



# Chile

<b>General</b>	<p><b>Types of and other indirect taxes (VAT/GST and other indirect taxes)</b></p> <p><b>Are there other indirect taxes?</b></p> <p><b>What are the standard or other rates (i.e. reduced rate) for VAT/GST and other indirect taxes?</b></p>	<p>VAT.</p> <ul style="list-style-type: none"> <li>— Additional tax on luxury goods.</li> <li>— Additional tax on alcoholic beverages.</li> <li>— Additional tax on non-alcoholic beverages with and without high sugar levels.</li> <li>— Specific tax on gas and diesel supplies.</li> <li>— Tobacco tax.</li> <li>— Additional tax on emissions.</li> </ul> <p>— VAT: single rate of 19%.</p> <ul style="list-style-type: none"> <li>— Additional tax on luxury products: VAT plus 15% (in some cases 50%).</li> <li>— Additional tax on non-alcoholic beverages: VAT plus 10% or 18% (for beverage with high sugar levels).</li> <li>— Additional tax on alcoholic beverages: VAT plus a tax rate of 20.5% and in some cases, 31.5%.</li> <li>— Specific tax on gas and diesel supplies: gas 6 UTM/m3 (USD400 approximately), diesel 1.5 UTM/m3 (USD100 approximately), plus VAT.</li> <li>— Tobacco tax: VAT plus tax rate ranging between 52.6%, 59.7% and a fixed amount of USD0.069 plus 30% of the value, per cigarette.</li> <li>— Additional tax on emissions: new, lightweight and medium, motorized vehicles pay a specific onetime tax, under a fixed formula.</li> </ul> <p>There are no reduced rates. It is possible to distinguish four types of operations: out of the scope, exempt without right to recover input VAT, exempt with the right to recover input VAT and exempt operations where VAT recovery is not relevant.</p> <p><b>Operations out of scope:</b></p> <p>These operations are not subject to VAT and taxpayers performing them cannot deduct input VAT (e.g. sale of some immovable properties, but only until 1 January 2016; services rendered and used abroad).</p> <p><b>Exempt operations where VAT recovery is not relevant:</b></p> <p>These operations are VAT exempt, however since they are performed by non-residents or there is no input VAT involved, the recovery of VAT is not an issue.</p>
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<b>General (continued)</b>	<p><b>What are the standard or other rates (i.e. reduced rate) for VAT/GST and other indirect taxes? (Continued)</b></p>	<p>Any person or entity who sells, on a regular basis, tangible movable goods, and immovable property from 1 January 2016 onward, and:</p> <ul style="list-style-type: none"> <li>— construction companies that sell tangible immovable goods that were completely or partially built by itself (until 1 January 2016)</li> <li>— any person or entity who provides services levied with VAT.</li> </ul>
	<p><b>Who is required to register for VAT/GST and other indirect taxes?</b></p>	<p>There is no special registration for VAT purposes. Nevertheless, there is an obligation for all taxpayers to obtain a taxpayer identification number (RUT), register with the Chilean Tax Administration (SII) and file with the SII a notice of commencement of activities. Such registration not only includes VAT taxable persons, but all other types of taxpayers and/or taxable persons that may be subject to Chilean tax laws as well (including income tax, VAT and others). These obligations also apply to a Chilean branch or permanent establishment in Chile of a non-resident taxpayer.</p>
	<p><b>Is voluntary registration for VAT/GST and other indirect taxes possible for an overseas company (e.g. if the annual turnover is below the relevant VAT/GST and other indirect taxes registration threshold)?</b></p>	<p>No, overseas companies cannot register voluntarily for the sole purpose of recovering VAT. In order to obtain a tax registration the overseas companies should set up a PE or incorporate a branch or affiliate in Chile. The PE or the entity incorporated will become a Chilean taxpayer for all Chilean taxes.</p>
	<p><b>Does an overseas company need to appoint a fiscal representative?</b></p>	<p>Yes, overseas companies obtaining a tax registration, as described above, should appoint a fiscal representative. This person should have a domicile or residence in Chile.</p>
	<p><b>Which forms and supporting documentation does an overseas company need to submit for VAT/GST and other indirect taxes registration?</b></p>	<p>Applications for registration of a PE or local entity should be submitted by filing Forms 4415.1 and 4418. In addition to the forms, the following documentation must be provided:</p> <ul style="list-style-type: none"> <li>— incorporation documents of the legal entity, translated if not in Spanish and duly legalized</li> <li>— certificate of good standing of the legal entity, translated if not in Spanish and duly legalized</li> <li>— identification of the company's representative in Chile and documents evidencing the powers of attorney granted to the representative (translated and legalized)</li> <li>— ownership title, lease agreement or other title related to the address used by the company in Chile.</li> </ul>
	<p><b>Is grouping* for VAT/GST and other indirect taxes possible?</b></p>	<p>No.</p>

\* By 'grouping' we mean: either a consolidation mechanism between taxpayers belonging to the same group (payment and refund are compensated but taxpayers remain distinct) or a fiscal unity for VAT/GST purposes (several taxpayers are regarded as a single taxpayer).

<b>VAT/GST compliance</b>	<b>How frequently are VAT/GST and other indirect taxes returns submitted?</b>	Monthly, in some special cases bimonthly.
	<b>What are the exchange rate rules in your country?</b>	The tax authority can authorize certain companies to carry accounting in foreign currency. Those authorized companies may apply to an authorization to file some or all their taxes, make payments or request a refund in the event of a credit balance of the applicable taxes, in such foreign currency.  Invoices issued by Chilean taxpayers should always be issued in Chilean currency (pesos), notwithstanding the possibility to express the foreign currency values, indicating the exchange rate used to convert into Chilean pesos, which corresponds to the effective rate for the day of issuance of the respective invoice.
	<b>Can an overseas company recover VAT/GST and other indirect taxes if it is not registered for VAT/GST and other indirect taxes locally?</b>	No.
<b>VAT/GST recovery</b>	<b>Are there any exemptions with the right to recover or deduct input VAT?</b>	Yes, special provisions contained in the VAT legislation allow the VAT recovery regarding certain exempt operations, such as: <ul style="list-style-type: none"><li>— exportation of goods</li><li>— services provided to non-residents accepted as an exportation by the customs authority</li><li>— sale of goods to foreign airplanes and ships making international transportation</li><li>— international transportation services.</li></ul> In these cases the law also provides the possibility of a refund of the input VAT paid. This refund could be requested on a monthly basis for the VAT paid in the previous month.
	<b>Are there any restrictions to the deduction of input VAT?</b>	Yes, the general rule is that taxpayers carrying out exempt operations cannot recover input VAT, such as: <ul style="list-style-type: none"><li>— some insurance transactions</li><li>— financing operations not related to the sale of goods or services</li><li>— educational services</li><li>— some health services</li><li>— transportation of persons.</li></ul>
	<b>Is a business required to issue tax invoices?</b>	Yes, in most cases.
<b>Invoices</b>	<b>Is it possible/mandatory to issue invoices electronically?</b>	Yes, it is possible.
	<b>Is it possible for recipient to issue tax invoices/ self-invoices (self-invoicing)?</b>	As a general rule, self-invoicing is not allowed. However, in some very specific and particular cases, the VAT law and the Chilean tax authorities have allowed issue purchase invoices, thus allowing self-invoicing only for such cases.

<b>Audits</b>	<p>Do tax audits take place on a regular basis?</p>	<p>There is no regular basis schedule for tax audits. They depend on the audit planning, which is established by the tax authorities and based on taxpayers' behavior. Taxpayers deemed 'large business taxpayers' are audited more frequently, at least once per year.</p>
	<p><b>Are there audits done electronically in your country (e-audit)? If so, what system is in use?</b></p>	<p>No.</p>
	<p><b>What penalties can arise from non-compliance?</b></p>	<p>The penalty varies depending on the noncompliance or the breach to the tax legislation. Penalties may be established as a fine on a fixed amount or determined on a percentage of the corresponding tax due (e.g. a rate ranging between 5% to 300% of the tax due), or even temporary closing of the business or imprisonment.</p>
<b>Special indirect tax rules</b>	<p><b>In your country are there any special rules for the sale of a company by a taxpayer to another where VAT is not due on the sale?</b></p>	<p>The transfers resulting from business reorganizations (mergers or spinoffs) and the transfer of a business structured as a share transfer deal are not subject to VAT.</p>
	<p><b>In your country, are there unique specific indirect tax rules that you would not expect to find in 'standard' VAT jurisdictions?</b></p>	<p>No, but Chilean VAT is characterized by a flat tax rate, few VAT exemptions and low chances for the foreign taxpayer to recover VAT. VAT compliance is based on an input VAT/output VAT offset mechanism with carry-forward of excess input VAT. With few exceptions there is no cash refund of excess input VAT credit (principal exceptions available for exporters and VAT incurred on the acquisition of fixed assets). As a general rule, excess input cannot be offset with other taxes, except if the taxpayer closes his business and gives notice of end of activities to the tax authority. In that case, the input credit balance may be offset against the corporate income tax (first category tax) payable for the same year.</p>
	<p><b>Does a reverse charge mechanism apply in your country for goods or services?</b></p>	<p>Yes, only in certain cases provided by law, or ruled by the tax authorities (e.g. the buyer should withhold the VAT regarding the sale of some agricultural products and where the seller or service provider is not a Chilean resident).</p>
	<p><b>Are there indirect tax incentives available in your country (e.g. reduced rates, tax holidays)?</b></p>	<p>Yes, there is the possibility to request a refund of the VAT credit generated on the purchase of goods that form part of the taxpayer fixed assets, provided the VAT credit was accumulated in a period of six or more months.</p>
<b>Rulings</b>	<p><b>Are rulings and decisions issued by the tax authorities publicly available in your country?</b></p>	<p>Yes, they are available at the following link: <a href="http://www.sii.cl/pagina/jurisprudencia/legis.htm">www.sii.cl/pagina/jurisprudencia/legis.htm</a></p>