

Country -by - Country Reporting

Q : What does the “Multinational Company or Juristic Partnership Group” mean?

A : The Multinational Company or Juristic Partnership Group means companies or juristic partnerships which have characteristics or relations with other companies or juristic partnerships in the following two cases:

1. Two or more companies or juristic partnerships are:

1.1 related through control in accordance with generally accepted accounting principles regarding consolidated financial statements, and

1.2 tax residents in different jurisdictions, or in one jurisdiction but one of them carries on business in another jurisdiction through a permanent establishment.

2. A company or juristic partnership, without relationship with other companies or juristic partnerships mentioned in 1., who has tax residence in one jurisdiction and carries on business in another jurisdiction through a permanent establishment.

Q : Which Multinational Company or Juristic Partnership Group has to report CbCR information?

A : The Multinational Company or Juristic Partnership Group, with respect to any Fiscal Year of the Group, having total consolidated group revenue of THB 28,000 million or above during the Fiscal Year immediately preceding the Reporting Fiscal Year as reflected in the Consolidated Financial Statements for such preceding Fiscal Year.

Q : What does the “Ultimate Parent Company or Juristic Partnership” (UPE) mean?

A : **Case 1.** For the group of more than two companies or juristic partnerships.

Ultimate Parent Company or Juristic Partnership means

1.1 The company or juristic partnership who has control, directly or indirectly, over other companies or juristic partnerships and belongs to the Multinational Company or Juristic Partnership Group, such that

a. the company or juristic partnership is required to prepare consolidated financial statements for financial reporting purposes under generally accepted accounting principles in the jurisdiction of its tax residence, or

b. would be so required to prepare consolidated financial statements if equity interests of the company or juristic partnership were traded on a public securities exchange in the jurisdiction of its tax resident (or in the case that the tax resident’s jurisdiction does not have any public securities exchange, the criteria of the Stock Exchange of Thailand shall be applied.), and

1.2 The company or juristic partnership is not under the control as such by another company or juristic partnership in the Multinational Company or Juristic Partnership Group.

Case 2. A company or juristic partnership who does not have control any relationship with another company or juristic partnership in accordance with generally accepted accounting principles described in Case 1., but such company or juristic partnership carries on business in another jurisdiction through a permanent establishment.

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Q : When does the Company or Juristic Partnership have to report CbCR information to the Revenue Department?

A : A UPE in accordance with Clause 2(1) or Surrogate Parent Entity (SPE) in accordance with Clause 4 of the Notification of the Director- General of the Revenue Department on Income Tax (No. 408) shall submit the CbCR within 12 months from the last day of its accounting period.

A company or juristic partnership carrying on business in Thailand in accordance with Clause 2 (2) of the Notification of the Director - General of the Revenue Department on Income Tax (No. 408), **only for certain cases required by laws**, is required to submit the CbCR within 60 days from the day it receives a CbCR submission notice from the Revenue Department.

Q : How to check participating jurisdictions of the Multilateral Competent Authority Agreement on the Exchange of Country-by-Country Reports (MCAA CbCR)?

A : The list of the MCAA CbCR participating jurisdictions is available on the website of the Organisation for Economic Co-operation and Development (OECD) at <https://www.oecd.org/tax/beps/country-by-country-exchange-relationships.htm>

Q : Is there any letter template for appointing the Surrogate of Ultimate Parent Company or Juristic Partnership (SPE) to submit the CbCR?

A : There is no specific letter template for appointing a SPE. The Ultimate Parent Company or Juristic Partnership can appoint its SPE in written and notify the Revenue Department by uploading such letter and other supporting documents (if any) on the “CbCR System” during the Notification Process.

Q : How many steps involved in the reporting CbCR information to the Revenue Department?

A : There are two steps:

1. Notification Process
2. Submission Process

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Q : What does the “Surrogate of Ultimate Parent Company or Juristic Partnership” (SPE) mean ?

A : The Ultimate Parent Company or Juristic Partnership (UPE) of a Multinational Company or Juristic Partnership Group which is a tax resident in foreign jurisdiction may appoint a Surrogate of Ultimate Parent Company or Juristic Partnership (SPE) incorporated in Thailand to report CbCR information to the Revenue Department if all following circumstances are met:

1. A UPE of the Group is a tax resident in a jurisdiction that does not have applicable legislation stipulating CbCR reporting obligations,
2. The UPE mentioned in 1. has appointed, in written, a company or juristic partnership incorporated under Thai laws as a Surrogate of Ultimate Parent Company or Juristic Partnership (SPE) and also notified such appointment to the Revenue Department, and
3. The SPE's accounting period shall be the same as the UPE's accounting period.

Q : How to consider the consolidated group revenue of the Multinational Company or Juristic Partnership Group in case that an accounting period was shorter than 12 months?

A : Apply the pro-rata basis of the THB 28,000 million threshold that would correspond to accounting period that was shorter than 12 months.

Q : If the UPE of the Multinational Company or Juristic Partnership Group is not obligated to report CbCR information in a jurisdiction where the UPE is a tax resident because its consolidated group revenue is less than the threshold by that jurisdiction's law. However, when the consolidated group revenue is converted to THB, in accordance with Clause 5 of the Notification of the Director – General of Revenue Department on Income Tax (No. 408), it is equal to or more than THB 28,000 million, does the company or juristic partnership of the Group carrying on business in Thailand need to report CbCR information to the Revenue Department?

A : No.

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Q : What is the Notification Process?

A : Notification Process is the process where the Multinational Company or Juristic Partnership Group is required to appoint only one company or juristic partnership, that carries on business in Thailand (regardless of the duty as the UPE or SPE in Thailand), to notify the Revenue Department of which entity within the Group will report CbCR information (Reporting Entity) and to which jurisdiction as well as to submit a list of its company or juristic partnership carrying on business in Thailand, via "CbCR System".

**To access the CbCR System, the Username and Password of the Revenue Department's e-Filing system or the Ministry of Finance's TAX SSO account shall be used.

Q : What is the Submission Process?

A : Once a UPE or SPE, as applicable, completes the Notification Process, such UPE or SPE is required to submit the CbCR information to the Revenue Department via the CbCR system within the specific deadline. The report submitted must be in English in accordance with the OECD's Country-by-Country Reporting XML Schema.

**To access the CbCR System, the Username and Password of the Revenue Department's e-Filing system or the Ministry of Finance's TAX SSO account shall be used.

Q : When is the CbCR submission completed?

A : The CbCR submission is completed when the Reporting Entity receives a "Receipt of Country-by-Country Report", which will be sent to the email address specified in the Notification process on CbCR system.

Q : Which company or juristic partnership of the Group has to report CbCR information to the Revenue Department? Who is considered to be a Reporting Entity?

A : A Reporting Entity is a company or juristic partnership appointed by the Multinational Company or Juristic Partnership Group to report CbCR information to the Competent Authority of the jurisdiction. In Thailand, the following entities can be appointed as reporting entities:

1. The Ultimate Parent Company or Juristic Partnership (UPE) incorporated under Thai laws,
2. The Surrogate of Ultimate Parent Company or Juristic Partnership (SPE) incorporated in Thailand, or
3. Companies or juristic partnerships carrying on business in Thailand in accordance with Clause 2 (2) (a) – (c) of the Notification of the Director – General of Revenue Department on Income Tax (No. 408).

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Q : What does a “company or juristic partnership carrying on business in Thailand” mean?
Do they need to report CbCR information in all cases?

A : A company or juristic partnership carrying on business in Thailand means:

1. A company or juristic partnership incorporated under Thai laws, or

2. A Multinational Company or Juristic Partnership Group carrying on business in Thailand through a branch office, a representative or an agent in Thailand in such a way that causes the Multinational Company or Juristic Partnership Group an obligation to pay taxes in Thailand

Such company or juristic partnership carrying on Business in Thailand is required to submit CbCR to the Revenue Department in any of the following circumstances:

2.1 A UPE of the Group is not obligated to report CbCR in its jurisdiction where the UPE is a tax resident;

2.2 A UPE of the Group is a tax resident in a jurisdiction which has in place an International Agreement on Exchange of Information, but has no Competent Authority Agreement on Exchange of CbCR with Thailand or has such agreement but has not put into effect for the exchange of the CbCR for that reporting accounting period; or

2.3 There is a failure on the Exchange of Information System.

However, any company or juristic partnership carrying on business in Thailand as described in 2., that occurs a duty to report CbCR information but manages to satisfy conditions under Clause 3 of the Notification of the Director – General of Revenue Department on Income Tax (No. 408), shall be exempted from obligation to report CbCR information in Thailand.

Q : How to contact the CbCR Staff ?

A :

1. E-mail : CbCR@rd.go.th
2. RD Intelligence Center, Tel. 1161 during office hours (Mondays - Fridays, 08.30 - 16.30)