
- income tax paid (cash basis);
- accumulated earnings.
Timeline
EU Public CbyC Reporting—Timeline

December 2026
Reporting deadline for calendar year taxpayers (12 months after balance sheet date)

January 2025
First reportable year for calendar year taxpayers

June 22, 2024
Provisions become applicable

June 22, 2023
Transposition deadline

State of play — other notable dates

January 1, 2023
Romania: first reportable year: FYs starting on or after January 1, 2023

January 1, 2024
Croatia: first reportable year: FYs starting on or after January 1, 2024

May 31, 2024
Sweden: first reportable year: FYs starting on or after May 31, 2024

December 31, 2024
Romania: publishing and submission deadline

April 30, 2026 / May 31, 2025
Hungary: publishing and submission deadline

June 30, 2026
Spain: publishing and submission deadline
03
State of play
State of play

Legend

- Legislation passed/approved
- Draft legislation released
- First reporting year in line with the Directive (on or after 22 June 2024)
- First reporting year not in line with the Directive
- Early publishing deadline
- Safeguard clause implemented
- Website publication exemption
04
Implementation details
### EU Public CbyC Reporting implementation: state of play (1/3)

<table>
<thead>
<tr>
<th>Country</th>
<th>Status</th>
<th>Reporting for FY starting on or after</th>
<th>Safeguard clause¹</th>
<th>Website publication exemption²</th>
<th>Highlights</th>
<th>KPMG alerts</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Optional</td>
<td>Optional</td>
<td>The Directive is a minimum standard, which Member States may go beyond (to the extent compatible with EU fundamental freedoms) in terms of e.g., scope, data required, implementation and reporting deadline</td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Belgium</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>No</td>
<td>Yes</td>
<td>Belgium extend the scope of the disaggregated data disclosures to cover all jurisdictions outlined in the Belgian tax haven list</td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Adopted</td>
<td>January 1, 2025</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Croatia</td>
<td>Adopted</td>
<td>January 1, 2024</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Denmark</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td>Local tax alert</td>
</tr>
<tr>
<td>France</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td></td>
<td>CbyC disclosure extended to all EEA countries (not only EU Member States). Report needs to be translated into French</td>
<td>EU Tax Centre alert</td>
</tr>
</tbody>
</table>

¹ Under the “safeguard clause” Member States can choose to allow in-scope groups to defer the disclosure of commercially sensitive information for a maximum of five years – with the exception of data related to jurisdictions on the EU list of non-cooperative jurisdictions (Annexes I and II).

² Member States may opt to exempt companies from publishing the report on their websites, if the report is already made publicly available to any third party located in the EU, free of charge, on the website of the commercial registry.
## EU Public CbyC Reporting implementation: state of play (2/3)

<table>
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<th>Highlights</th>
<th>KPMG alerts</th>
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</thead>
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<tr>
<td>Germany</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>Yes</td>
<td>Explanatory memorandum provides guidance on what information can be temporally (up to 4 years) omitted. Report needs to be published in German.</td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Greece</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>No</td>
<td>Yes</td>
<td>Mandatory explanation of differences between income taxes accrued and taxes paid. Report needs to be filed 4 months (for companies with securities listed on the EEA market) / 5 months (for all other companies) after balance sheet date.</td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Hungary</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>No</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Latvia</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>Local tax alert</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>Yes</td>
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<td>EU Tax Centre alert</td>
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<td>Netherlands</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>No</td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Poland</td>
<td>Draft law</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>No</td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Portugal</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>No</td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Romania</td>
<td>Adopted</td>
<td>Jan 1, 2023</td>
<td>Yes</td>
<td>Yes</td>
<td>Local tax alert</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>No</td>
<td>Yes</td>
<td>Local tax alert</td>
</tr>
<tr>
<td>Spain</td>
<td>Adopted</td>
<td>June 22, 2024</td>
<td>Yes</td>
<td>Yes</td>
<td>EU Tax Centre alert</td>
</tr>
<tr>
<td>Sweden</td>
<td>Adopted</td>
<td>May 31, 2024</td>
<td>Yes</td>
<td>No</td>
<td>EU Tax Centre alert</td>
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Contacts
KPMG’s EU Tax Centre and the KPMG network of EU tax specialists can help you understand the complexities of the EU Public Country-by-Country Reporting Directive and how this can impact your business. If you would like more information about how KPMG can help you, feel free to contact one of the following advisors, or, as appropriate, your local KPMG contact.
Some or all of the services described herein may not be permissible for KPMG audit clients and their affiliates or related entities.

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