

Legal Alert

Main tax and customs rules and/or measures issued as a consequence of the declaration of State National Emergency caused by COVID-19

	Companies and individuals who obtained income of up to 2,300 Tax Units (USD 2'800,000 approx.) in fiscal year 2019	Companies and individuals who obtained income of up to 5,000 Tax Units (USD 6'100,000 approx.) in fiscal year 2019	All taxpayers
2019 Annual Income Tax and Tax on Financial Transactions – filing of return and tax payment	<u>Tax Authority Resolutions 054-2020/SUNAT and 061-2020/SUNAT (13 and 24 March, 2020)</u> : New dates for filing return and paying 2019 Annual Income Tax and Tax on Financial Transactions are 24 June, 2020 to 9 July, 2020, based on the last digit of the tax identification number (RUC).		
2020 monthly tax obligations - filing of returns and tax payments	<u>Resolutions 055-2020/SUNAT and 065-2020/SUNAT (16 and 30 March, 2020)</u> : New dates for filing returns and paying taxes of February 2020 are from 4 June, 2020 to 11 June, 2020, based on the last digit of the RUC number. Exception: work income returns (dependent and independent workers) are due from 17 April to 24 April, 2020.	<u>Resolution 065-2020/SUNAT (30 March, 2020)</u> : New dates for filing returns and paying taxes of March and April 2020 are from 4 June, 2020 to 11 June, 2020, based on the last digit of the RUC number. Exception: work income returns (dependent and independent workers) are not postponed.	
Electronic accounting books: purchases and sales	<u>Resolutions 055-2020/SUNAT, 058-2020/SUNAT and 065-2020/SUNAT (16, 18 and 30 March, 2020)</u> : Latest dates to file electronic purchase and sales registries of February 2020 postponed to first days of June 2020.	<u>Resolution 065-2020/SUNAT (30 March, 2020)</u> : Latest dates to file electronic purchase and sales registries of January and February 2020 , and March and April 2020 (depending on the type of schedule of the taxpayer) postponed to June 2020.	
Refund of Balance in Favor of the Exporter without presenting guarantees	<u>Resolutions 055-2020/SUNAT and 065-2020/SUNAT (16 and 30 March, 2020)</u> : Taxpayers can request the refund of the Balance in Favor of the Exporter (input VAT) without presenting guarantees, provided the last month elapsed - to be included in the form - is comprised within the special monthly tax obligations schedule.		

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Annual return for transactions with third parties – filing of return	Resolutions 055-2020/SUNAT and 065-2020/SUNAT (16 and 30 <u>March, 2020</u>): Latest date to file the annual return for transactions with third parties (DAOT for its Spanish acronym) postponed to 29 May, 2020.		
Availability of funds and other facilities for taxpayers	<p>Resolutions 058-2020/SUNAT, 065-2020/SUNAT and 067-2020/SUNAT (18, 30 and 31 <u>March, 2020</u>): An emergency procedure was established to allow taxpayers to recover funds deposited in the special withholdings (“<i>detracciones</i>”) bank account, in a more expeditious manner. The request is to be filed between 23 March and 7 April, 2020.</p> <p>Accordingly, the original dates to file for the release of funds, under the so-called special procedures and general procedures, are postponed to 8 April to 14 April, and 8 April to 16 April, 2020, respectively.</p> <p>It was also established that taxpayers with approved facilities to pay tax debts (split-ups, deferrals, refinancing) will not lose the benefits if they fail to comply with paying the installments due by 31 March, 2020 and 30 April, 2020, as long as they pay such installments with interest, no later than 29 May, 2020.</p>		
Discretionary application of tax penalties and fines during state of emergency	<p>Resolutions 008-2020-SUNAT/700000 and 006-2020-SUNAT/300000 (18 and 20 <u>March, 2020</u>): Approval of the discretionary authority of SUNAT for not imposing tax penalties and fines for any breach committed by taxpayers during the state of emergency, which currently goes from 16 March until 12 April 2020.</p> <p>Discretionary authority of SUNAT for not imposing <u>customs</u> penalties and fines was approved as well, provided the following conditions are met: (i) the customs infraction must be listed in the appendix included in the Resolution (approx. 50 infractions included); (ii) the customs infraction is committed between 12 March 2020 and 9 June 2020; (iii) the customs infraction is committed by a foreign trade operator, intervening operator or third party; and (iv) the correct and/or omitted information is properly transmitted or registered.</p>		
Suspension of administrative procedures	<p><u>Urgent Decree 029-2020 (20 March, 2020)</u>: All administrative procedures are suspended for thirty (30) working days counted as from 21 March 2020. The suspension includes the period for starting any administrative procedure, as well as the processing period. Procedures in progress at the date of entry into force of the measure are included. In this sense, SUNAT informed about the suspension of all customs administrative procedures stated before 16 March 2020 for thirty (30) working days; as well as the terms for audits, meetings previously scheduled and presenting of claims and appeals, during the State National Emergency.</p>		
Granting of legislative faculties for tax topics	<p><u>Law 31011 (27 March, 2020)</u>: Granting of legislative faculties by the Congress to the Executive, in order for the latter to legislate on the following tax topics:</p> <ul style="list-style-type: none"> • Temporary suspension of current tax rules and approval of measures to reactivate national economy. • Provisions to facilitate payment of tax debts administered by SUNAT. • Amendment of income tax laws in respect of income tax advance payments, carry-forward losses, depreciation terms and deductibility of donations. • Redesign, eliminate and/or modify simplified tax regimes for micro-and small taxpayers (MST); extension and broadening scope of VAT refund for MST; and other measures applicable to MST. <p>Extension of SUNAT term to exercise functions of registry entity and verification in relation to digital signature.</p>		

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Custom duties during Sanitary Emergency	Supreme Decrees 051-2020-EF and 059-2020-EF (13 March and 28 March, 2020): Customs duties on the importation of certain medicines, medical equipment, devices and other goods reduced to 0% during the Sanitary Emergency Period (90 calendar days counted as from March 12, 2020, which may be extended). At the end of that period, the rate will go back to 6% or 11%, as the case may be.		
Entry into force of certain customs procedures	Resolution 063-2020/SUNAT (28 March, 2020): Entry into force of the general "Definitive Export" procedure (DESPAPG.02, version 7) and the specific "Actions related to exit of goods and transport means" procedure (DESPA-PE.00.21, version 1) for Puno and Tacna intendencias, and Callao sea intendency, has been postponed to June and July 2020. Likewise, entry into force of the general procedure "Material for aeronautical use" (DESPA-PG.19) has been postponed to July 2020 (instead of the original date, 30 April, 2020).		
Subsidy for employers of the private sector – communication of interbank code	Resolution 064-2020/SUNAT and 068-2020/SUNAT (30 March and 6 April, 2020): Employers of the private sector entitled to the subsidy for salaries of low-income employees, established by Urgent Decree 033-2020, must inform to SUNAT (or correct, as the case may be) the interbank code until 13 April, 2020. Communication is presented via SUNAT online system.		
Reduction of interest on late tax payments	<p>Resolution 066-2020/SUNAT (31 March, 2020): Late payment interest applicable to tax debts, and accordingly, interest on tax refunds, have been reduced as follows:</p> <ul style="list-style-type: none"> • Late payment interest: for tax debts in local currency, from 1.2% to 1% per month; and for tax debts in foreign currency, from 0.6% to 0.5% per month. • Refund interest: for refunds in local currency, from 0.5% to 0.42% per month; and for refunds in foreign currency, from 0.3% to 0.25% per month. <p>Reduced rates apply as from 1 April, 2020.</p>		