DEPARTMENT FOR INTERNATIONAL TAX COOPERATION
CAYMAN ISLANDS GOVERNMENT

"Information bubbles" appear in this column beside the corresponding field.

Economic Substance Return

For the purpose of this sample PDF, mandatory fields are marked with an * Whereas fields marked with (*) are only mandatory in certain cases. When the form is available on the DITC Portal mandatory fields will automatically display as the form is completed.

The International Tax Co-Operation (Economic Substance) Law ("ES Law") requires every relevant entity ("Entity") that is carrying on a relevant activity to satisfy the economic substance test in relation to that relevant activity ("ES Test").

Each such Entity must prepare and submit to the Tax Information Authority ("Authority") an economic substance report ("ES Return" or "this form") for the purpose of the Authority's determination as to whether the ES Test has been satisfied in relation to that relevant activity.

The ES Return must be submitted within twelve months after the last day of the end of each financial year ("Period") commencing on or after 1 January 2019. If an Entity conducts more than one relevant activity during a financial year then it must prepare and submit a separate ES Return in relation to each such relevant activity.

Please refer to the 'Economic Substance For Geographically Mobile Activities Guidance' issued by the Authority for information about the economic substance requirements.

Please refer to DITC Portal User Guide for further information on this form.

All monetary amounts should be provided to the nearest whole number. Zero ("0") will be acceptable for all fields requiring a numerical response.

Overview

Entity Name	↓	**Validate Information**

Once the Entity name is selected from the drop down list and the 'Validate Information' button is pressed, the ES return will pre-populate with certain information for the Entity.

If change to Entity name is required, this will need to be done through the General Registry.

Relevant Entity ("Entity") Name *
Pre-populated

Is the Entity a Segregated Portfolio Company ("SPC") and conducts one or more relevant activities through a Segregated Portfolio? *
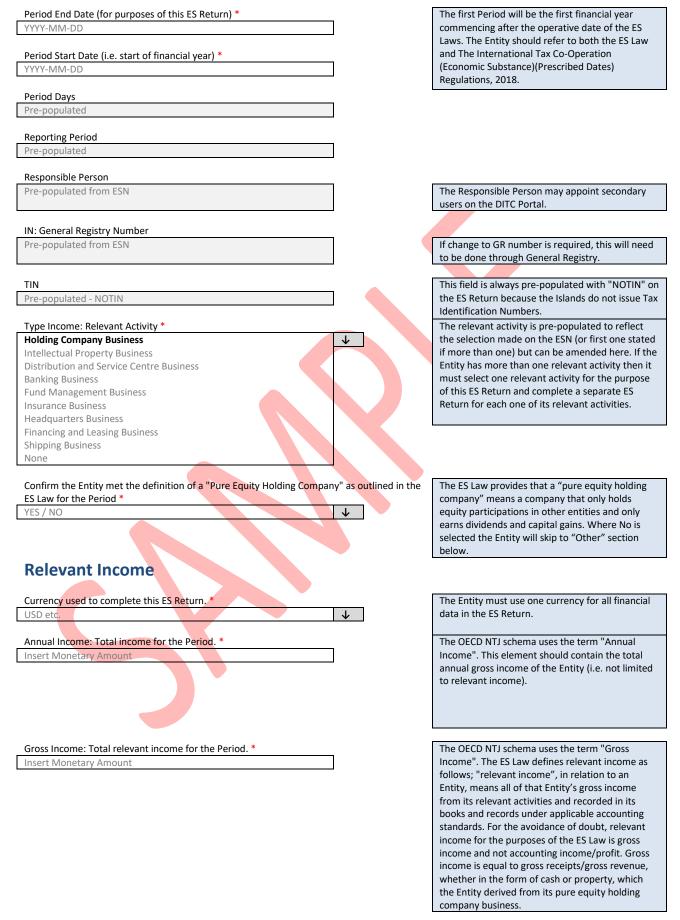
YES / NO	↓

Segregated Portfolio name (*)
INSERT NAME OF THE SP FOR WHICH THIS FORM RELATES TO

An SPC must specify the SP on whose behalf it is submitting the ES Return in the Segregated Portfolio name box. A separate ES Return must be submitted by the SPC for each SP that is required to file an ES Return. Likewise, an ES Return is required in respect of each relevant activity (i.e. one SP carrying on two relevant activities is required to submit two ES Returns). Alternatively, if an SP is tax resident outside the Islands then the SPC must complete and submit the Tax Resident Outside the Islands form in respect of that SP. Refer to point 19 on the Practice Point Document for more details.

Period End Date (i.e. end of financial year) specified on ESN
Pre-populated from ESN with option to correct

Sample ES Return: Pure Equity Holding Company

Period End Date (for purposes of this ES Return) *
```
YYYY-MM-DD
```

> The first Period will be the first financial year commencing after the operative date of the ES Laws. The Entity should refer to both the ES Law and The International Tax Co-Operation (Economic Substance)(Prescribed Dates) Regulations, 2018.

Period Start Date (i.e. start of financial year) *
```
YYYY-MM-DD
```

Period Days
```
Pre-populated
```

Reporting Period
```
Pre-populated
```

Responsible Person
```
Pre-populated from ESN
```

> The Responsible Person may appoint secondary users on the DITC Portal.

IN: General Registry Number
```
Pre-populated from ESN
```

> If change to GR number is required, this will need to be done through General Registry.

TIN
```
Pre-populated - NOTIN
```

> This field is always pre-populated with "NOTIN" on the ES Return because the Islands do not issue Tax Identification Numbers.

Type Income: Relevant Activity *

Holding Company Business	↓
Intellectual Property Business	
Distribution and Service Centre Business	
Banking Business	
Fund Management Business	
Insurance Business	
Headquarters Business	
Financing and Leasing Business	
Shipping Business	
None	

> The relevant activity is pre-populated to reflect the selection made on the ESN (or first one stated if more than one) but can be amended here. If the Entity has more than one relevant activity then it must select one relevant activity for the purpose of this ES Return and complete a separate ES Return for each one of its relevant activities.

Confirm the Entity met the definition of a "Pure Equity Holding Company" as outlined in the ES Law for the Period *
```
YES / NO                                    ↓
```

> The ES Law provides that a "pure equity holding company" means a company that only holds equity participations in other entities and only earns dividends and capital gains. Where No is selected the Entity will skip to "Other" section below.

Relevant Income

Currency used to complete this ES Return. *
```
USD etc.                                    ↓
```

> The Entity must use one currency for all financial data in the ES Return.

Annual Income: Total income for the Period. *
```
Insert Monetary Amount
```

> The OECD NTJ schema uses the term "Annual Income". This element should contain the total annual gross income of the Entity (i.e. not limited to relevant income).

Gross Income: Total relevant income for the Period. *
```
Insert Monetary Amount
```

> The OECD NTJ schema uses the term "Gross Income". The ES Law defines relevant income as follows; "relevant income", in relation to an Entity, means all of that Entity's gross income from its relevant activities and recorded in its books and records under applicable accounting standards. For the avoidance of doubt, relevant income for the purposes of the ES Law is gross income and not accounting income/profit. Gross income is equal to gross receipts/gross revenue, whether in the form of cash or property, which the Entity derived from its pure equity holding company business.

Sample ES Return, Pure Equity Holding Company

Sample ES Return: Pure Equity Holding Company

Type of Income:

Total dividend income for the Period *

Insert Monetary Amount

Total capital gains for the Period *

Insert Monetary Amount

Total incidental income for the Period *

Insert Monetary Amount

> For example, incidental interest earned on a bank account. Please refer to Holding Company Sector Specific Guidance for further detail.

Entity Details:

Legal Address Type *

Residential or Business	↓
Residential	
Business	
Registered office	
Unknown	

Country Code *

> Country code selected should be the country the address relates to.

Street

Building Identifier

Suite Identifier

Floor Identifier

District Name

Post Office Box

Post Code

City *

Country Subentity

> For example; province or state.

Address Free

> Address Free allows the input of address information in free text. It should only be used in exceptional circumstances when it is impossible to provide the address in the fixed format.

Status

Pre-populated from General Registry

Date ceased to be active

Pre-populated from General Registry

Is the Entity a constituent entity of an MNE Group for the purposes of the Country-by-Country reporting (CbCR) framework *

Yes / No   ↓

Name Group: Name of MNE Group, if different from Entity name

Immediate Parent Details:

How many Immediate Parents does the Entity have? *

	Immediate Parent is defined in the Schedule to the ES Law. All fields relating to an Immediate Parent must be completed for each one.
ADD	Use the "ADD" button for each Immediate Parent. This information is required under the ES Law. If "UNKNOWN" is selected please provide explanation in "Other" section below.
UNKNOWN	
NONE	Entity does not have an Immediate Parent.

Name of entity *

_____

May be a corporate or a non-corporate entity, for example a partnership.

TIN or Similar *

_____

This data element provides the tax identification number (TIN) used by the tax administration of the jurisdiction of tax residence of the immediate parent. If the immediate parent does not have a TIN the value "NOTIN" should be entered.

TIN issued by (*)

_____

This attribute describes the jurisdiction that issued the TIN. It should be always provided, unless NOTIN is entered in the TIN element.

Jurisdiction of tax residence *

_____

Identification Number other than TIN *

_____

This data element can be provided (and repeated) if there are other identification numbers (INs) available, such as a company registration number or an Entity Identification Number (EIN). If that Entity does not have any other INs, the value "NONE" should be entered.

Type of Identification Number (*)

_____

Jurisdiction that issued other Identification Number (*)

_____

Legal Address Type *

Residential Or Business	↓
Residential	
Business	
Registered office	
Unknown	

Country Code *

_____

Country code selected should be the country the address relates to.

Street

_____

Building Identifier

_____

Suite Identifier

_____

Floor Identifier

_____

District Name

_____

Post Office Box

_____

Post Code

_____

City *

_____

Country Subentity

_____

For example; province or state.

Address Free

_____

Address Free allows input of address information in free text. It should only be used in exceptional circumstances when it is impossible to provide the address in the fixed format.

Ultimate Parent Details:

Ultimate Parent is defined in the Schedule to the ES Law.

Does the Entity have an Ultimate Parent? *

YES NO UNKNOWN	↓

This information is required under the ES Law. If "UNKNOWN" is selected please provide explanation in "Other" section below.

Name of entity *

May be a corporate or a non-corporate entity, for example a partnership.

TIN or Similar *

This data element provides the tax identification number (TIN) used by the tax administration of the jurisdiction of tax residence of the ultimate parent. If the ultimate parent does not have a TIN the value "NOTIN" should be entered.

TIN issued by (*)

This attribute describes the jurisdiction that issued the TIN. It should be always provided, unless NOTIN is entered in the TIN element.

Jurisdiction of tax residence *

Identification Number other than TIN *

This data element can be provided (and repeated) if there are other identification numbers (INs) available, such as a company registration number or an Entity Identification Number (EIN). If the Entity does not have any other INs, the value "NONE" should be entered.

Type of Identification Number (*)

Jurisdiction that issued other identification number (*)

Legal Address Type *

Residential Or Business Residential Business Registered office Unknown	↓

Country Code *

Country code selected should be the country the address relates to.

Street

Building Identifier

Suite Identifier

Floor Identifier

District Name

Post Office Box

Post Code

City *

Country Subentity

For example; province or state.

Address Free

Address Free allows input of address information in free text. It should only be used in exceptional circumstances when it is impossible to provide the address in the fixed format.

Ultimate Beneficial Owner (UBO) Details:

How many Ultimate Beneficial Owners (UBO) does the Entity have? *

	Ultimate Beneficial Owner is defined in the Schedule to the ES Law.
ADD	All fields relating to an UBO must be completed for each one.
UNKNOWN	This information is required under the ES Law. If "UNKNOWN" is selected please provide explanation in "Other" section below.

Last Name of UBO *

First Name of UBO *

TIN or Similar *

> This data element provides the tax identification number (TIN) used by the tax administration of the jurisdiction of tax residence of the UBO. If the UBO does not have a TIN, the value "NOTIN" should be entered.

TIN issued by (*)

> This attribute describes the jurisdiction that issued the TIN. It should be always provided, unless NOTIN is entered in the TIN element.

Jurisdiction of tax residence *

UBO Type: Type of ultimate beneficial ownership interest the UBO has with the Entity *

	↓
Legal Person - Ownership	
Legal Person – Other Means	
Legal Person – Senior Managing Official	
Legal Arrangement - Trust - Settlor	
Legal Arrangement - Trust –Trustee	
Legal Arrangement - Trust –Protector	
Legal Arrangement - Trust –Beneficiary	
Legal Arrangement - Trust - Other	
Legal Arrangement – Other – Settlor-Equivalent	
Legal Arrangement – Other – Trustee-Equivalent	
Legal Arrangement – Other – Protector-Equivalent	
Legal Arrangement - Other - Beneficiary-Equivalent	
Legal Arrangement - Other - Other-Equivalent	

Legal Address Type *	↓
Residential Or Business	
Residential	
Business	
Registered Office	
Unknown	

Country Code *

> Country code selected should be the country the address relates to.

Street

Building Identifier

Suite Identifier

Floor Identifier

District Name

Post Office Box

Post Code

City *

Country Subentity

> For example; province or state.

Address Free

| |
| |

AddressFree allows input of address information in free text. It should only be used in exceptional circumstances when it is impossible to provide the address in the fixed format.

Confirmations

Confirm the Entity has complied with all applicable filing requirements under the Companies Law during the Period *

| YES | ↓ |
| NO | |

Refer to section 4(5), ES Law.

Confirm the Entity has adequate human resources in the Islands, during the Period, for holding and managing equity participations in other entities. *

| YES | ↓ |
| NO | |

Confirm the Entity has adequate premises in the Islands, during the Period, for holding and managing equity participations in other entities. *

| YES | ↓ |
| NO | |

Other

Please provide any other information that the Entity considers material in determining that it has adequate substance in the Islands for the Period.

Choose File and Free Text Option

Financial Statements / Books of Account

Upload a copy of the Entity's financial statements or books of account for the relevant entity's financial year. *

Choose File

These are the documents required to be held by the Entity for satisfying either section 59 of the Companies Law, section 63 of the Limited Liability Companies Law or section 11 of the Limited Liability Partnership Law (as the case may be).

Declarations

Based on the details provided in this ES Return, the Entity confirms that it has satisfied the Reduced ES Test for the Period in accordance with the ES Law. *

| YES | ↓ |
| NO | |

These declarations are made by the Entity. The Entity should ensure that the person who submits this ES Return has appropriate authority or permission to do so.

By submitting this ES Return, the Entity:
(a) Confirms that all information in this ES Return is accurate; and
(b) Acknowledges that there are sanctions for knowingly or wilfully supplying false or misleading information under section 13(2) of the ES Law. *

Submit