

Notice to Update the Partners or Shareholders Data with the Federal Taxpayers Registry

On December 9, 2019, the “Decree by which various provisions of the Income Tax Law, the Value Added Tax Law, the Law of the Special Tax on Production and Services and of the Tax Code of the Federation are amended, added and repealed, was published in the Official Gazette of the Federation”, among which Article 27 of the aforementioned Code was amended with respect to the obligations in the matter of the Federal Taxpayers Registry (“FTR”). Such Decree entered into force on January 1st, 2020.

As an addition to the general catalog of obligations in the FTR, section B, subsection VI of article 27 of the Federal Tax Code (“**FTC**”) establishes that a notice must be filed informing the name and password in the FTR of the partners or shareholders, each time any modification or incorporation occurs. The notice must be submitted on the website of the Tax Administration Service (“**TAS**”) within 30 business days after the modification or incorporation of the partners or shareholders occurs.

Likewise, and for the only occasion, the obligation of companies that do not have updated the information of their partners or shareholders before the FTR must file a notice of their current capital structure, no later than June 30, 2020, on the website of the TAS (<https://www.sat.gob.mx/aplicacion/operacion/32846/presenta-tu-aclaracion-como-contribuyente>).

It is important to point out that for the filing of the notices it is necessary to attach the “protocolized and digitized document stating the modifications, as well as the incorporation of partners or shareholders”. Although the tax law does not establish the type of document that must be attached since not every change in the capital structure must be protocolized, we suggest reviewing each individual case to determine what is appropriate.

It is worth mentioning that non-compliance in the filing of the aforementioned notices entails the imposition of fines and even the possible temporary suspension of the company's digital seal certificate.

Finally, it is important to consider that the aforementioned notices do not replace the filing of the list of partners or shareholders residing abroad that must be filed within the first 3 months following the end of each year, in accordance with the provisions of section A, paragraph VI of the FTC.

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