

Table 2. List of all constituent entities of the MNE group included in each aggregation per tax jurisdiction

Name of the MNE Group:														
Fiscal year concerned:														
Tax jurisdiction	Constituent entities resident in the tax jurisdiction	Tax jurisdiction of organisation or incorporation if different from the tax jurisdiction of residence	Main business activity(ies)											
			Research and development	Holding or managing intellectual property	Purchasing or procurement	Manufacturing or production	Sales, marketing or distribution	Administrative, management or support services	Provision of services to unrelated parties	Internal group finance	Regulated financial services	Insurance	Holding shares or other equity instruments	Dormant
.....	1.												
	2.												
	3.												
.....	1.												
	2.												
	3.												

1. Please specify the nature of the activity of the constituent entity in Table 3. "Additional information".

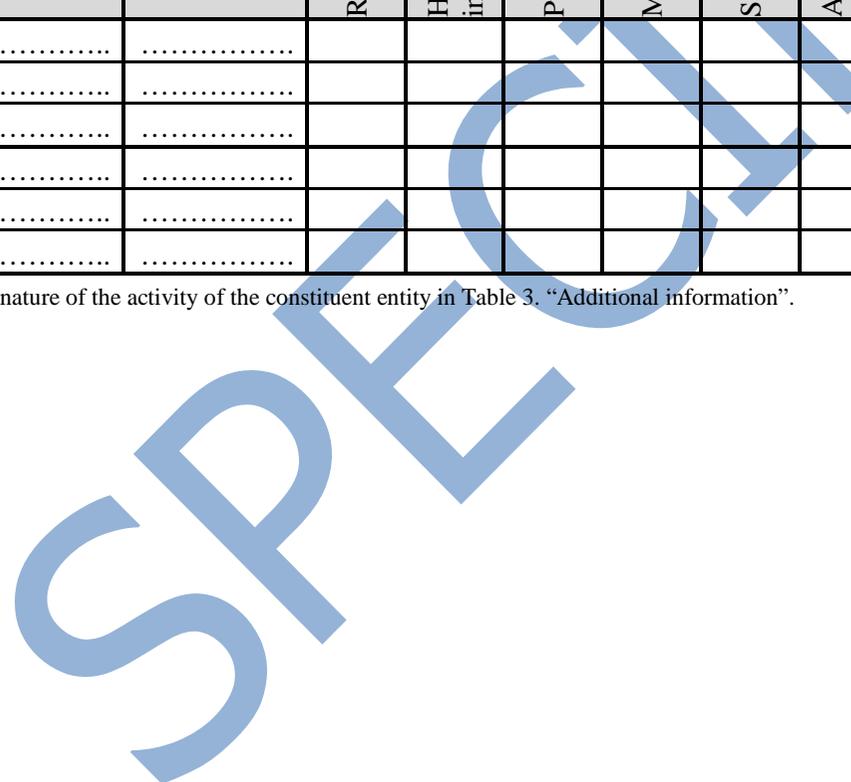


Table 3. Additional information

Name of the MNE group:
Fiscal year concerned:
.....

CERTIFIED, (date)
..... (signature)

SPECIMEN

EXPLANATORY NOTE – 275 CBC

(The legal provisions are available for consultation on the website of the FPS Finance www.fisconetplus.be)

Article referred to

Article 321/2 of the Income Tax Code 1992.

Preliminary remarks

This template is intended for reporting a multinational enterprise's (MNE) group allocation of income, taxes and business activities on a tax jurisdiction-by-tax jurisdiction basis.

General instructions

Treatment of branches and permanent establishments

The permanent establishment data should be reported by reference to the tax jurisdiction in which it is situated and not by reference to the tax jurisdiction of residence of the business unit of which the permanent establishment is a part. Residence tax jurisdiction reporting for the business unit of which the permanent establishment is a part should exclude financial data related to the permanent establishment.

Period covered by the annual template

The template should cover the fiscal year of the MNE. For constituent entities, at the discretion of the reporting MNE, the template should reflect on a consistent basis either:

- (i) information for the fiscal year of the relevant constituent entities ending on the same date as the fiscal year or the reporting MNE, or ending within the 12 month period preceding such data, or
- (ii) information for all the relevant constituent entities reported for the fiscal year of the reporting MNE.

Source of data

The Reporting MNE should consistently use the same sources of data from year to year in completing the template. The Reporting MNE may choose to use data from its consolidation reporting packages, from separate entity statutory financial statements, regulatory financial statements, or internal management accounts. It is not necessary to reconcile the revenue, profit and tax reporting in the template to the consolidated financial statements. If statutory financial statements are used as the basis for reporting, all amounts should be translated to the stated functional currency of the

Reporting MNE at the average exchange rate for the year stated in Table 3. "Additional information" of the template. Adjustments need not be made, however, for differences in accounting principles applied from tax jurisdiction to tax jurisdiction.

The Reporting MNE should provide a brief description of the sources of data used in preparing the template in the Additional Information section of the template. If a change is made in the source of data used from year to year, the Reporting MNE should explain the reasons for the change and its consequences in the Additional Information section of the template.

Specific instructions per column

Table 1. Overview of allocation of income, taxes and business activities by tax jurisdiction

Tax jurisdiction

In the first column of Table 1. of the Country-by-Country Report, the reporting MNE should list all of the tax jurisdictions in which Constituent Entities of the MNE group are resident for tax purposes. A tax jurisdiction is defined as a State as well as a non-State jurisdiction which has fiscal autonomy. A separate line should be included for all constituent entities in the MNE group deemed by the reporting MNE not to be resident in any tax jurisdiction for tax purposes. Where a constituent entity is resident in more than one tax jurisdiction, the applicable tax treaty tie breaker should be applied to determine the tax jurisdiction of residence. Where no applicable tax treaty exists, the constituent entity should be reported in the tax jurisdiction of the constituent entity's place of effective management. The place of effective management should be determined in accordance with the provisions of Article 4 of the OECD Model Tax Convention and its accompanying Commentary.

Revenues

In the three columns of Table 1. of the Country-by-Country Report, under the heading Revenues, the reporting MNE should report the following information:

- (i) the sum of revenues of all the Constituent Entities of the MNE group in the relevant tax jurisdiction generated from transactions with associated enterprises;
- (ii) the sum of revenues of all the Constituent Entities of the MNE group in the relevant tax jurisdiction generated from transactions with independent parties; and
- (iii) the total of (i) and (ii).

Revenues should include revenues from sales of inventory and properties, services, royalties, interest, premiums and any other amounts. Revenues should exclude payments received from other Constituent Entities that are treated as dividends in the payor's tax jurisdiction.

Profit (Loss) before Income Tax

In the fifth column of Table 1. of the Country-by-Country Report, the Reporting MNE should report the sum of the profit (loss) before income tax for all the Constituent Entities resident for tax purposes in the relevant tax

jurisdiction. The profit (loss) before income tax should include all extraordinary income and expense items.

Income Tax Paid (on Cash Basis)

In the sixth column of Table 1. of the Country-by-Country Report, the Reporting MNE should report the total amount of income tax actually paid during the relevant fiscal year by all the Constituent Entities resident for tax purposes in the relevant tax jurisdiction. Taxes paid should include cash taxes paid by the Constituent Entity to the residence tax jurisdiction and to all other tax jurisdictions. Taxes paid should include withholding taxes paid by other entities (associated enterprises and independent enterprises) with respect to payments to the Constituent Entity. Thus, if company A resident in tax jurisdiction A earns interest in tax jurisdiction B, the tax withheld in tax jurisdiction B should be reported by company A.

Income Tax Accrued – Current Year

In the seventh column of Table 1. of the Country-by-Country Report, the Reporting MNE should report the sum of the accrued current tax expense recorded on taxable profits or losses of the year of reporting of all the Constituent Entities resident for tax purposes in the relevant tax jurisdiction. The current tax expense should reflect only operations in the current year and should not include deferred taxes or provisions for uncertain tax liabilities.

Stated Capital

In the eighth column of Table 1. of the Country-by-Country Report, the Reporting MNE should report the sum of the stated capital of all the Constituent Entities resident for tax purposes in the relevant tax jurisdiction. With regard to permanent establishments, the stated capital should be reported by the legal entity of which it is a permanent establishment unless there is a defined capital requirement in the permanent establishment tax jurisdiction for regulatory purposes.

Accumulated Earnings

In the ninth column of Table 1. of the Country-by-Country Report, the Reporting MNE should report the sum of the total accumulated earnings of all the Constituent Entities resident for tax purposes in the relevant tax jurisdiction as of the end of the year. With regard to permanent establishments, accumulated earnings should be reported by the legal entity of which it is a permanent establishment.

Number of Employees

In the tenth column of Table 1. of the Country-by-Country Report, the Reporting MNE should report the total number of employees on a full-time equivalent (FTE) basis of all the Constituent Entities resident for tax purposes in the relevant tax jurisdiction. The number of employees may be reported as of the year-end, on the basis of average employment levels for the year, or on any other basis consistently applied across tax jurisdictions and from year to year. For this purpose, independent contractors participating in the ordinary operating activities of the Constituent Entity may be reported as employees. Reasonable rounding or approximation of the number of employees is permissible, providing that such rounding or approximation does not materially distort the relative distribution of employees across the various tax jurisdictions. Consistent approaches should be applied from year to year and across entities.

Tangible Assets other than Cash and Cash Equivalents

In the eleventh column of Table 1. of the Country-by-Country Report, the Reporting MNE should report the sum of the net book values of tangible assets of all the Constituent Entities resident for tax purposes in the relevant tax jurisdiction. With regard to permanent establishments, assets should be reported by reference to the tax jurisdiction in which the permanent establishment is situated. Tangible assets for this purpose do not include cash or cash equivalents, intangibles, or financial assets.

Table 2. List of all the Constituent Entities of the MNE group included in each aggregation per tax jurisdiction

Constituent Entities Resident in the Tax Jurisdiction

The Reporting MNE should list, on a tax jurisdiction-by-tax jurisdiction basis and by legal entity name, all the Constituent Entities of the MNE group which are resident for tax purposes in the relevant tax jurisdiction. As stated above with regard to permanent establishments, however, the permanent establishment should be listed by reference to the tax jurisdiction in which it is situated. The legal entity of which it is a permanent establishment should be noted (e.g. XYZ Corp – Tax Jurisdiction A PE).

Tax Jurisdiction of Organisation or Incorporation if Different from Tax Jurisdiction of Residence

The Reporting MNE should report the name of the tax jurisdiction under whose laws the Constituent Entity of the

MNE is organized or incorporated if it is different from the tax jurisdiction of residence.

Main Business Activity(ies)

The Reporting MNE should determine the nature of the main business activity(ies) carried out by the Constituent Entity in the relevant tax jurisdiction, by ticking one or more of the appropriate boxes.

Table 3. Additional information

Please provide here all information or any comment you consider necessary for a better understanding of the Country-by-Country Report.

This table shall at least contain the following information:

- (i) sources of data (consolidation reporting packages, separate entity statutory financial statements, internal management accounts, ...) from which the reported information was derived and the standards relating to such sources of data (IFRS, BE GAAP or Local GAAP). When relevant, please give a short description of the main consequences for the interpretation of the figures provided (e.g. the applicable accounting rules, the accounting entries that were used as the basis for reporting, the reporting on the number of employees, ...);
- (ii) If different currencies are used in the sources of data from which the reported information was derived, the exchange rate of such currencies against the currency that is used for reporting.;
- (iii) If "other" is ticked in Table II: further explanations regarding the nature of the business activities.