



ABBREVIATED REPORT ON THE REGULATORY IMPACT ASSESSMENT OF THE DRAFT ORDER IMPLEMENTING THE TECHNICAL, FUNCTIONAL AND CONTENT SPECIFICATIONS REFERRED TO IN THE REGULATION LAYING DOWN THE REQUIREMENTS TO BE ADOPTED FOR COMPUTER OR ELECTRONIC SYSTEMS AND SOFTWARE SUPPORTING THE INVOICING PROCESSES OF BUSINESS OWNERS AND PROFESSIONALS, AND THE STANDARDISATION OF FORMATS FOR INVOICING RECORDS, APPROVED BY ROYAL DECREE 1007/2023 OF 5 DECEMBER AND ARTICLE 6(5) OF THE REGULATION REGULATING INVOICING OBLIGATIONS, APPROVED BY ROYAL DECREE 1619/2012 OF 30 NOVEMBER.

1. JUSTIFICATION FOR THE ABBREVIATED REPORT

This Draft Order constitutes a management regulation, with no appreciable regulatory impact, since the third final provision of Royal Decree 1007/2023 of 5 December approving the Regulation laying down the requirements to be adopted for computer or electronic systems and software supporting the invoicing processes of business owners and professionals, and the standardisation of formats for invoicing records stipulates that a Ministerial Order by the head of the Ministry of Finance may specify the aspects set out in the Regulation that are necessary and, in particular, those set out in the aforementioned provision.

The adoption of this Ministerial Order follows the introduction of a new point (j) in Article 29(2) of the General Tax Law (LGT) by Law 11/2021 of 9 July on measures to prevent and combat tax fraud, transposing Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market, amending various tax rules and regulating gambling. This legal provision provides that the technical specifications to be met by computer or electronic systems and software supporting the accounting, invoicing or management processes of those carrying out economic activities, as well as the obligation for them to be properly certified and to use standard formats for their readability, may be laid down by regulation.

In compliance with this legal mandate, Royal Decree 1007/2023 of 5 December approved the Regulation laying down the requirements to be adopted by computer or electronic systems



and software supporting the invoicing processes of business owners and professionals, and the standardisation of invoicing record formats. As mentioned above, the third final provision of this Royal Decree authorises the development, by Ministerial Order, of the technical specifications and other aspects set out in the Regulation that may be necessary.

The grounds for the Draft Ministerial Order are the same as those that enabled the amendment of the General Tax Law and Royal Decree 1007/2023 to be approved. Firstly, to facilitate the technological development of our business fabric. Its main feature is that it is highly fragmented (VAT is declared by more than 3.6 million self-employed persons and SMEs compared with just 30,000 large companies). Despite the efforts of self-employed persons and SMEs, the small size of the business is often accompanied with a technological deficit that hinders the professionalisation of its management. All of this hinders business growth, job creation, innovation and expansion abroad. And, of course, compliance with administrative obligations or justifying investments and expenditure linked to the receipt of public funds.

The current technological development and the falling cost of invoicing mechanisms and systems make it possible to adopt comprehensive solutions that simplify compliance with all these obligations to the maximum extent. For that purpose, many businesses use point of sale (POS) terminals or issue invoices from a computer. They have various technological solutions available for these purposes.

The invoicing must be recorded in the tax books, and in certain cases, also in the business accounts. The books and accounts are the basis for the tax returns, which give rise to the data to be included in the information declarations, as well as the documents sent to the Administration in response to its requests for information. But the main information, which serves as the basis for the business management processes and for keeping accounting or tax records, and which therefore allows all these obligations to be met, is included in the invoicing from the start. Therefore, if the information contained in invoicing documents is properly digitised and structured, it will be possible to simplify the remaining obligations as much as possible.

The vast majority of self-employed persons and SMEs do not carry out complex transactions that require all information to be transmitted through Immediate Information Supply (SII) system, but instead directly. The basic information contained in their invoicing documents,



which is sent automatically, makes it possible to make progress with the proposed simplification.

Secure invoicing systems that make it possible to structure the information can also achieve the objective of incorporating functionalities such as generating QR codes, in line with their widespread use in some sectors.

The structuring of invoicing information is possible through the use of the appropriate software and installation thereof on the corresponding equipment. This structuring has been standardised by the adoption of Royal Decree 1007/2023 and must be supplemented by this Draft Ministerial Order, which implements certain technical aspects of it.

Furthermore, the standardisation of electronic invoicing systems helps to improve tax management by simplifying invoicing processes and ensuring their quality, the interoperability of the resulting documents and their readability by the persons authorised by taxpayers or competent to do so. This results in greater efficiency of business management processes by reducing costs in the medium term.

In addition, by ensuring the quality of the information, the project should reduce tax non-compliance and encourage voluntary compliance with tax obligations. This should contribute to broadening tax bases, fiscal consolidation and, consequently, reducing the government deficit and balancing the budget.

The widespread use of secure invoicing systems, as regulated in Article 29(2)(j) LGT, clearly has the central purpose of helping to reduce fraud through the use of sales suppression software, meaning software that allows the systematic concealment of activities and transactions or the modification of their amounts, generating a shadow economy and unfair competition. However, the ultimate motivation does not overlook the contribution of the regulation to the digitisation of SMEs and self-employed persons.

The legal regulation in this area, which is entirely new in our formal legal-taxation system, does not lay down the specification of the technical detail required to ensure compliance with the principles of information security, traceability and readability or accessibility thereto. It is therefore necessary for the development of its technical specifications to be carried out by means of lower-status standards. Once Royal Decree 1007/2023 has been approved, this regulation must be detailed by a Ministerial Order.



2. LEGAL BASIS AND STATUS OF THE DRAFT LEGISLATION: ATTRIBUTION OF POWERS

The legal basis for this Draft Order is, at legal level, Article 29(j)(2) of the General Tax Law 58/2003 of 17 December.

“Article 29. Formal tax obligations.

1. Formal tax obligations are those which, without being of a financial nature, are imposed by tax or customs legislation on taxable persons, whether or not they are liable to pay the tax, the fulfilment of which is linked to the performance of tax or customs actions or procedures.

2. Taxpayers shall meet the following obligations, in addition to any others that may be laid down by law:

(...)

‘j) The obligation, on the part of the producers, marketers and users, that the computer or electronic systems and programs that support the accounting, invoicing or management processes of those who carry out economic activities guarantee the integrity, storage, accessibility, readability, traceability and inalterability of the records, without interpolations, omissions or alterations of which there is no proper annotation in the systems themselves. Regulations may establish technical specifications to be met by such systems and programs and the obligation that these be duly certified and use standard formats for readability.”

(...)’.

In accordance with the provisions of this paragraph, the third additional provision of Royal Decree 1007/2023 of 5 December approving the Regulation laying down the requirements to be adopted by computer or electronic systems and software supporting the invoicing processes of business owners and professionals, and the standardisation of invoicing record formats, stipulates the following:



“Third final provision. Implementation of the Regulation included in this Royal Decree

A Ministerial Order issued by the head of the Ministry of Finance and the Civil Service may technically detail the aspects set out in the Regulation that may be necessary, and in particular the following:

- a) The technical and functional specifications for the computer system referred to in Article 7(a) of the Regulation, and in particular those indicated in Article 8 of the Regulation.*
- b) The conditions for and limits on the software referred to in Article 7(b) of the Regulation.*
- c) The details of the structure, format and technical characteristics of the information whose contents are referred to in Article 10 of the Regulation, in relation to the registration invoicing record.*
- d) Details of the structure, format and technical characteristics of the information whose contents are referred to in Article 11(2) of the Regulation, in relation to the cancellation invoicing record.*
- e) The signature policy specifications and the requirements for the ‘hash’ and, where applicable, the electronic signature of the registration and cancellation invoicing records, as referred to in Article 12 of the Regulation, in addition to any limitations on the use of specific certificates for specific cases.*
- f) Details of the structure, format and characteristics of the information in the statement of compliance whose contents are referred to in Article 13(4) of the Regulation.*
- g) The technical specifications for voluntary submission referred to in Articles 15 and 16(1) of the Regulation.*
- h) The tools referred to in the third additional provision of this Royal Decree.*



i) The details of the structure, format and technical characteristics of the information referred to in the third additional provision of this Royal Decree, which may be added to that of the registration invoicing record to supplement the contents and structure of the book of issued invoices governed by the Value Added Tax Regulation adopted by Royal Decree 1624/1992 of 29 December and, where applicable, record books for sales and income, and for income, as referred to in Article 68 of the Personal Income Tax Regulation, adopted by Royal Decree 439/2007 of 30 March, and to comply with said obligation by keeping such records on the portal of the National Agency for Tax Administration.

j) The time frames and method for waiving use of the 'Verifiable invoicing system', regulated by Articles 15 and 16 of the Regulation."

In addition, the Draft Ministerial Order implements Article 6(5) of the Regulation regulating invoicing obligations, approved by Royal Decree 1619/2012 of 30 November, to establish the technical and functional specifications for creating the 'QR' code and, where appropriate, the phrase accompanying it.

"Article 6. Contents of the invoice.

(...)

5. In accordance with the technical and functional specifications issued by a Ministerial Order from the head of the Ministry of Finance and the Civil Service, invoices issued using the computer systems referred to in Article 7 of the Regulation setting out the requirements for electronic and computer systems and programs supporting invoicing processes for business owners and professionals, and the standardisation of invoicing record formats shall also include the following contents:

a) Visual representation of the partial contents of the invoice by means of a 'QR' code.

Electronic invoices may replace the visual representation with the contents represented by the 'QR' code;

b) Such invoices, whether electronic or not, shall also include the phrase "Factura verificable en la sede electrónica de la AEAT" (Invoice verifiable on the electronic portal



*of the AEAT) or “VERI*FACTU” only in cases where the computer system submits all invoicing records to the AEAT, pursuant to Articles 15 and 16 of said Regulation.”*

For its part, the attribution of powers under which this rule is issued is based on the powers of the State laid down in Article 149(1)(14)(a) of the Spanish Constitution in the field of general finance.

3. CONTENTS, LEGAL ANALYSIS AND DESCRIPTION OF THE PROCESSING

3.1. CONTENTS OF THE ORDER

The Draft Order contains the preamble, twenty-one articles distributed in eight chapters, two additional provisions, a single final provision and an annex.

The preamble merely justifies the need to adopt the rules referred to in the previous paragraph, which enable the Ministerial Order to be implemented. It refers to the number of articles, final provisions and annex it contains, and notes that its development has complied with the administrative principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency.

Articles 1 and 2 are part of a first chapter of the Ministerial Order, entitled ‘*General provisions*’. Article 1 sets out the subject matter of the Ministerial Order and defines some terms that will be used subsequently.

Article 2 provides for the possibility of a single computer invoicing system supporting two or more taxable persons, as well as the conditions to be met by that computer system.

Article 3 initiates a second chapter, entitled ‘*Technical and functional specifications of the characteristics and requirements for computer invoicing systems*’. In turn, this chapter consists of four sections.

The first section, the title of which is ‘*Specific features in the case of VERI*FACTU computer systems*’ has a single article, Article 3, with the same title.



The second section, entitled '*Requirements for the submission of information to the Tax Administration*' has two articles, 4 and 5. The first describes the actions that a computer invoicing system must perform to be considered as having the ability to transmit the information, and the second describes the identification and authentication systems that are considered valid for transmitting that information.

The third section, entitled '*Characteristics to be guaranteed by computer systems*' has three articles, Articles 6 to 8, which lay down the conditions that computer invoicing systems must meet in order to be deemed to comply with the principles laid down in Article 8(2) of the Regulation approved by Royal Decree 1007/2023. Article 6 deals with the principle of integrity and inalterability of invoicing records; Article 7 deals with the principle of traceability; and Article 8 deals with the principles of storage, accessibility and readability of invoicing records.

This chapter has a final section, section four, entitled '*Other requirements for computer systems*', which develops the characteristics of the event logs that computer invoicing systems must have in order for the conditions laid down in Article 8(3) of the Regulation approved by Royal Decree 1007/2023 to be deemed to have been met. It consists of a single article, Article 9.

Chapter three, which deals with '*Generation and contents of invoicing records*', concerns the format and encoding, as well as the structure, contents and format of registration records, governed by Article 10 of the Ministerial Order; and cancellation records, governed by Article 11. The structure, contents and format of the records are detailed in the Annex.

Article 12, also included in chapter three, deals with the information to be provided in cases of authorisation or non-application referred to in the first additional provision of Royal Decree 1007/2023.

The same chapter then develops the specifications for the 'hash', Article 13 develops the electronic signature, and Article 14 develops the invoicing records.

Chapter four on '*Statement of compliance for computer systems*' consists of a single article, Article 15, which sets out its minimum contents, as well as the recommended contents. It also sets out the place where the statement of compliance is to be found and regulates cases in



which computer invoicing systems are made up of different components implemented by different developers.

Chapter five, entitled “*Characteristics of submission by ‘Verifiable invoice issuance systems’ or ‘VERI*FACTU systems’*”, has two articles. Article 16 regulates the technical specifications to be met by such computer invoicing systems, and Article 17 lays down the conditions for registration and the time frame for waiving this voluntary system.

Chapter six is entitled ‘*Submission of invoicing records to respond to a request*’. It only has one article, Article 18, which regulates the conditions under which the records requested by the Administration must be sent in accordance with Article 14(2) of the Regulation approved by Royal Decree 1007/2023. The characteristics and requirements for sending them are detailed in the Annex.

Chapter seven deals with the ‘*Invoicing software developed by the Tax Administration*’ referred to in Article 7(b) of the Regulation approved by Royal Decree 1007/2023. It also has one single article, Article 19, which sets out the conditions and limits of this invoicing software for it to be used by taxable persons.

The last chapter, chapter eight, entitled ‘*Additional elements to be included in invoices*’, has two articles. Article 20 includes the visual representations to be included in the invoice, which are the ‘QR’ code (or a replacement element if the invoice is electronic) and the mention that the computer invoicing system issuing the invoice is included, where applicable, in the VERI*FACTU system. For its part, Article 21 specifies the characteristics of the ‘QR’ code.

The first additional provision authorises the National Agency for Tax Administration to publish on its website, within the scope of the specifications contained in this Order, the technical details necessary to complete them in order to be able to implement them.

The second additional provision specifies the responsibility for the processing of personal data by the National Agency for Tax Administration.

The single final provision provides that the Ministerial Order shall enter into force on the day following that of its publication in the Official State Gazette.

The annex consists of the general structure of the files referred to in the order, with the format and characteristics of their fields.



3.2. LEGAL ANALYSIS.

3.2.1. JUSTIFICATION OF THE FORMAL STATUS

The contents described above have the status of a Ministerial Order, as a result of the express authorisation provided for in the third final provision of Royal Decree 1007/2023.

3.2.2. RELATIONSHIP OF THE REGULATION TO EUROPEAN UNION LAW AND ITS ADAPTATION THERETO

This Order is issued under the specific regulatory powers set out in the third final provision of Royal Decree 1007/2023 of 5 December approving the Regulation laying down the requirements to be adopted by computer or electronic systems and software supporting the invoicing processes of business owners and professionals, and the standardisation of invoicing record formats. This Royal Decree was approved as a result of the regulation expressly laid down in Article 29(2)(j) of the General Tax Law 58/2003 of 17 December, as amended by Law 11/2021 of 9 July on measures to prevent and combat tax fraud, transposing Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market, amending various tax rules and regulating gambling.

It should be noted that, in accordance with Articles 1 and 6(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, prior to its approval, the Draft Ministerial Order, as a technical regulation, was communicated to the competent services of the European Commission, and its approval and immediate publication in the Official State Gazette was delayed until the three months required for that purpose had elapsed. This communication to the European Commission is complementary to that made in 2023 in relation to Royal Decree 1007/2023, of which this Draft Order is an instrumental implementation, paragraphs (a) to (i) of the third final provision of which set out the aspects this implementation will concern.



3.2.3. RULES THAT ARE REPEALED AS A RESULT OF THE ENTRY INTO FORCE OF THE RULE

This Order does not repeal any rule in force.

3.2.4. ENTRY INTO FORCE.

The single final provision provides that the Ministerial Order shall enter into force on the day following that of its publication in the Official State Gazette. In this regard, it should be noted that the need to incorporate changes to the electronic invoicing systems of business owners makes it essential that the obligations approved by Royal Decree 1007/2023 of 5 December, which are now implemented through this Ministerial Order, apply only after a long period of time has elapsed. That period is extended, in the absence of regulatory changes, in accordance with the fourth final provision of the aforementioned Royal Decree, for manufacturers and developers of software up to 9 months after the entry into force of the Ministerial Order, and for affected business owners until 1 July 2025. In other words, although the Ministerial Order enters into force on the day following that of its publication in the Official State Gazette, it will not impose any obligation or effect on the business owners to whom it is addressed until the expiry of the time frames laid down in the Royal Decree, thus complying with the provisions of Article 23 of Government Law 50/1997 of 27 November, without the need to benefit from the exception referred to in that article.

3.3. DESCRIPTION OF THE PROCEDURE.

In the course of processing this Draft Order, the public consultation procedure has not been carried out, in accordance with Article 26(2) of Government Law 50/1997 of 27 November, since it concerns the drafting of a rule with the status of a regulation, specifically a Ministerial Order, for which the public consultation procedure is deemed unnecessary because it is not likely to have a significant impact on economic activity.



On 4 January 2024, the Draft Ministerial Order was submitted to the public hearing and information procedure and published, together with its report on the website of the Ministry of Finance, which was completed on 24 January 2024. Comments should be sent to the following e-mail address:

observaciones.proyectos@correo.aeat.es.

Within that period, 31 companies, professionals and industry, business and trade union associations submitted comments.

The comments received have been carefully examined with a view to improving the wording of the Order, enabling improved and simpler application by manufacturers of computer invoicing systems and business owners and professionals, while respecting the fundamental objectives pursued by the regulation approved by Royal Decree 1007/2023 of 5 December. In accordance with Article 2(1)(i)(2) of Royal Decree 931/2017 of 27 October, regulating the Regulatory Impact Assessment Report, it should be noted that 62 comments were accepted, which led to changes in the original wording of the Ministerial Order. Those taken into consideration included comments concerning the conditions under which a single computer invoicing system can serve a number of taxable persons at the same time, such that all of them comply with the rules (Article 2); the distinction between voluntary submission of records and submission on specific request (Articles 4(c), 16 and 18), which led to the understanding that each taxable person may have more than one computer invoicing system, provided that all of them comply with the specifications of the implementing regulation and this Order (several articles, for instance Article 7(c)); the addressed request that it be possible to record in the event log certain situations not included in the Order but of interest to the system itself (Article 9.1); the standardisation of record designs for safe storage operations and for all assistance services (Annex to the Order); the simplification of the development of computer systems and the change from non-Veri*factu systems to Veri*factu systems (Article 17); and the exclusion of the maximum number of records for use by the invoicing software that the tax administration may develop (Article 19).

This Draft Order has been sent to the Technical Secretariat-General of the Ministry of Finance for a report, pursuant to paragraph four of Article 26(5) of Government Law 50/1997 of 27 November.



The relevant report was issued on 20 May 2024 and contains comments and other considerations of a merely formal nature. In relation to the former, they have been fully addressed. These comments concern the communication of the text to the European Commission as a technical regulation in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015; the publication of additional information on the National Agency for Tax Administration's website, which has been adapted by reducing its scope to technical details and avoiding making amendments to the Order; reference to the *Processing of personal data* whose location in the Order is amended from the first final provision to the current second additional provision; and lastly, setting out in a section of this Report the reasons why the entry into force of the rule should continue to be the day following that of its publication in the Official State Gazette.

With regard to formal and wording considerations, all of them have been accepted.

With regard to the first comment concerning the first additional provision, 'Publication of additional information on the National Agency for Tax Administration's website', the Technical Secretariat-General raises doubts as to the relevance of the aforementioned space on the website, since the regulation only establishes explicit and clear authorisations for the head of the Ministry to determine these aspects. For this reason, it is suggested to consider whether it should be deleted, or at least that the aforementioned authorisation be restricted because it is too broad. In line with this comment, the wording of the first additional provision has been amended to ensure that there is no overregulation.

4. TIMELINESS OF THE PROPOSAL.

4.1. RATIONALE.

The proposal for the Draft Order complies with the regulatory authorisation provided for in Article 29(2)(j) of the General Tax Law and the third final provision of Royal Decree 1007/2023 of 5 December, approving the Regulation laying down the requirements to be



adopted by computer or electronic systems and software supporting the invoicing processes of business owners and professionals, and the standardisation of invoicing record formats. It also implements Article 6(5) of the Regulation regulating invoicing obligations, approved by Royal Decree 1619/2012 of 30 November, to establish the technical and functional specifications for creating the 'QR' code and, where appropriate, the phrase accompanying it.

4.2. OBJECTIVE.

The objective is to develop technical specifications that could not be regulated in detail by the Regulation laying down the requirements to be adopted by computer or electronic systems and software supporting the invoicing processes of business owners and professionals, and the standardisation of invoicing record formats, approved by Royal Decree 1007/2023 of 5 December. It also specifies the contents of Article 6(5) of the Regulation regulating invoicing obligations, approved by Royal Decree 1619/2012 of 30 November, to establish the technical and functional specifications for creating the 'QR' code and, where appropriate, the phrase accompanying it.

4.3. OTHER ALTERNATIVES.

There is no alternative, as it is an instrumental rule mandated by both the third final provision of Royal Decree 1007/2023 of 5 December and Article 6(5) of the Regulation regulating invoicing obligations, approved by Royal Decree 1619/2012 of 30 November.

5. LIST OF REPEALED REGULATIONS.

The Draft Order does not repeal any rule.



6. IMPACT ASSESSMENT.

6.1 ADMINISTRATIVE BURDENS.

The resulting administrative burdens are a strict consequence of compliance with the legislation adopted, since this Draft Order is a regulation approving and laying down specifications for certain aspects that could not be regulated in detail in the Regulation laying down the requirements to be adopted by computer or electronic systems and software supporting the invoicing processes of business owners and professionals, and the standardisation of invoicing record formats.

The costs for the Tax Administration have two sources:

Managing information and assistance to taxpayers (such as the FAQ service, telephone or face-to-face contact to answer questions, holding meetings with tax advisors and representatives of taxable persons and developers).

The development and maintenance of the technical aspects of the Ministerial Order, such as the publication on the website of the issues to be specified in this portal and, above all, in the creation and implementation of the invoicing software to be developed by the Tax Administration.

For taxable persons, if they cannot or do not wish to use this free software, the cost of purchasing a new computer invoicing system in line with the provisions laid down in Royal Decree 1007/23 and the Ministerial Order essentially depends on the characteristics of their business and the volume of invoices issued, which may vary between EUR 200 and EUR 15 000.

6.2 BUDGETARY IMPACT.



The adoption of the Draft Order does not imply any increase in public expenditure and, in terms of public revenue, by ensuring the quality of information, it should reduce tax non-compliance and encourage voluntary compliance with tax obligations. This should contribute to expanding tax bases, tax consolidation, reducing the public deficit and balancing the budget.

6.3 GENDER IMPACT.

The amendment introduced by this Order makes no differentiation in terms of gender, so it can be concluded that it has no impact on gender grounds.

6.4 IMPACT ON CHILDHOOD AND ADOLESCENCE.

The Order does not imply a regulatory impact on children and adolescents.

6.5 IMPACT ON THE FAMILY.

Finally, the text also has no regulatory impact in relation to the family.

6.6 OTHER IMPACTS.

The measures contained in this Ministerial Order are considered not to have other relevant impacts, whether social, environmental or concerning equal opportunities, non-discrimination and universal accessibility for persons with disabilities.



Madrid, 5 June 2024