



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Following is a summary of the aspects that were repealed and the opinion that will be in force from now on:

No. of opinion and/or case repealed	Content of the opinion and/or case repealed	New Institutional Tax Opinion No. 2-2023
<p>Case 6 "ISO paid late" of Institutional Tax Opinion No. 3-2017 "Forms of crediting the Solidarity Tax" dated 20 December 2017</p>	<p>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 be credited to the Income Tax.</p> <p>It also indicated that the ISO paid late was considered as a deductible expense in the year in which it was paid.</p>	<ul style="list-style-type: none"> •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 determined monthly or quarterly.
<p>Institutional Tax Opinion No. 2-2021 "Crediting of the Solidarity Tax paid late to the Tax Administration" dated 19 January 2021</p>	<p>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 payment was made within the definitive annual settlement period established in article 37 of the Tax Update Law.</p> <p>It also stated that the amounts corresponding to arrears, fines and interest resulting from the late payment of the ISO could not be credited.</p>	<ul style="list-style-type: none"> • The amounts for arrears, fines and interest cannot be credited.

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.

Contacts



Ana Lucía Santacruz

Partner
Tax, Global Trade and BPS



alsantacruz@deloitte.com



Fabiola Talento

Manager
Tax



sftalento@deloitte.com



(502) 2384 6500



deloitte.com/gt

Follow us





Discover Inform Download the APP Deloitte tax@hand



Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (DTTL), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

As used in this document, “Deloitte” refers to Deloitte Guatemala S.A., Asesores y Consultores Corporativos, S.A., Deloitte Consulting de Guatemala, S.A., Consultoría en Servicios Externos, S.A. which has the exclusive legal right to become involved in, and limit its business to, the provision of audit, consulting, tax and legal, risk advisory, financial advisory and other professional services under the name “Deloitte”.

Deloitte provides industry-leading audit and assurance, tax and legal, consulting, financial advisory, and risk advisory services to nearly 90% of the Fortune Global 500® and thousands of private companies. Our people deliver measurable and lasting results that help reinforce public trust in capital markets, enable clients to transform and thrive, and lead the way toward a stronger economy, a more equitable society, and a sustainable world. Building on its 175-plus year history, Deloitte spans more than 150 countries and territories. Learn how Deloitte’s approximately 415,000 people worldwide make an impact that matters at www.deloitte.com.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms or their related entities (collectively, the “Deloitte organization”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.