

Quality, trust and  
social commitment



**2020**

TAX REPORT  
ON TAXES MANAGED  
BY THE CAIXABANK GROUP

---





CaixaBank

# TABLE OF CONTENTS

---

## 4

### 1. INTRODUCTION

---

- 1.1. CaixaBank's social commitment
- 1.2. CaixaBank's contribution to the public treasury

## 5

### 2. OBJECTIVE

---

## 6

### 3. TAX AMOUNT MANAGED BY THE CAIXABANK GROUP

---

- 3.1. Own and third-party taxes
- 3.2. Other contributions
- 3.3. CaixaBank as a collaborating institution in the management of taxes and social contributions

## 11

### TAX OVERVIEW

---

- Taxes
- Results
- Contributions
- Collections and payments
- Cooperation against tax fraud

## 12

### 4. ADDITIONAL ISSUES

---

- 4.1. Interpretation of tax regulations
- 4.2. Legal actions
- 4.3. Voluntary Codes of Good Tax Practices
- 4.4. The CaixaBank Group's activity in Luxembourg
- 4.5. CaixaBank's position towards tax havens and EU non-cooperative tax jurisdictions

# 1. INTRODUCTION



## 1.1. CaixaBank's social commitment

The social commitment at the heart of CaixaBank's business manifests itself in **fiscally responsible management**, which contributes to supporting the public finances, which in turn make possible the infrastructure and public services that are crucial for the company's progress and development.



CaixaBank's  
Tax Strategy

CaixaBank's Tax  
Risk Control and  
Management Policy

These documents are freely available to the public on  
CaixaBank's corporate website:  
**[www.caixabank.com](http://www.caixabank.com)**



## 1.2. CaixaBank's contribution to the public treasury

- ✓ CaixaBank duly **pays the taxes directly** due for its business activities.
- ✓ Makes a contribution as a collaborating institution of the tax authorities by **collecting tax from third parties** and paying it into the public treasury.



Taxes paid  
by CaixaBank

### Direct taxes

- Corporation tax
- Business tax and property tax

### Indirect taxes

- Non-deductible VAT rates
- Property transfer tax and stamp duty)
- Contributions to social security

Collection of taxes due  
by third parties within  
their relationship with  
CaixaBank on behalf  
of the public treasury

- Such as personal income tax withholding from salaries and interest and dividend payments
- Social security contributions (employee's contribution)
- VAT paid to the Spanish Tax Agency

Facilitating the collection  
of taxes by the state and  
the autonomous and local  
authorities

- Through its network of branches and cash machines and by on-line means



## 2. OBJECTIVE

---



Traditionally, companies (including the CaixaBank Group) include tax information in their financial statements in accordance with strict reporting models pursuant to the commercial and accounting regulations<sup>(1)</sup>.

In doing so, public tax information focusses mainly on expenditure for corporation tax, when in fact this tax is only one of the many taxes and levies charged on business activity.



---

### Tax Report 2020

- ✓ Shows the amount of the different **corporate taxes and levies through which the institution** and its group make a direct contribution to supporting the public treasury in the performance of their business:
  - either because they are paid and borne directly by the Group
  - or because they are taxes due from third parties collected on behalf of the public authorities in the course of the Group's business activities
- ✓ This report is based on an approach including the cash flow of all taxes with an impact on the banking business, both paid and collected, as opposed to the profit-and-loss-approach taken in the annual accounts<sup>(2)</sup>.

(1) The public documentation supplementing CaixaBank's financial information consists of, inter alia, the Annual Accounts, the Annual Banking Report and the Annual Corporate Governance Report.

(2) However, the Consolidated Management Report of the CaixaBank Group ([www.caixabank.com](http://www.caixabank.com)) also includes information about the payment of taxes on profit based on the country where these are obtained.

## 3. TAX AMOUNT MANAGED BY THE CAIXABANK GROUP



### 3.1. Own and third-party taxes

The CaixaBank Group has fully integrated BPI Group so its traditional business **presence in Spain** as the jurisdiction of reference is supplemented by the **business in Portugal** as the second jurisdiction, with the former being more relevant in all aspects, including own taxes paid and taxes collected from third parties on behalf of the authorities.

In addition, the growing business and resulting generation of taxes by the **institution's subsidiaries** should not be overlooked and will be explained below.

#### SPAIN



Taxes managed by the CaixaBank Group

**2.301 billion** euros

**1.132 billion** euros correspond to own taxes effectively paid as a taxpayer

**1.169 billion** euros corresponding to taxes due by third parties, which are collected by CaixaBank on behalf of the different Spanish tax authorities.

#### PORTUGAL



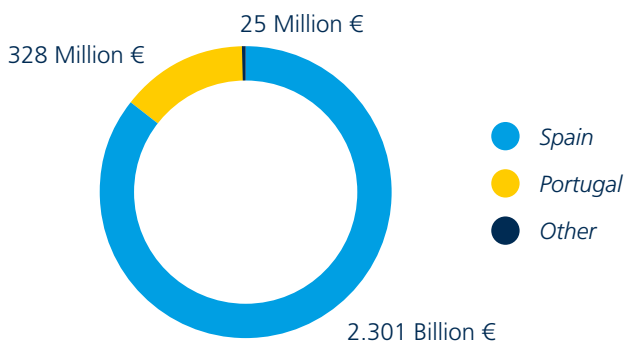
Taxes managed by the Banco BPI Group

**328 million** euros

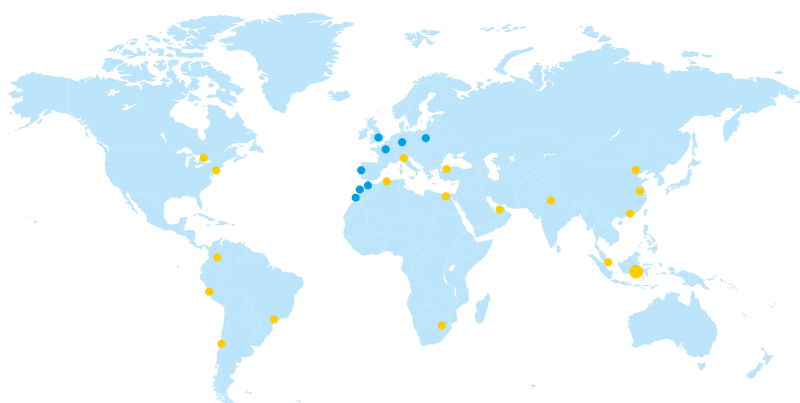
**81 million** euros correspond to own taxes effectively paid as a taxpayer

**247 million** euros corresponding to taxes due by third parties, which are collected by the Banco BPI Group on behalf of the different Portuguese tax authorities.

CaixaBank is **committed to paying taxes** where it operates and creates value and therefore pays a large percentage of its taxes in Spain. CaixaBank also pays taxes in countries where it has representative offices. These are essentially taxes related to the staff employed in these countries.



### Other countries where CaixaBank intervene



6

**international branches**  
Poland, Morocco (3 subsidiaries), United Kingdom, Germany, France and Portugal

16

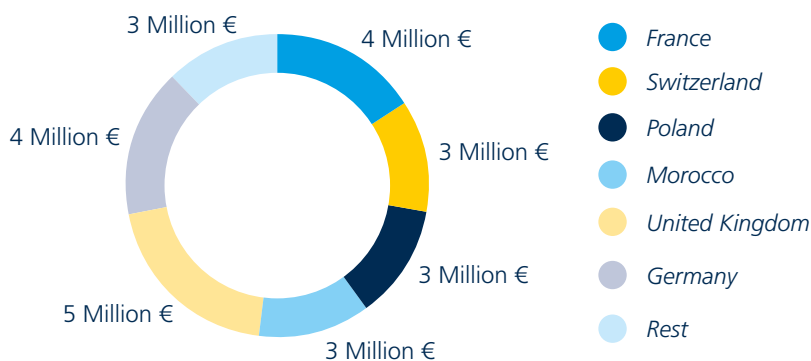
### territories with 18 representative offices

Algeria, Australia, Brasil, China (3), Chile, Colombia, Egypt, United Arab Emirates, United States of America, India, Italy, Turkey, Peru, Singapore, South Africa, Canada

CaixaBank has 18 Representative Offices through which it does not conduct any banking business but provides information about the institution's services.

### Own taxes paid and third party taxes collected by the branches and the subsidiary companies

25 million euros



The following are aggregate data for own taxes paid and third-party taxes collected by the CaixaBank Group<sup>(3)</sup>

### Direct Tax

**291 million**  
euros

Among others:

**170 Million €** belong to Corporate Income Tax (CIT)

**62 Million €** belong to the levy on bank deposits

**26 Million €** belong to business tax

### Indirect Tax

**479 million**  
euros

Among others:

**356 Million €** belong to non-deductible Value Added Tax (VAT)

**123 Million €** belong to Stamp Duty and the rest of indirect taxes

### Social security paid by the company

**462 million**  
euros



### Total tax paid

**1.232 billion** euros

### Total tax collected from third parties

**1.422 billion** euros

### Total

**2.654 billion** euros

To put the aforementioned amounts into context, it may be helpful to take into account the following considerations:

### CaixaBank Group's 2020

**1.601 billion** de euros

Consolidated profit before tax

**43%**

Total tax rate<sup>(4)</sup>

### The difference between the CIT expense and its payment

The amounts reported following a cash basis of **Corporate Income Tax (CIT)** do not correspond to the expense of this tax registered in the Consolidated Profit and Loss account. The reasons of this divergence can be synthesised, in essence, through three points:

- 1. Temporary difference:** the cash basis includes CIT incomes (returns) regarding the tax group in Spain and the Portuguese subsidiaries, that matches CIT income (return) from the previous exercise and the pre-payment on account of CIT from the current financial year. On the other side, the expense of this tax registered in the Consolidated Profit and Loss account matches with the accrued amount in the current financial year.

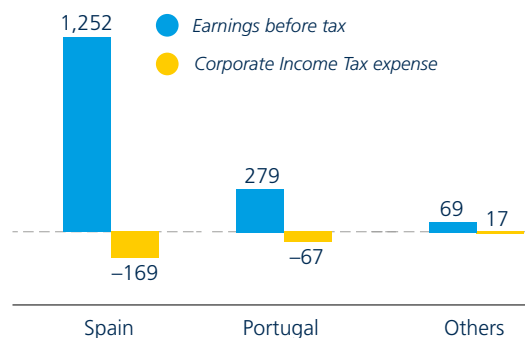
<sup>(3)</sup> Including the BPI Group and its subsidiaries.

<sup>(4)</sup> The total tax rate is measured as the percentage share of total tax paid out of profit before all these taxes are deducted (the result of adding tax paid to book profit before tax;  $(1.232 / (1.232 + 1.601)) = 43\%$ )



**2. Perimeter difference:** the tax consolidation regime in Spain allows Fundación Bancaria “la Caixa” as well as CriteriaCaixa to be part of the tax group nonetheless they are not part of the mercantile group.

**3. Previous tax credits:** Finally, it must be borne in mind that the last financial crisis suffered in a global scale meant losses for the financial institutions that were subsequently merged, creating, therefore, tax credits for the absorber companies which means an additional difference between the tax accrued and the tax paid.

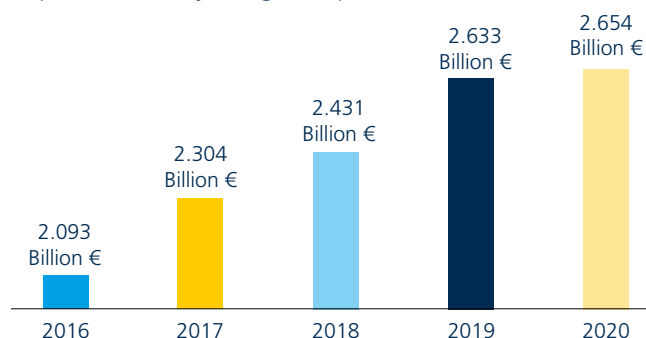


### Development of the tax amount managed by the CaixaBank Group

The development of the tax amount managed by the CaixaBank Group increases every year despite the recent economic crisis which, as stated above, gave rise to tax credits for these losses. In addition, there was a noteworthy substantial increase in 2017, which was due in large part to the integration of the BPI Group.

For its part, the 2019 increase it is explained, mainly, because financial institutions are since the end of 2018 the taxpayer of the Stamp Duty in mortgage loans.

In 2020, the total tax contribution growth experienced last years has been slowed down due to the economic impact caused by the global pandemic.



### 3.2. Other contributions

In addition to the aforementioned taxes, CaixaBank makes other contributions specific to financial institutions to:

- ✓ **Supervisory funds** of the banking system at the European and the national level.
- ✓ **Funds for the support and functioning** of the banking system at large.

#### CaixaBank contributions to different funds



**Deposit Guarantee Fund**

**243 million** euros



**Contribution to the Single Resolution Fund**

**111 million** euros



**Other funds**

**18 million** euros

**Total**

**372 million** euros



### 3.3. CaixaBank as a collaborating institution in the management of taxes and social contributions

- ✓ CaixaBank performs an important social duty as a collaborating institution of the State, autonomous and local tax authorities and the General Treasury of the Spanish Social Security:
  - Collects taxes and social security contributions from third parties.
  - Pays these third parties tax refunds as ordered by these authorities.
- ✓ In addition, CaixaBank transparently and proactively cooperates with the public authorities to combat tax avoidance and fraud. In 2020, it has allocated its own resources and means to investigate fraud.



CaixaBank managed collections and payments on behalf of the authorities<sup>(5)</sup>



Collections

**75.3**  
billion euros

Payments

**33.9**  
billion euros



CaixaBank cooperates to combat tax avoidance and fraud



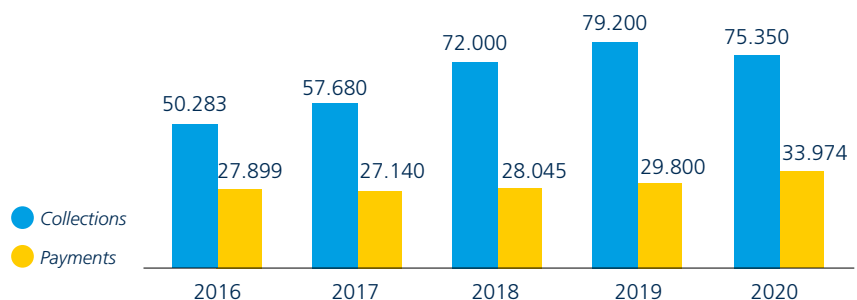
**3,914**

individual requests  
for information from the Spanish authorities

**11,123**

seizures  
processed at the request of the Spanish authorities

Development of the management of collections and payments related to taxes and social security contributions (billions of euros)

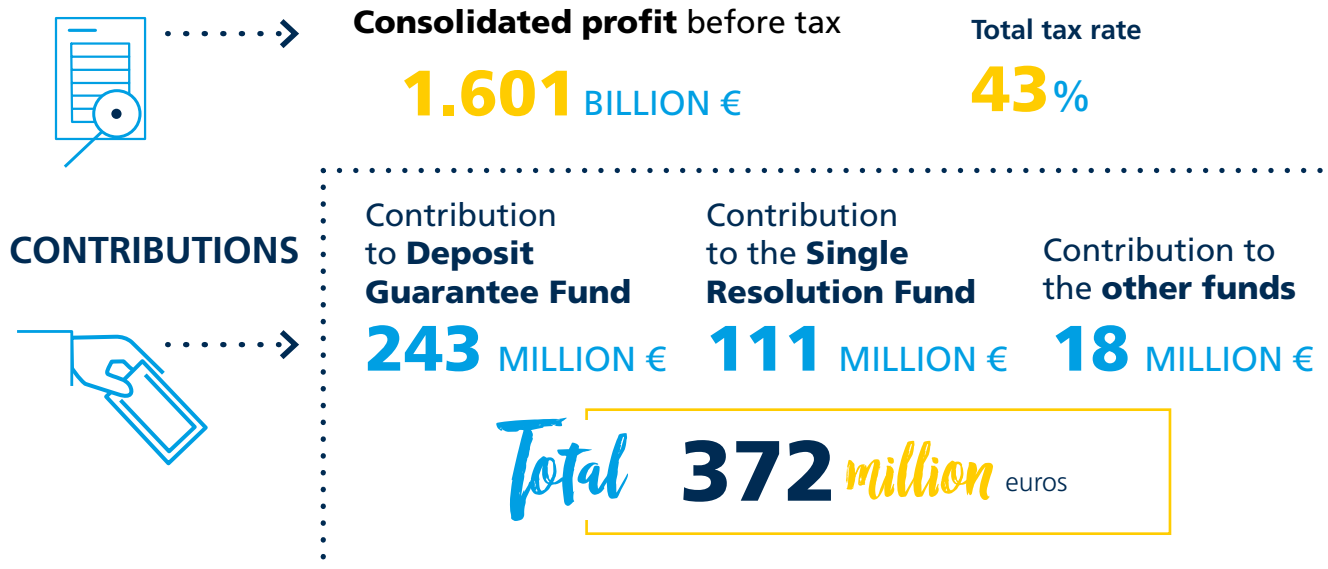


(5) solely in relation with taxes and social security contributions.

## TAX OVERVIEW



## RESULTS



## COLLECTIONS AND PAYMENTS



## COOPERATION AGAINST TAX FRAUD



## 4. ADDITIONAL ISSUES



This tax report is not limited exclusively to taxes paid or collected. The Group adopts decisions with an impact on the tax contribution, which we deem could be of interest to CaixaBank's customers and the public at large. Below we address some additional issues we have identified as relevant in this respect.



### 4.1. Interpretation of tax regulations

Tax is paid as a result of fulfilling the tax obligations arising from the tax regulations.

- ✓ CaixaBank interprets the tax regulations taking into account
  - the **intentions of the legislator**
  - and the **underlying economic reasonableness**, in line with the tax principles of the OECD as expressed through the BEPS project.
- ✓ CaixaBank's interpretation of the tax regulations is also verified by **tax advisors** of renowned prestige in this field when this is required due to the complexity or importance of the matter, which includes requests for clarifications being made to the tax authorities when deemed necessary.
- ✓ The tax-related decisions resulting from these interpretations are subsequently reviewed by **CaixaBank's external auditors**. For the purpose of safeguarding the independence of CaixaBank's audit, the institution does not hire as tax advisors the professionals that audit its accounts.
- ✓ As a corollary of the reasonableness of the interpretation of tax regulations, the Spanish Tax Inspection verifies that **tax obligations have been fulfilled**.
- ✓ The **low risk profile** that characterises the tax-related decision-making of the CaixaBank Group is underlined by the low significance of its tax corrections.

#### Conclusion

In conclusion, CaixaBank's interpretation of tax regulations leads to fair and reasonable tax management pursuant to the applicable legal taxation system.





## 4.2. Legal actions

The main tax proceedings in process at the end of the financial year 2020 were as follows:

- ✓ The inspection actions for the financial years 2013 to 2015 were completed in this financial year, for which provisions had been duly recorded to cover their impact. The conformity notices were settled in the financial year 2020 and the non-conformity notices for Corporation Tax and Value Added Tax were pending a decision to be adopted by the Head Inspector.
- ✓ In the financial year 2017, the inspection actions for the financial years 2010 to 2012 ended with no significant impact. An appeal was lodged against the non-conformity notices for Corporation Tax in the National Court of Appeal and the non-conformity notices for Value Added Tax were subject to an economic administrative claim filed in the Central Economic Administrative Court.
- ✓ In the financial year 2011, the Tax Inspection Unit began an inspection of "la Caixa" related to the financial years 2007 to 2009 for the main taxes applicable, which ended in the financial year 2013. An appeal was lodged against the non-conformity notices in the Spanish Supreme Court that is pending enforcement.
- ✓ In the financial year 2008, the Tax Inspection Unit began an inspection of "la Caixa" related to the financial years 2004 to 2006 for the main taxes applicable, which ended in the financial year 2010. An appeal was lodged against the non-conformity notices in the Spanish Supreme Court, which was enforced in this financial year.







### 4.3. Voluntary Codes of Good Tax Practices

CaixaBank is a voluntary member of the **Spanish Large Businesses Forum** and participates actively therein. The Forum includes the AEAT and the main large taxpayers with the aim of extending and deepening the cooperative relationship model by providing a space where the largest tax issues can be analysed together and by sector.

#### CaixaBank is a voluntary member of:



##### ✓ Spanish Code of Good Tax Practices

- The Code was approved by the Spanish Large Businesses Forum (Foro de Grandes Empresas) and
- Contains a series of recommendations undertaken on a voluntary basis by both the Spanish Tax Administration Agency (with initials in Spanish "AEAT") and companies, which serve to:
  - Improve the tax system by increasing legal security,
  - mutual cooperation based on good faith,
  - legitimate trust and
  - the implementation of fiscally responsible policies in companies with the knowledge of the governing bodies.



##### ✓ Code of Practice on Taxation for Banks

- through its subsidiary in London
- created by the British tax authorities.





#### 4.4. The CaixaBank Group's activity in Luxembourg

**Luxembourg** has become a key jurisdiction in the financial sector for a variety of reasons:



its *efficiency* in financial matters due to its specialisation in investment products, allowing it to offer attractive profitability



along with its high level of legal *security* based on swift implementation of regulations and the stability of its legal system

These reasons have led the CaixaBank Group to adopt the decision to expand and export its offer of investment services to Luxembourg in order to have a presence on a global benchmark market in investment management, providing it with a greater reach of potential national and international customers than it could have if it rendered its services solely from Spain.

#### The ruling principles of the activity in Luxembourg

✓ This activity, as is the case for all activities performed by the **CaixaBank Group**, is performed with full transparency and subject to the controls inherent to a business that is regulated and supervised by bodies subject to common European and international regulations.



In this respect, **CaixaBank** applies the **tax principles of the OECD** as set out in the BEPS project (Base Erosion and Profit Shifting) and does not use any contrived company structures to shift profits to low-tax jurisdictions so that the size of its business always corresponds to the actual economic scenario.

✓ **Investors in Luxembourg** are informed and known by the tax authorities so that they fulfil their relevant tax obligations with full **transparency**.





### 4.5. CaixaBank’s position towards tax havens and the EU list of non-cooperative tax jurisdictions

CaixaBank’s position towards tax havens and non cooperative territories reflects the principles of its:



**Code of Ethics**



**Tax Strategy**



**Legal Risk Control and Management Policy**, which includes tax risk

Therefore, CaixaBank deems tax havens to mean any jurisdiction or territory determined as such pursuant to the current regulations applicable to CaixaBank’s business.

### General principles of action towards tax havens

As a general principle of action, CaixaBank avoids:

**1.** Performing its business in jurisdictions classed as tax havens.

CaixaBank does not currently hold any direct stakes in companies based in territories classed as tax havens.

**2.** Using tax structures involving these territories or territories with low or no taxation not consistent with the real economic substance. A prior analysis of the economic reasoning and an additional decision by CaixaBank’s governing bodies is required when the institution acquires a stake in institutions based in territories classed as tax havens.



### The implications of Banco BPI integration

Banco BPI was integrated into the CaixaBank Group in the financial year 2017, both groups continue making efforts to:



Align their **risk appetite**



Consolidate their **reporting**



Apply better **practices in managing, controlling and governing risk** at the corporate level

As a result, the BPI Group ceased its activity in the Cayman Islands in 2018.

