

THE NEW PARADIGM OF THE FISCAL LEASE

AT autoridade tributária e aduaneira

Fatura-Recibo Original

FATURA-RECIBO N.º DATA DE EMISSÃO

DADOS DO PRESTADOR DE SERVIÇOS

NOME ATIVIDADE EXERCIDA NIF

DOMICÍLIO FISCAL / ESTABELECIMENTO ESTÁVEL

DADOS DO ADQUIRENTE DO SERVIÇO

NOME NIF

MORADA NIF ESTRANGEIRO/OUTRO DOC. IDENT. PAIS

SUBSISTEMA DE SAÚDE N.º DE BENEFICIÁRIO

DADOS DO SERVIÇO PRESTADO

DATA DA PRESTAÇÃO DO SERVIÇO

DESCRIÇÃO

VALOR BASE 1,00 €

IVA : Continente - 23% (taxa normal atual) : 0,00 €

IMPOSTO DO SELO 0,00 €

IRS : A taxa de 25%- artº 101.º, n.º1 do CIRS, 0,00 €

IMPORTÂNCIA RECEBIDA 0,00 €

Importância recebida a título de Honorários ☒ Adiantamento por conta de honorários ☐ Adiantamento para pagamento de despesas por conta e em nome do cliente ☐

Assinatura do prestador:

Documento emitido eletronicamente. Disponível para consulta pelo utilizador no Portal das Finanças (https://www.portalfinancas.gov.pt)

Following the reform on the taxation on individuals, introducing deep alterations Tax Law on the income of Individuals, the lease is now considered a real economical, enabling the deduction of the majority of the expenses that are effectively supported and paid by the holder of the rental income.

In this context, on March 31st 2015, it was published the ordinance 98-A/2015, which comes regulate three new obligations for the tax payers, that hold rental income (rents), whether from urban or rural lease:

- a) the issuance of the electronic payment receipt in official model, of all the amounts received from their tenants, for the payment of rents;
- b) and/or deliver to the Tax Authority (AT), until the end of January of each year, with reference to the previous year, an official model declaration with the distinction of those income;
- c) communication to AT of the lease and sublease contracts, and their respective promissory contracts, as well as their alterations and termination, until the end of the next month of the beginning of the lease or sublease, the alterations, termination or, in the case of promissory contract, providing the leased asset, in official model declaration.

The mentioned ordinance enters in force on April 1st 2015, even tough the obligation of the issue of electronic lease receipt has effects retroactively to January 1st 2015.

A. Electronic Lease Receipt

Are obliged to issue the electronic lease receipt the individuals subjected to IRS, holders of income from the category F, for the rents received or placed at the disposal, even though as deposit or advance, when they do not opt for its taxation in the context of the category B (entrepreneurial income).

Exceptions of non-application of mandatory issuance of the electronic lease receipt:

1st) to the tax payers that don't possess, neither are obliged to possess, electronic mail box and that has not earned, in the previous year, income from the category F in an amount higher than twice the value of the IAS (838,44);

2nd) to the tax payers that receive rents correspondent to contracts covered by the Rural Lease Regime;

3rd) to the tax payers older than or equal to 65 years.

The fulfilment and issue of the electronic lease receipt is mandatory made at the *Portal das Finanças*, which electronic address is www.portaldasfinancas.gov.pt.

The lease receipt is issued in double, the original being intended to grant discharge of the rents received from the other part, and the duplicate for the issuer.

The lease receipts issued, are available for consultation on the *Portal das Finanças*, for a period of 4 years, being possible, in the initial period of 2 years, possible to do the immediate consultation, and in the remaining period by request of the interested, on the portal.

The annulment of the lease receipts, issued in the mean time, is possible, but depends on the request of the issuer, which must be submitted at the *Portal das Finanças*, until the end of the legal deadline for the deliver of the respective income declaration of the IRS.

It is necessary to have a special attention to the fact that the electronic payment receipt in paper issued on the months of January to April of the year 2015 have to be issued electronically with the receipt of the electronic lease receipt issued on the month of may of the same year.

B. Anual Rental Income Declaration (model 44 declaration)

The presentation of this declaration is only mandatory for the tax payers that are dispensed and who have not opted for the issue of the electronic lease receipt.

The presentation of the referred can be accomplished by electronic data transmission at the *Portal das Finanças* or through the presentation of the declaration in paper at any finance department, in which it will be discriminated all the rental incomes from the previous year.

The model 44 declaration is considered presented on the date of its submission, and the individual, on a deadline of 30 days, correct possible errors impeding the validation of the validation, under penalty of not being considered at all.

C. Declaration of Lease Contract Communication and others (model 2 declaration of the Stamp Duty)

For each lease or sublease contract, respective alterations and termination, as well as promissory contract with providing the leased asset, must be presented a model 2 declaration.

The model 2 declaration must be delivered by electronic transmission of data on the *Portal das Finanças*, at the web site www.portaldasfinancas.gov.pt.

Then, after the submission of the declaration, the correspondent stamp duty tax will be paid (reminder, 10% of the lease amount), with the issue of the correspondent DUC, for payment at the authorized entities (banks, post office, treasury section of Finance department, etc).

The model 2 declaration is considered presented on the date in which it is validated and submitted.

Veronica Pisco

(Lawyer and post-graduated in Taxation)

24/04/2015

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