



Progress made on the regulatory implementation of the top-up tax (Pillar II)

Commencement of the preliminary public consultation period for potentially affected taxpayers to voice their opinion

May 2024

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The process of approving the implementing regulations for the future law that is set to establish a top-up tax to ensure global minimum taxation for multinational enterprise groups and large-scale domestic groups is now underway in Spain.

This legislation has its origins in the OECD's Pillar Two framework, which resulted in the adoption of the [EU Directive](#) back in December 2022, to be enacted in Member States by 31 December 2023. The purpose of this tax is to ensure a global minimum effective tax rate of 15% for large multinational groups, in each jurisdiction wherever they may operate.

In Spain, the wording of the [Draft Bill](#) (only available in Spanish) establishing a top-up tax to ensure global minimum taxation for multinational enterprise groups and large-scale domestic groups was published by the Ministry of Finance and Civil Service in December 2023 when it opened the period for comments and public consultation. The Draft Bill has yet to be passed into law.

In parallel to the processing of the Draft Bill, the initiation of the approval process for the aforementioned Regulation has recently been published through the commencement of the preliminary public consultation period.

By means of this procedure, the Directorate-General for Taxation seeks to ascertain the opinion of the most representative taxpayers and organisations potentially affected by the top-up tax, who now have from 17 May 2024 until 31 May 2024 to submit their opinion to the following email address: observaciones.proyectos@tributos.hacienda.gob.es.

The wording of the recently announced public consultation identifies the following five key areas for further development (notwithstanding any other issues that may arise in light of the observations submitted):

- Taxpayers subject to the top-up tax.
- Calculation of the tax base and adjusted covered taxes.
- Insurance companies.
- Information return.
- Management of the complementary tax.

Upon conclusion of this prior consultation, the Draft Royal Decree will be drawn up and published, following which a new period for comments and public consultation will commence (which, in principle, cannot be shorter than 15 business days).

We will keep you informed of any further progress made in the processing of these two pieces of legislation.

The preliminary public consultation can be accessed [here](#) (only available in Spanish).

For further information, please contact:

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