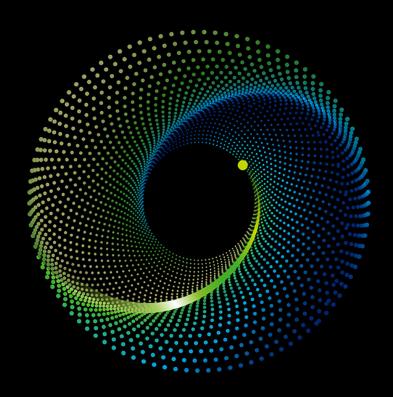
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Tax Alert SAT issues Institutional Tax Opinion No. 2-2023 on the crediting of the Solidarity Tax (ISO) paid late

The Tax Administration has published Institutional Tax Opinion No. 2-2023, dated 5 June 2023, entitled "Crediting of the Solidarity Tax paid late to the Tax Administration," which repeals case 6 "ISO paid late" of Institutional Tax Opinion No. 3-2017 "Forms of crediting the Solidarity Tax" dated 20 December 2017 and Institutional Tax Opinion No. 2-2021 "Crediting of the Solidarity Tax paid late to the Tax Administration" dated 19 January 2021.

Following is a summary of the aspects that were repealed and the opinion that will be in force from now on:

No. of opinion and/or case repealed

Content of the opinion and/or case repealed

New Institutional Tax Opinion No. 2-2023

Case 6 "ISO paid late" of Institutional Tax Opinion No. 3-2017 "Forms of crediting the Solidarity Tax" dated 20 December 2017 It indicated that if the assumption that the tax was paid in the manner established in Article 10 of the Solidarity Tax Law was not met, the ISO paid late **could not** credited to the Income Tax.

It also indicated that the ISO paid late was considered as a **deductible expense** in the year in which it was paid.

Institutional Tax Opinion No. 2-2021 "Crediting of the Solidarity Tax paid late to the Tax Administration" dated 19 January 2021 It stipulated that the ISO **not** paid within the period indicated in Article 10 of the Solidarity Tax Law, and that was paid late **could** be credited to the Income Tax during the 3 immediately following years, **provided that the paymenxt was made within the definitive annual settlement period** established in article 37 of the Tax Update Law.

It also stated that the amounts corresponding to arrears, fines and interest resulting from the late payment of the ISO could **not** be credited.

- •The ISO **that is not paid** within the periods indicated in Article 10 of the Solidarity Tax Law and is paid after those periods, **may** be credited to the payment of the Income Tax until its exhaustion, during the 3 immediately following years, for that which is
- The amounts for arrears, fines and interest cannot be credited.

determined monthly or quarterly.

Finally, taxpayers now have as a reference the new opinion that provides for the crediting of the ISO paid late, which aligns with what is regulated in the Solidarity Tax Law itself, and allows the ISO to be credited in observance of the constitutional principles, such as the principles of non-confiscation, tax justice and equity, capacity of payment, and private property.

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