

## **DECLARATION OF ASSETS AND RIGHTS ABROAD 2025 SUBMISSION DEADLINE: 1 JANUARY TO 31 MARCH 2026**

Law 7/2012, of 29 October, amending tax and budgetary regulations and adapting financial regulations for the intensification of actions in the prevention and fight against fraud, introduced, through the new eighteenth additional provision of Law 58/2003, of 17 December, General Taxation, a new specific obligation to provide information on assets and rights located abroad.

This obligation must necessarily be framed within the general programme for the prevention and fight against tax fraud, and as derived from the tax regularisation or amnesty process of 2012.

On 31 March 2026, the deadline for filing the declaration of assets and rights abroad (form 720), which refers to the 2025 financial year, ends, so it will be necessary to analyse whether or not there is an obligation to declare.

The information to be provided in the 2025 financial year will only be mandatory when the combined value of all the securities declared with respect to the last year in which the declaration was made has increased by more than 20,000 euros or in the case of the transfer or disposal of any of the securities declared in the previous year.

Below, and as a reminder, we set out the most important points to take into account in this informative statement.

### **Contents**

ASSETS AND RIGHTS SUBJECT TO DECLARATION .....	2
ACCOUNTS IN FINANCIAL INSTITUTIONS LOCATED ABROAD .....	2
SECURITIES, RIGHTS, INSURANCE AND INCOME DEPOSITED, MANAGED OR OBTAINED ABROAD .....	2
IMMOVABLE PROPERTY AND RIGHTS IN IMMOVABLE PROPERTY LOCATED ABROAD .....	3
LIMITATIONS OF THE OBLIGATION DECLARATION.....	3
DEADLINES AND FILING MODELS.....	4
INFRACTIONS AND PENALTIES .....	4
FINAL COMMENTS.....	4

## ASSETS AND RIGHTS SUBJECT TO DECLARATION

This obligation is established for **taxpayers, whether they are natural or legal persons**, in their capacity as holders, representatives, authorized, beneficiaries, persons or entities with powers of disposal or real owners, of the **following assets and/or rights**:

### ACCOUNTS IN FINANCIAL INSTITUTIONS LOCATED ABROAD

- The company name or full name of the bank or credit institution, as well as its address.
- The complete identification of the accounts.
- The date of opening or cancellation or, where appropriate, the dates of granting and revocation of the authorisation.
- The balances of the accounts as of December 31 and the average balance corresponding to the last quarter of the year.

### SECURITIES, RIGHTS, INSURANCE AND INCOME DEPOSITED, MANAGED OR OBTAINED ABROAD

- Company name or full name of the legal entity, of the third party assignee or identification of the legal relationship instrument, as well as its domicile.
- Balance as of December 31 of each year, of the securities and rights representing the participation in the capital or equity of legal entities. The information shall contain the number and class of shares and participations, as well as their value.
- Balance as of December 31 of the securities representing the transfer of equity to third parties. The information shall contain the number and class of securities, as well as their value.

With respect to life or disability insurance;

- The redemption value as of December 31 of each financial year.
- Temporary or life annuities of which you are a beneficiary on 31 December of each financial year, with an indication of their capitalisation value on that date.
- In any case, the insurance company must be indicated, indicating its full company name and address.

## IMMOVABLE PROPERTY AND RIGHTS IN IMMOVABLE PROPERTY LOCATED ABROAD

- Identification of the property with a brief specification of its type.
- Location of the property: country or territory, locality, street and number.
- Date of acquisition
- Acquisition Value

Cases of timeshare and timeshare, part-time ownership and similar: the date of acquisition of these rights and their value on 31 December must also be indicated.

Cases of ownership of real rights of use or enjoyment and bare ownership: in addition, the date of acquisition of said ownership and its value on 31 December must be indicated according to the rules of valuation of the Wealth Tax.

The obligation to provide information is clearly differentiated in the regulation by establishing 3 sections or types of assets and rights. The law, for each of these goods or rights, **establishes 2 limitations to the duty of information:**

### LIMITATIONS OF THE OBLIGATION DECLARATION

1. Limitation of the duty to provide information when the values of each of the sections indicated above do not exceed, together, €50,000. If the valuations resulting from aggregating the individual values of each item do not exceed €50,000, there is no obligation to declare the assets in the section in question.
2. Exemption from filing the return in successive years: when the joint value for each section with respect to the previous year has not increased by more than €20,000 in its overall calculation.

The above reporting obligation extends to any taxpayer who has been or has been the real owner of the accounts, securities or rights, insurance and income as well as real estate located abroad at any time during the year to which the declaration refers and who has lost this status on 31 December of that year. In these cases, in addition to the above information, the transfer value of the declared asset or right must be incorporated, as well as the date of transfer.

This obligation is embodied in the duty to file form 720 "Informative Return on assets and rights located abroad", which must be filed electronically through the internet by the declarant himself or by a duly authorised third party.

## DEADLINES AND FILING MODELS

**The deadline for filing form 720 for 2025 will be between January 1 and March 31, 2026.**

## INFRACTIONS AND PENALTIES

The Court of Justice of the European Union (CJEU) concluded, in its judgment of 27 January 2022 (case C-788-19), that the **penalties provided** for in the event of non-compliance or imperfect compliance with the obligation to declare assets and rights abroad (Form 720) **are disproportionate and also contrary to EU law** (specifically, against the free movement of capital). However, **the obligation to file the informative return persists**, with a sanctioning regime comparable to the sanctioning regime provided for non-compliance with the rest of the reporting obligations included in our internal regulations (articles 198-199 LGT).

## FINAL COMMENTS

These are the fundamental elements that can be extracted from the information on this obligation that emerges from the relatively recent modifications of the regulations.

We are sure that doubts will arise and depending on the complexity of the information and the casuistry in each case, the specificity and correctness of the data to be declared must be analysed.

Taking into account the large volume of information that must be submitted by foreign financial institutions, and in the event of a possible collapse of the same, we recommend that, as soon as possible, they proceed to request the financial information of their bank accounts and securities from their financial institutions abroad, as well as inform us about the acquisition of new properties or rights over them during the 2025 financial year.

Our fees for the completion and filing of Form 720 will be calculated in accordance with the special complexity that may be observed because of the volume of information that must be declared.

If you need any clarification or additional information, please contact us. We take this opportunity to greet you very cordially.

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