

Tax Update

Tax innovations introduced by Royal Decree-Law 15/2018 on urgent measures for energy transition and consumer protection

10th October 2018

RDL 15/2018, published in the Official State Gazette (BOE) on 6 October, introduced a series of fiscal measures, the main implications of which are set out below:

Transitional derogation in the IVPEE

A transitional measure is introduced that exempts producers of energy incorporated into the electricity system from the Tax on the Production Value of Electrical Energy (IVPEE) for a period of six months. The exemption covers the last calendar quarter of 2018 and the first calendar quarter of 2019.

This exemption must be considered both for the calculation of the taxable base for fractioned payments and in the annual self-assessment for 2018 and 2019.

Hybocarbon Tax Exemption

Secondly, Law 38/1992 on Excise Duties is amended to introduce an exemption from the Mineral Oil Tax on the use of energy products intended to produce electricity in power stations or the production of electricity or the cogeneration of electricity and heat in combined heat and power stations. The exemption will mainly affect the use of natural gas in combined cycle plants. Its application is subject to prior application and authorisation by the managing office.

It should be recalled that this exemption already applied prior to the introduction on 1 January 2013 of Law 15/2012, which abolished the tax benefit for environmental reasons.

Elimination of tolls for self-consumption of electricity

Finally, even though it is not of a tax nature, it should be noted that the commonly known "sun tax", which established tolls and charges for access to the electricity system networks for self-consumption, is eliminated. Specifically, it establishes that self-consumed energy of renewable origin, cogeneration or waste will be exempt from all types of charges or tolls. In addition, the right to self-consumption shared by several consumers is recognised and measures are introduced aimed at administrative simplification, especially in installations with reduced power.

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