

TP Alert

Thailand's Online Country-by-Country Reporting System Goes Live

Thailand's Revenue Department has made further progress in implementing its Country-by-Country Reporting (CbCR) measures this month with:

- Issuance of Notification of Director-General of the Revenue Department No. 419 ("Notification 419") to provide guidelines for the lodgement of the CbCR with the Revenue Department.
- Opening the online CbCR system for taxpayers at the Thai Revenue Department's website.
- Revision of the TP Disclosure form to include a question in relation to CbCR.

Notification 419

Notification 419 provides additions/amendments to the original CbCR Notification of Director-General of the Revenue Department 408 ("Notification 408") to provide guidelines in registering and lodging the CbCR with the Thai Revenue Department CbCR online system.

The companies required to lodge the CbCR with the Thai Revenue Department may do so by logging into the CbCR system on the Thai Revenue Department's website (www.rd.go.th) either:

- using their username and password obtained from registration with this system, or
- through Tax Single Sign On System via the Ministry of Finance's website (<https://etax.mof.go.th>), using username and password received from registration to access that system.

Companies which wish to submit the information through the CbCR system will need to apply for registration either through the Revenue Department website or the Ministry of Finance's Tax Single Sign On System depending on which situation above applies.

Companies will be provided with a receipt upon submission of the CbCR information with the system.

Please refer to the attached English translation of Notification 419 [here](#).

CbCR System

The CbCR system is now operational at the Thai Revenue Department website. As indicated above, taxpayers will need to apply for registration before they can access the system. The system currently shows fields for the following information:

- Contact details of CbCR system registrant
- CbCR Notification
- Lodgement of CbCR XML file
- Uploads of XML file – shows last 5 uploads
- Notification of appointment of Surrogate Parent Entity
- History of information submitted

Where there are multiple entities in the same Multinational Enterprise ("MNE") group in Thailand, it is only necessary for one entity to register with the system to submit the CbCR Notification and other required information.

CbCR Notification

Whilst the CbCR regulations in Notification 408 do not refer to the requirement to submit the CbCR Notification, this is required as part of the CbCR system. The CbCR Notification requirement applies to Thai companies or juristic partnerships, which are part of a MNE group for the purposes of the CbCR laws. Significantly, there is no revenue threshold applied for the local entity in determining this requirement. The registered entity will need to provide the following information in the CbCR Notification:

Ultimate Parent Entity Country		
Ultimate Parent Entity NID		
Name of Ultimate Parent Entity		
CbCR Reporting Entity	<input type="checkbox"/> Ultimate Parent Entity (UPE)	<input type="checkbox"/> Surrogate Parent Entity (SPE)
[If SPE is reporting entity then fields below to be completed]		
Country	NID.....	Name.....
Relevant fiscal year	Starting mm/dd/yyyy	Ending mm/dd/yyyy
List of constituent entities to be included in this Notification	[Attach file]	

The list of constituent entities only refers to the entities in the same MNE which are located in Thailand. The purpose of this is to allow the Thai Revenue Department to understand which entities are covered by the Notification.

As the CbCR Notification is not referred to in any regulations, there is no statutory deadline specified. However, the Thai Revenue Department has indicated that this Notification should be submitted before the deadline for the submission of the CbCR (i.e., 12 months after end of the accounting period).

The Thai Revenue Department has issued CbCR notification and systems manuals and is due to provide a CbCR Local Guideline manual and responses to Frequently Asked Questions.

TP Disclosure form

The TP Disclosure form, which is required to be lodged by taxpayers with revenues of more than Thai Baht 200 million, has been updated to include a question in relation to the CbCR filing position for the taxpayer. The question is:

Taxpayer is a member of a multinational company or juristic partnership group obliged to file the Country-by-Country Report	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, which company or juristic partnership is responsible for filing the report?	
Name: Country or Economic Zone of filing	<input type="checkbox"/> Thailand <input type="checkbox"/> Other, please specify country or economic zone

This information is duplicative to some degree with the information to be provided in the CbCR Notification through the CbCR system. But as noted above, only one entity within an MNE group in Thailand is required to provide the information in the CbCR system. Significantly, the TP Disclosure form is only required for taxpayers with revenues of more than Thai Baht 200 million whilst the CbCR Notification could apply to taxpayers with less than this revenue threshold, which are part of a MNE group for the purposes of the CbCR rules.

Interestingly, there is a maximum fine of Thai Baht 200,000 for failure to provide correct information in the TP Disclosure form, but no fine applicable for failure to provide information in the CbCR Notification as the requirement is not stipulated in the laws.

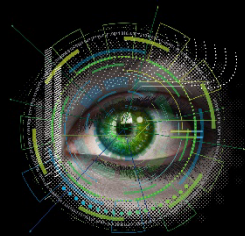
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