

From the next week any company belonging to a MNE must file a Notification of the Country by Country Report

July 1, 2020

Local Tax Authorities (DIAN) issued the Decision number 00065 from June 18, 2020, that establishes the procedure to file the:

- The TP Return (Formats 120 and 1125); and,
- The Notification of the CbC

Taxpayers that should file the TP Return must fulfill the boxes 37 to 44 of the Format 120 to accomplish with the Notification of the CbC. On the other hand, taxpayers that should not file the TP Return for the FY2019 and belonging to a MNE must comply with the duty of the Notification of the CbC using the format uploaded by DIAN in its Webpage and send it via email.

Bear in mind that the due dates are the same of the TP Return:

Last digit of the NIT (Tax ID)	Date
0	July 7, 2020
9	July 8, 2020
8	July 9, 2020
7	July 10, 2020
6	July 13, 2020
5	July 14, 2020
4	July 15, 2020
3	July 16, 2020
2	July 17, 2020
1	July 21, 2020

In case that your Company must file the Notification of the CbC before DIAN and wants our assistance, please let us know as soon as possible to guide you in the process and avoid penalties.

Below we will explain briefly the implications for the no submission of the Notification of the CbC:

1. The penalties are stated in the Section 651 of the Colombian Tax Code (TC) and not in the TP Regime.
2. The Section 652 of the TC establishes that the penalty should not exceed COP 534,105,000 (approx. USD 142,000).
3. Furthermore, establishes that when the data is not reveal, is not correct or filed later than the deadline, the penalty is 0.5% of taxpayer's net incomes.
4. The mentioned penalty could be reduced in the following scenarios:

Scenario	Reduced to
Whether the submission is corrected before formal notification of the penalty from DIAN	50%
Whether the omission is corrected between the first two months following the date of the formal notification from DIAN	70%

Your Key Contacts



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