

Pillar 2 developments: approval of top-up tax forms 240, 241 and 242

Tax Alert



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Ministry of Finance Order HAC/1198/2025 lays down both the general filing periods and specific filing periods for the first year in which the tax applies -the transitional tax period- to facilitate adaptation by affected groups to the new top-up tax obligations. It also introduces the possibility of filing a simplified information return where certain conditions are met.

Ministry of Finance Order HAC/1198/2025 of 21

October 2025 approves three new tax forms to be used to fulfil the formal obligations in respect of the top-up tax ("Top-up Tax") provided for in [Law 7/2024](#) of 20 December 2024 (the "Pillar 2 Law", dealt with in our tax alert [A practical guide to the new top-up tax](#)), and its implementing regulations set out in [Royal Decree 252/2025](#) of 1 April 2025 (the "Top-up Tax Regulations").

This Order entered into force on 30 October 2025 and will affect tax periods commenced, and commencing, as of 31 December 2023. All tax returns and self-assessments must be filed electronically via the State Tax Agency's virtual office.

One of the most relevant aspects of the recently approved Order is the setting of specific filing deadlines for the first year affected -the **transitional tax period**- with a view to facilitating adaptation by multinational enterprise groups and large-scale domestic groups to the new obligations.

Thus, assuming that **their tax period coincides with the calendar year**, the filing deadlines for the first year will be as follows:

Transitional tax period

Form 240. Notification of filing entity: **May-June 2026.**

Form 241. GloBE Informative Return ("GIR"): **May-June 2026.**

Form 242. Top-up tax self-assessment: **between 1 and 25 July 2026.**

After this first transitional year, **the filing periods will be amended** for subsequent years, as explained below.

◆ **Forms approved**

Three tax returns (forms 240, 241 and 242) have been approved for the purposes of the formal Pillar 2 obligations:

Form 240: Notification of the constituent entity filing the Top-up Tax information return.

This form is to be used to notify the tax authorities of the group entity that will file the GIR, per the provisions of article 18 of the Top-up Tax Regulations.

It should include details such as the identity, start and end date of the tax period, and country or territory of residence of the ultimate parent entity ("UPE") and, as the case may be, the entity designated by it to file the GIR.

This information must be submitted jointly for all of the group's Constituent Entities ("CEs") located in Spain.

Filing periods

- **Transitional fiscal year:** the notification must be submitted within the two months immediately preceding the filing deadline for form 241. In the case of entities whose fiscal year coincides with the calendar year the filing period for this notification will run from **May to June 2026.**

Where form 241 relates to periods ended before 31 March 2025, form 240 must be filed within the two months immediately preceding 30 June 2026. i.e. **between 1 May and 30 June 2026.**

- **Subsequent years (2025 onwards):** form 240 must be filed no later than three months prior to the form 241 filing deadline. For example, for a year ending on 31 December 2025, form 240 must be filed **before 31 December 2026.**

Form 241: Top-up Tax information return

Article 47 of the Top-up Tax Law and articles 16 to 30 of the Top-up Tax Regulations set out the content and scope of the GIR information return. In principle, all CEs must file the GIR, unless it is filed by the UPE or another designated filing entity (subject to certain requirements).

Contents

The information return must include the information required in the following sections:

- Details of the constituent entities and group structure.
- Details required for the calculation of safe harbours, effective tax rate, top-up tax, etc.
- The allocation of the top-up tax by jurisdiction and entity.
- The elections made by group entities.

Both the OECD and the EU have published standard return forms (the OECD's latest version was published in January 2025, while the EU's latest version can be found in Directive (EU) 2025/872 ("DAC9"), published in the OJEU on 6 May 2025), with a view to simplifying compliance with the Pillar 2 reporting obligations by establishing a centralised framework for the filing of top-up tax information and the exchange of such information between Member States.

The structure of form 241 is compliant with the international standards of the **XML schema (XSD)** developed by the **OECD for the GIR**, ensuring its compatibility for the purposes of the automatic exchange of information between tax administrations.

For tax periods starting before 31 December 2028 - or after that date, provided that they end before 1 July 2030 - taxpayers may opt to file a simplified information return.

Filing periods

- **Transitional tax period**

General filing period for the transitional tax period:

Form 241 must be filed during the two months preceding the last day of the 18th month following the end of the transitional tax period. In other words, if the transitional tax period ends on 31 December 2024, the filing period will run **from 1 May until 30 June 2026** (the 18th month after December 2024 is June 2026).

Filing period for tax periods ended before 31 March 2025:

In this case, form 241 must be filed within the two months preceding 30 June 2026, irrespective of the transitional tax period. In other words, it must also be filed **between 1 May and 30 June 2026**.

- **Subsequent years (2025 onwards)**

It may be filed **until the last day of the fifteenth month following the end of the tax period**. For example, for years ending 31 December 2025, the filing period will run **until 31 March 2027**.

Form 242: Top-up Tax self-assessment

Under [article 32 of the Top-up Tax Regulations](#), the taxpayer or, as the case may be, the entity designated as the substitute taxpayer, is required to file a **top-up tax self-assessment** and make the corresponding payment.

This requirement is to be met by filing [Form 242 top-up tax self-assessment](#), which enables the taxpayer or, where applicable, the substitute taxpayer (subject to certain criteria and an order or precedence), to calculate and pay the top-up tax debt, and includes a direct debit payment option.

Filing periods

- **Transitional tax period:** Within the 25 calendar days following the eighteenth month after the end of the transitional tax period, i.e. **between 1 and 25 July 2026**.

Regardless of the tax period to which it relates, this form cannot be filed before 30 June 2026 - the date as of the above 25-day period will commence.

- **Subsequent years (2025 onwards):** Within 25 calendar days of the fifteenth month following the end of the tax period, i.e. **between 1 and 25 April of the second year following the relevant tax year** (25 April X+2) for calendar years. For example, for a tax year ending 31 December 2025, the filing period will run from **1 to 25 April 2027**.

◆ Observations

As stated in the Order approving form 242, in addition to the self-assessment they are required to file themselves as taxpayers, substitute taxpayers must file a self-assessment for each of the taxpayers they substitute.

It should also be recalled that the Top-up Tax Regulations provide that this self-assessment must be filed regardless of whether or not it results in tax payable. In this connection, it is not entirely clear whether the self-assessment must be filed in situations in which there is no tax payable in Spain where, for example, the countries in which the group operates are

covered by a safe harbour or have an effective tax rate equal to or higher than 15%.

Moreover, it will be necessary to take into account any formal obligations that may have to be fulfilled in the different provincial (or “foral”) territories.

These aspects may entail a considerable increase in the tax obligations to be fulfilled in Spain by the groups concerned.

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