

Special Manufacturing Taxes

Order HAC/998/2019, of 23 September, regulating compliance with the obligation to keep accounts of the products covered by the manufacture IIEE.

Who does it affect?

This new obligation to supply accounting entries through the so-called SILICIE affects factory owners, tax warehouses, receiving warehouses, bonded warehouses and vinegar factories.

As a consequence of this new obligation, they will be exempted from the presentation of the declaration of operations, except in the case of manufacturers and holders of tax warehouses of products subject to the Tax on Wine and Fermented Beverages, which will be subject to the presentation of the declaration of operations in accordance with the procedure currently followed, as long as the tax rate is zero.

Artisanal distillers and producers of wine and fermented beverages may continue to keep their accounts by means of foliated books, on request to the Management Office, but in the latter case, provided that their annual production volume does not exceed 100,000 litres.

All those owners of establishments affected by the IIEE regulations who are not obliged to keep their accounts through the electronic headquarters, may continue to keep their accounts in electronic register books or on paper, through foliated books, in which case the books must be previously



validated by the Management Office. It is possible, however, that they may voluntarily opt to keep their accounts through the website.

When does it come into force?

The starting date force of this Order is scheduled for 1 January 2020, although a transitional period has been approved so that establishments obliged to supply accounting entries through the SILICIE may supply the entries corresponding to the operations/ movements carried out in the first half of 2020, during the period between 30 June and 30 September 2020. In these cases, they will be obliged to provide the information in accordance with the system previously in force and must also submit the declaration of operations.

What should accounting reflect?

The accounts should reflect the processes, movements and stocks of products subject to IIEE as well as the raw materials used to obtain them, including any differences that may become apparent. These accounts shall include the movements of auxiliary stores.



What is the content of the entries set by the standard?

The data to be filled in are detailed in the Annex of the standard. Notwithstanding the above, it is envisaged that certain data may be supplied in a single accounting entry in aggregated form. This would affect manufacturing and transformation operations in continuous processes (every 24 hours or at the beginning of each work shift), brewing operations (by batch or brewing), movements in and out of non-alcoholic beer (monthly), raw materials used in the manufacturing process whose contribution to the final product is less than 0.5 degrees plate (monthly), manufacturing operations in oil refineries, taxed product industries and/or biofuel factories, departures as a result of retail sales with tax accrual (daily), departures from retail tax warehouses for daily product sales and, finally, additive operations in factories and tax warehouses (monthly, by product and additive).

As long as the tax rate on wine and fermented beverages is zero, for accounting purposes wine, must and fermented beverages produced during a calendar month may be deemed to have been made on the last day of the month in which they were made. The same would apply to breweries whose annual production does not exceed 50,000 hectolitres in the calendar year.

Supply Deadlines

As a general rule, the period for the electronic supply of accounting entries through the electronic headquarters shall be 24 working hours following the moment of the movement, operation or process subject to registration, except in the case of products subject to tax on

However, the standard lays down specific calculation rules for certain operations, in particular, shipments/circulation through fixed pipelines, loading and unloading of tankers through fixed pipelines, movements (entry/exit) of goods circulating on the road, alcohol manufacturing operations under a sealed tax warehouse regime or operations for the manufacture, transformation or self-consumption of hydrocarbons.

In the case of products subject to tax on wine and fermented beverages, provided that the tax rate is zero, as well as in the case of breweries with an annual production not exceeding 50,000 hectolitres, the period for supplying accounting entries shall end on the last working day of the

month following that in which the movements were made.

Having said this, it is possible that the parties obliged to supply the electronic records through the SILICIE may choose to keep their accounts directly at the AEAT's electronic headquarters. To this end, a request must be submitted through the AEAT's electronic headquarters prior to the calendar year in which this option is to take effect, and the same shall remain in force during the calendar year for which its application was requested. Once this system has been chosen, a voluntary waiver may be made, but must be made in writing to the Management Office prior to the calendar year in which it is to take effect.

In all these cases, the time limit for the provision of the information shall, as a general rule, be five working days from the date on which the movement, operation or process subject to registration takes place, and the month of August may be considered unworkable only for the purpose of providing the information. During the year 2020, this period will be eight days.

For wine products and fermented beverages whose annual production volume does not exceed 100.00 hectolitres in the calendar year, the time limit for supplying accounting entries shall be as follows:

- (i) the last working day in December for the processes, movements and operations carried out in the immediately preceding months of August, September, October and November;
- (ii) the last working day in August in respect of processes, movements and operations carried out in December, January, February, March, April, May, June and July.

Finally, a special regime is regulated for the supply of accounting entries by the holders of tax warehouses made up of a network of pipelines or of industries extracting natural gas and other gaseous products since, in these cases, the accounting entries will refer to the consolidated information after the closure of the m+3 balances, in accordance with the technical management rules of the gas system. In these cases, the deadline for the supply of entries shall be the last working day of the month following the closure of the balance sheets.

Who can supply the information?

The supply may be made by the owner of the establishment or his legal representatives as well



as by any other person acting as a voluntary representative with powers to file returns electronically or by social partners, such filing being subject to compliance with a number of formal obligations.

Delivery method

The supply can be made through the web form, through the services of exchange of electronic messages or by sending files. Both in the case of a web form and the sending of files, a response entry will be generated by the AEAT with a CSV. If, on the other hand, the AEAT sends a rejection message,

the reasons for the rejection will be identified so that the interested party can proceed to make the appropriate corrections and/or corrections and resend the information once it has been corrected.

How we can help you

We have a group of specialists in Special Taxes that can help you to review the operations subject to registration and the registration procedure as well as to assess or, where appropriate, design the procedure to follow in order to be able to supply the accounting entries in accordance with the new requirements laid down in the reference order.



The foregoing comments contain informative aspects and do not constitute professional or legal advice, not necessarily including the opinion of the authors. If you are interested in obtaining additional information or clarification on the content, you can contact us on telephone number +34 917 813 300 or by e-mail: info@andersentaxlegal.es.

