

An idea to study from a legislative point of view

When the issue of "tax amnesty" or "waiver of the delay consideration" is raised, opinions are divided into two groups, one that supports and another that opposes, and let's talk about the opposing team only and exclude the supporting team now.

1/ This panel is of the view that pardon and transgression do not achieve justice between the obligor and the non-obligor, but rather distinguish the non-obligor that he has been pardoned, while the obligor is the one who bears the responsibility for his obligation with the taxes he has paid.

2/ The amnesty increases cases of the informal economy on the grounds that the state issues amnesty legislation every such year, which causes a dilution of the commitment of the parallel economy.

3/ The override of the delay fee calls on financiers to be lax in paying for the delay in the hope of issuing a new override law that reduces tax dues while others pay the full due due from them, and this shows unfairness, equality and damage to the dues of the public treasury.

This is generally a summary of the main arguments of the proponents of this trend.

This is some of what was mentioned yesterday in one of the meetings that I attended, and I was preoccupied with thinking about this matter a lot, and I came to the idea of reconciling the opinion of those who agree with the idea of amnesty and transgression and those who oppose it, this idea is based on putting the idea of override for delay within the legal texts, and I mean specifically Article 110 as long as we seek a new stage and want to include the formal economy into the informal economy.

This idea came to me from the amendment of Article 110 of Law 91 of 2005 when it added a deduction of 30% of the delay fee if an agreement is reached within the mission (whether a direct agreement or a specialized committee) (noting the desire of many to increase that percentage to reach 50% or 60%), and this article can be amended to divide it into two cases:

The first is the one who made a direct agreement with the mission or the specialized committee to deduct from the 30% delay fee (as is the current situation).

The rest is divided into time periods, each of which is an amount due to a gradual discount (let these periods be three periods, for example).

The second case is the case of those who went to the appeal committee and its dependents from the degrees of litigation.

1/ He will be deprived of a 30% discount, of course (this is first).

2/ An override is granted by time periods (such as the first case), but at a lower rate than what was obtained by the owners of the first case (the first team).

With this idea or in this way, we will have gotten rid of the objections of the second party and achieved the justice they are talking about, as well as we have extended assistance to show confidence to the tax community and set a realistic example that we are facing a new stage and a real trend towards building trust with financiers.

A final word, I hope that the VAT will receive the same attention and care as it receives for the delay for the commercial element, all within the framework of the concept put forward by the Ministry that the delay fee may not exceed the principal of the indebtedness.

May God grant success and guide your steps.

Thoughts:

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