

NEW TAX MEASURES
ROYAL DECREE-LAW 15/2020, 22 APRIL 2020

1. MEASURES ON TAX DEADLINES AND TAX PROCEDURES

✚ Not surcharges applicable for late payment of certain tax debts in the case of COVID-19 financing.

Late payment of tax debts corresponding to tax returns with filling and payment deadline between 20 April 2020 and 30 May 2020 will be considered as paid within the voluntary period and therefore no surcharges for late payment will be required, provided that the following conditions are met:

- That the tax return, although without payment, is submitted on due time.
- That, within the following five days from the end of deadline to submit the tax return, the taxpayer provides evidence to the Tax Office of the taxpayer's application for Covid-19 financing in order to pay the full amount of tax debt resulting from the tax return submitted without payment, by means of a certificate issued by the financial entity.
- That this request for financing is granted for at least the amount of the unpaid tax debts.
- That the tax debts are effectively, completely and immediately paid as soon as the financing is granted. This requirement will be understood as not having been met if the debts are not paid within one month from the deadline for filing the tax return, in which case further payment will be considered as a late payment subject to the applicable surcharges (5%-10%-20% depending on the days of delay)

✚ Postponement of tax deadlines (extension of deadlines previously approved)

The Royal Decree-Law establishes the postponement until 30 May of the deadlines affecting certain tax matters. Therefore, references made in previous Covid-19 Royal Decrees (RD-ley 8/2020 and RD-ley 11/2020) to 30 April and 20 May as new

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deadlines for certain tax procedures and payments, must be understood as extended until 30 May, and the dies a quo for filing an administrative appeal will commence on 1 June 2020.

✚ Cancellation of bids, return of deposits and auction prices

The Royal Decree-law establishes the possibility to retrieve bids and ask for the refund of deposits paid to participate in tax auctions that have been suspended in accordance with the provisions of Article 33 of Royal Decree Law 8/2020 of 17 March, as well as the refund of the auction price paid, provided that the certification of the awarding act or the granting of a public deed on the date of sale had not been issued when Royal Decree Law 15/2020 of 22 April 2020 entered into force.

2. MEASURES APPLICABLE TO PERSONAL INCOME TAX

- ✚ Individual entrepreneurs who pay taxes by objective estimation tax regime may change, with retroactive effects, to direct estimation (general tax regime) on 2020 tax period.
- ✚ For those who choose to remain in the objective system, the calendar days on which the alarm status was declared in that quarter will not be counted as days of activity.

3. MEASURES APPLICABLE TO CORPORATE INCOME TAX

- ✚ **Option for calculation of the instalment payments by the “taxable base” method instead of by reference to the tax liability of the previous year.**

Small and medium-size companies will be able to calculate their instalment payment by the “taxable base system”, i.e. according to the real taxable base accrued on the relevant period.

- **Companies with a turnover in 2019 up to 600,000 euros** may, exceptionally for tax periods commencing on or after 1 January 2020 and with exclusive effect for that period, to exercise this option to calculate the instalment payments on the part of the tax base accrued on the first 3, 9 or 11 months, by submitting the first instalment payment (up to 20 May), determining it in accordance with the aforementioned “taxable base” method.

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- **Companies with a turnover in the previous financial year over 600,000 euros** may also opt for the taxable base method for calculating the instalment payment, by submitting the second instalment payment within the first 20 calendar days of the month of October 2020. The first instalment made in the 20 calendar days of April 2020 shall be deductible from the amount to be paid on the following instalment payments.

4. MEASURES APPLICABLE TO VALUE ADDED TAX (VAT)

- ✚ **Taxable persons liable for VAT who carry out business or professional activities under the special simplified scheme** will not count the calendar days on which the state of alert was declared as days of activity for the calculation of the advance payment in the year 2020.
- ✚ **A reduced VAT rate is approved for the purchase of medical equipment to combat the pandemic** for hospitals, clinics and private social entities. Thus, exceptionally and until July 31, 2020, a 0% VAT rate is established for imports from third countries and purchases within the EU and Spain of this medical material essential to combat the COVID-19.
- ✚ In order to avoid the need to adapt taxable persons' invoicing systems, these transactions shall be documented on invoices as **exempt transactions** and without any limitation of the right to deduct input VAT of the taxable person carrying out the transaction.
- ✚ **Reduced tax rate (4%)** applicable to digital books, magazines and newspapers.

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