Compliance Bulletin

Form 5500 Deadline is July 31

Each year, employers that are subject to the Employee Retirement Income Security Act of 1974 (ERISA) must **electronically file an annual report** (Form 5500) for each employee benefit plan they maintain unless a filing exemption applies.

Employers with employee benefit plans that operate on a calendar year basis must file their annual reports for 2025 with the U.S. Department of Labor (DOL) by **July 31, 2026**. An employer may extend this deadline by 2.5 months (until **Oct. 15, 2026**) by filing Form 5558 with the IRS by July 31, 2026.

Small welfare benefit plans (fewer than 100 covered participants) that are unfunded or fully insured (or a combination of unfunded and insured) are exempt from the Form 5500 filing requirement.

Voluntary Compliance

The Delinquent Filer Voluntary Compliance Program (DFVCP) was created by the DOL to encourage plan administrators to voluntarily file overdue Forms 5500. The DFVCP gives delinquent plan administrators a way to avoid potentially higher penalty assessments by voluntarily completing their late Form 5500s for a year and paying reduced penalties. Plan administrators are eligible to use the DFVCP only if they make the required filings prior to being notified in writing by the DOL of a failure to file a timely annual report.

Action Items

- ☑ Employers with calendar year plans that do not qualify for a filing exemption should work with their service providers to electronically file the Form 5500 (including required schedules and attachments) using the DOL's EFAST2 electronic filing system by **July 31, 2026**.
- ☑ Employers that need additional time should file Form 5558 with the IRS by July 31, 2026. Form 5558 can be filed electronically through EFAST2 or can be filed on paper with the IRS.

Penalties

- The DOL can assess penalties for noncompliance with the annual reporting requirements, including submitting incomplete Forms 5500 or not filing Forms 5500 by the due date.
- The DOL has the authority under ERISA to assess penalties of up to **$2,739 per day** for each day an administrator fails or refuses to file a complete Form 5500.
- The penalties may be waived if the noncompliance was due to reasonable cause.
- Higher penalty assessments may be avoided for plan administrators that use the DFVCP.

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