



Tax Alert
**Reforms to the Tax Code on
Electronic Tax Documents (DTE)**

On August 30, 2022, the Legislative Assembly approved Legislative Decree No. 487 called "Reforms to the Tax Code", which was published in the Official Gazette on the edition of September 20, 2022 with an effective date of October 4, 2022 and contemplates amendments to existing articles of the Tax Code, as well as the incorporation of new provisions, all related to the issuance and use of Electronic Tax Documents.

The main aspects included in the Legislative Decree are as follows:

1. A First Subsection is added to Title III, Chapter I, Section Five, entitled "Electronic Tax Documents"; and among the regulations added are the following:

- **Regarding the powers of the Tax Administration:**
The Tax Administration is empowered to issue the regulations that guarantee compliance with the obligations related to electronic tax documents, which shall be of compliance for taxpayers. (Art. 119-A).
- **Definition of electronic tax document (DTE):**
DTE is the tax document generated, signed and transmitted electronically to the Tax Administration and which has the receipt seal granted by the same. (Art. 119-B).
- **Regarding the Issuance of DTE:**
As a general rule, the issuance of DTEs includes their generation and electronic signature, transmission to the Tax Administration for the granting of the reception seal and delivery to the recipient in electronic format. It shall be understood that the DTEs have been issued when the Tax Administration grants a seal of receipt thereof, without prejudice to the provisions of the first paragraph of Art. 119-C.
- **Regarding transmission and reception stamp:**
The DTEs must be transmitted to the computer platform established by the Tax Administration. Once these electronic documents have obtained the aforementioned reception seal, their transmission shall be considered as completed, acquiring the character of electronic tax documents. The granting of said seal shall not imply any validation or authorization of the operation being documented, but only the transmission and reception of the mentioned documents. (Art. 119-D).
- **Invalidation of DTE:**
Invalidation shall be applicable when after the issuance of the DTE, errors in its content are found, which do not affect the transaction, provided that the rules described in Art. 119-E.- The invalidated documents may not cover the deductions of the corresponding disbursements, likewise, their graphic representations that have been delivered shall have no value whatsoever.
- **Contingencies:**
In the event of force majeure situations that make the transmission of the DTEs to the Tax Administration impossible, the issuance of the same shall be made in accordance with the rules of Art. 119-F. A data message called contingency event must be transmitted within the term established by the Tax Administration in order to obtain the reception stamp.
- **Requirements of the DTE:**
Art. 119-G regulates the formal requirements to be met by the different DTEs: electronic tax credit voucher, electronic invoice, electronic export invoice, electronic remittance note, electronic credit and debit notes, electronic settlement vouchers, electronic withholding voucher, electronic accounting settlement document, electronic excluded subject invoice, electronic donation voucher.

2. Additions and amendments have been made to some existing articles of the Tax Code, among which are the following:

- **Safekeeping of the DTE:**

The DTEs must be kept by taxpayers for a period of 10 years, as from the date of their generation, guaranteeing their consultation and integrity (Art. 147).

- **Deductions:**

Deductions of expenditures that are supported with DTE, will be admissible as long as such documents comply with the formal requirements of law and have

obtained the Seal of Receipt granted by the Tax Administration. The graphic representations that correspond to their respective DTE may cover deductions as long as the latter has not been invalidated (Art. 206).

- **Infractions and penalties related to the DTE:**

Art. 239-A is added, which regulates a series of special non-compliances in relation to the obligation to issue DTEs, among which some of them are as follows:

Violation	Penalty
Failure to issue or deliver DTEs	50% of the amount of the transaction for each document
Issue DTE without complying with the requirements established in Article 119-G	30% of the amount of the transaction for each document
Failure to transmit the DTEs to the IT platform established by the Tax Administration	100% of the amount of each transaction
Omit delivery of the graphic representation	30% of the amount of the transaction for each document
Omitting the transmission of the Contingency Event or invalidation	Nine monthly minimum wages
Transmitting the Contingency Event or invalidation outside the deadline established by the Tax Administration	Nine monthly minimum wages
Failure to comply with the regulations on electronic documents issued by the Tax Administration.	Nine monthly minimum wages

3. In addition, the Legislative Decree contemplates some transitory provisions, among which the following are regulated:

- The Tax Administration will establish the dates as from which taxpayers will be obliged to issue the DTE, specifying the physical or printed documents and electronic or computerized systems that will cease to be used and whose authorizations will become void according to the dates established, determining, if applicable, the necessary transition for such purpose.
- Taxpayers who, upon the entry into force of the Legislative Decree in question, have in existence documents related to VAT control, may continue to use them until they are exhausted or until the Tax Administration issues a resolution informing the obligation to issue the DTEs.

The aforementioned Legislative Decree will become effective eight days after its effective publication in the Official Gazette.

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