

NOTE 2020/03/19: Main measures TAX LAW

In relation to the current situation we are experiencing in Spain, and regarding the regulations that the Government has approved, after the publication of the new legal texts¹, we proceed to make a summary of fiscal and tax measures:

- Suspension of payment terms and presentation of documents with tax significance:

o The terms both for the payment of tax debts (settled by the Administration) and for the presentation of briefs within the tax procedures, which had not ended on March 18, are extended until April 30, 2020.

o Likewise, those terms (for the payment of tax debts settled by the administration and / or presentation of documents) that start from March 18, will end on May 20, 2020 (unless the legally established term is higher).

However, the payments and procedures carried out by taxpayers during this period will be considered validly executed.

- Maximum duration of tax procedures:

o The period from March 18 to April 30, 2020 will not count for the purposes of the maximum duration of the procedures; although, the administration may promote them.

o In the same sense, said period will not count for the purposes of prescription and expiration.

- Appeals and complaints:

o For the purposes of calculating the limitation periods, the resolutions of the appeals for reinstatement and economic-administrative procedures will be understood to have been notified, when an attempt to notify between March 18 and April 30, 2020 is accredited.

o For its part, the filing deadlines (for appeals and claims) will not begin until May 1 or when the notification of the contested act occurs.

- Self-assessments and declarations-settlements: it is confirmed that the suspension of administrative deadlines does not affect the presentation of self-assessments and informative declarations.

- Tax on Patrimonial Transmissions and Documented Legal Acts: a new exemption assumption is included regarding the gradual quota of notarized documents of the modality of documented legal acts, relative to the deeds of formalization of the contractual novations of mortgage loans and credits executed at under Royal Decree-Law 8/2020.

¹ Real Decreto-ley 8/2020, de 17 de marzo, de medidas urgentes extraordinarias para hacer frente al impacto económico y social del COVID-19; y Real Decreto 465/2020, de 17 de marzo, por el que se modifica el Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19.

Next, we keep the mentions to the different extraordinary Councils of Ministers held during the last days, in which different Royal Decrees-Laws (March 10² and 12³) and a Royal Decree (March 14⁴) have been approved and published):

- **Deferral of tax debts** (including those related to withholdings, fractional payments of Corporation Tax and Value Added Tax) corresponding to all those declarations-settlements and self-assessments whose filing and entry period ends from March 13 to 30 May 2020 (first quarter statements and monthly statements for February, March and April 2020).

o Maximum amount of deferrable debts: 30,000 euros.

o Taxpayers: person or entity with a volume of operations not exceeding 6,010,121.04 euros in 2019.

o Deferment conditions: 6-month period with a grace period (no interest will be due for late payment) during the first 3 months.

In relation to the above, the State Tax Administration Agency published on its website instructions for the request for such deferrals.

In this regard, the self-assessments and declarations-settlements must be presented by their usual channel, marking the option of "debt recognition" and the box "Application under Royal Decree-Law 7/2020, of March 12, by which urgent measures are taken to respond to the economic impact of COVID-19. " Additionally and as "Reason for the request" must be stated: "Postponement RDL".

If the applications do not meet the aforementioned requirements, they may be subject, as appropriate, to inadmissibility, denial or concession, under the terms and conditions of the ordinary processing of payment deferrals.

- **Suspension of administrative, prescription and expiration terms:** from March 14, the terms of the Tax application and administrative review procedures have already been initiated by the tax administrations themselves or at the request of the party.

Likewise, the limitation periods are suspended, both for the rights of the Tax Administration and for the taxpayers, as well as the expiration period of the tax procedures.

² Real Decreto-ley 6/2020, de 10 de marzo, por el que se adoptan determinadas medidas urgentes en el ámbito económico y para la protección de la salud pública.

³ Real Decreto-ley 7/2020, de 12 de marzo, por el que se adoptan medidas urgentes para responder al impacto económico del COVID-19.

⁴ Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19.