

CORONAVIRUS CRISIS (COVID-19). CIRCULAR LETTER ROYAL DECREE LAW 15/2020

SUPPLEMENTARY URGENT MEASURES TO SUPPORT THE ECONOMY AND EMPLOYMENT

We inform you that this morning, Wednesday April 22, 2020, **Royal Decree Law 15/2020 has been published in the Official State Gazette, with effect from tomorrow, Thursday, approving complementary urgent measures to support the economy and employment. We inform you below of the main measures adopted that we have grouped into the following categories:**

I. FISCAL MEASURES

Businessmen in objective estimation (Modules)

- ✓ They will be able to calculate the fractional income tax payments and the payment on account of the simplified VAT regime with the direct estimation method, which will allow, during the period affected by the state of alarm, to adjust the payment to real income, being able to reapply the objective estimation method (modules) from 2021.
- ✓ reduction is established in the quarterly payment of personal income tax and VAT, being able to deduct in each quarter the calendar days in which the state of alarm had been declared in each quarter.

Value Added Tax (VAT)

- ✓ The VAT applicable to the supply of sanitary material delimited in ANNEX to the standard is reduced to the 0% rate, intended for entities: public, non-profit and hospital centers (Until July 31, 2020).
- ✓ Reduced from 21% to the 4% VAT rate on electronic books, magazines and newspapers to align it with that applicable to paper ones.

Corporation tax (IS)

- ✓ Extraordinary option for the modality of calculation of fractional payments based on the tax base obtained in the period (Option B article 40.3 LIS) for exercises beginning on or after January 1, 2020 of the option:
 - Entities with a turnover of less than 600,000 euros. They may exercise it by presenting the first instalment payment on account of IS 2020 within the extended period.
 - Entities whose turnover does not exceed 6,000,000 euros in the 12 months prior to the start of the tax period. They may exercise it by submitting the second payment on account in the first 20 calendar days of October 2020.

The above options are not applicable for entities under the special regime of companies tax group. **The taxpayer who exercises the option will be exclusively linked with respect to the installment payments of 2020.**

Non starting of executive period for certain tax debts:

- ✓ In those cases in which the taxpayer has requested COVID-19 financing (established in article 29 RD Law 8/2020), for the payment of tax returns, for at least that amount, provided that certain requirements are met, between others, to provide the Tax Administration with a maximum of 5 days from the expiration of the term, a certificate issued by the financial institution proving that the financing has been carried out, satisfying said debts at the time the financing is granted, will avoid surcharges from the executive period.

Personal Income Tax (IRPF):

- ✓ Regarding the exceptional possibility of redeeming pension plans. The terms for redemption are established, defining, among other issues, the accreditation of the circumstances that entitle the availability of the plans, the term to which such circumstances are linked and the maximum amount that can be made available.

Extension of the terms of validity of certain tax provisions:

- ✓ First additional provision. The temporary references made to April 30 and May 20, 2020 in article 33 of Royal Decree-Law 8/2020 shall be understood to have been made as of May 30, 2020. Therefore, the following table indicates so updated the terms to consider according to the type of tax procedure:

| TIPE OF PROCEDURE | ESTATUS | |
|---|-----------------------------|---|
| | NON CONCLUDED 18/03/2020 | INFORMED SINCE 18/03/2020 |
| EXPIRATION of the terms of the deferment and FRACTIONATION agreements ALREADY GRANTED | TERM UNTILL MAY 30 | TERM UNTILL MAY 30 (Unless the one granted by the general rule is higher, in which case it will be applicable) |
| AUCTION development and property award deadlines | | |
| Deadlines to meet the REQUIREMENTS | | |
| Deadlines to attend SEIZURE DILIGENCES | | |
| Deadlines to attend REQUESTS for tax INFORMATION | | |
| To formulate CLAIMS on time in procedures of application of taxes and in some of revision in tax matters: sanctions, declaration of nullity, refund of improper income, rectification of material errors. | | |

II. MEASURES IN THE LABOR FIELD

1. **Suspension of deadlines within the scope of the Labour and Social Security Inspection.**
2. **The control and sanction mechanisms are reinforced to avoid fraudulent behaviour in the perception of benefits, regulating sanctions** and establishing a corporate responsibility that implies the return by the company of benefits improperly received by its workers
3. **Unemployment benefit coverage is extended to workers laid off in the trial period of a new job during the state of alarm.**
4. **The scope of application of the ERTes is increased due to force majeure** to cover significant falls in activity in those **sectors considered essential** that have also seen their incomes decrease. **Now they will be allowed to present an ERTE to include non-essential workers for their essential activity.**
5. **The Cooperative Promotion and Education Fund is made** flexible with extraordinary character so that it can be used for any activity that contributes to curbing or alleviating the effects of COVID-19, through its own actions, donations to other public or private entities or endowment of liquidity to the cooperative to guarantee the continuity of its operation.
6. **The preferential nature of remote work is extended for two months in cases where it is possible**, as well as the right to adjust the schedule and reduce the working day.
7. **The reduction of contributions for certain agricultural workers during periods of inactivity in 2020 is approved** or the procedure for the deferral of Social Security debt is simplified.

III. RENEGOTIATION AND POSTPONEMENT OF THE PAYMENT OF RENTALS OF PREMISES

CONDITIONS TO BE FULFILLED BY THE TENANTS:

A) SELF-EMPLOYED BY LEASED PROPERTY AFFECTED TO THE DEVELOPED ECONOMIC ACTIVITY:

- ✓ Be affiliated and registered in RETA as of March 14, 2020.
- ✓ That its activity has been suspended due to the state of alarm or other orders.
- ✓ In the event that the activity has not been suspended, that the turnover of the calendar month prior to the request for the postponement has decreased by at least 75%

B) PYMES:

- ✓ That it does not exceed limits article 257 Capital Companies Law (Turnover less than 8 million, assets less than 4 million, number of workers less than 50)
- ✓ That its activity has been suspended due to the state of alarm or other orders.
- ✓ In the event that the activity has not been suspended, that the turnover of the calendar month prior to the request for the postponement has decreased by at least 75%

ACCREDITATION OF THE REQUIREMENTS BY THE LESSEE:

- ✓ **Responsible statement to prove decrease in income.**
- ✓ **AEAT or Autonomous Community certificate to prove cessation of activity.**

TYPES OF LEASES:

A) With large holders (natural or legal person who owns more than 10 urban properties, excluding garages and storage rooms, or with a constructed area of more than 1,500 m2):

The moratorium on the payment of the rental rent will be applied automatically and will affect the period of time that the alarm status lasts and its extensions and the following monthly payments, extendable one by one, if that period is insufficient in relation to the impact caused by COVID-19, without the four months being exceeded in any case.

Said rent will be deferred, without penalty or accrual of interest, from the next monthly rent, by dividing the instalments over a period of two years, which will be counted from the moment the aforementioned situation is exceeded. previously, or after the expiration of the aforementioned four-month period, and always within the term of the lease or any of its extensions.

The established moratorium must be accepted by the lessor provided that an agreement between both parties of moratorium or rent reduction has not already been reached

B) Other leases for use other than housing (lessor is not a large holder).

They may request from the lessor, within a month, from the entry into force of this Royal Decree-law, the temporary and extraordinary deferment in the payment of rent, provided that such deferment or a reduction of the rent had not been agreed by both parties on a voluntary basis.

Exclusively within the framework of the agreement referred to in the preceding sections, the parties may freely dispose of the deposit provided for in article 36 of Law 29/1994, of November 24, which may be used for the total or partial payment of any or some monthly instalments of the rental income. In the event that it is available in whole or in part, the lessee must replace the amount of the deposit provided within one year from the conclusion of the agreement or within the remaining period of the contract, in the event that this term is less than one year.

