KPMG

Insights: Tax & Legal Highlights

Nuestra selección mensual de las actualizaciones tributarias de interés.

English edition

KPMG Chile

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Content

1. VAT on foreign online betting platforms

The IRS enables a system so that foreign platforms that provide betting, gambling, and online casino services to users in Chile can comply with their tax obligations in the country.

According to the instructions given by resolution, such activities are taxed with VAT as digital services, so platforms without residence in Chile must register, declare and pay the tax under the simplified VAT regime for remote services.

For these purposes:

- VAT must be applied on the total of incomes received, without distinguishing its nature.
- Taxpayers who do not comply with declaring or paying may be excluded from the system, without prejudice to other audit actions.
- It is required to regularize previous periods (up to 36 months), by declaring the VAT due.

Read online:
Ruling N°69 / 2026

2. Equity Reorganization and GAAR Application

The IRS analyzes a complex asset reorganization of a natural person, which includes the centralization of assets in Chilean companies, their subsequent structuring through vehicles abroad and the early transmission of family assets to the next generation.

The structure considers, among other elements, a reorganization in several layers:

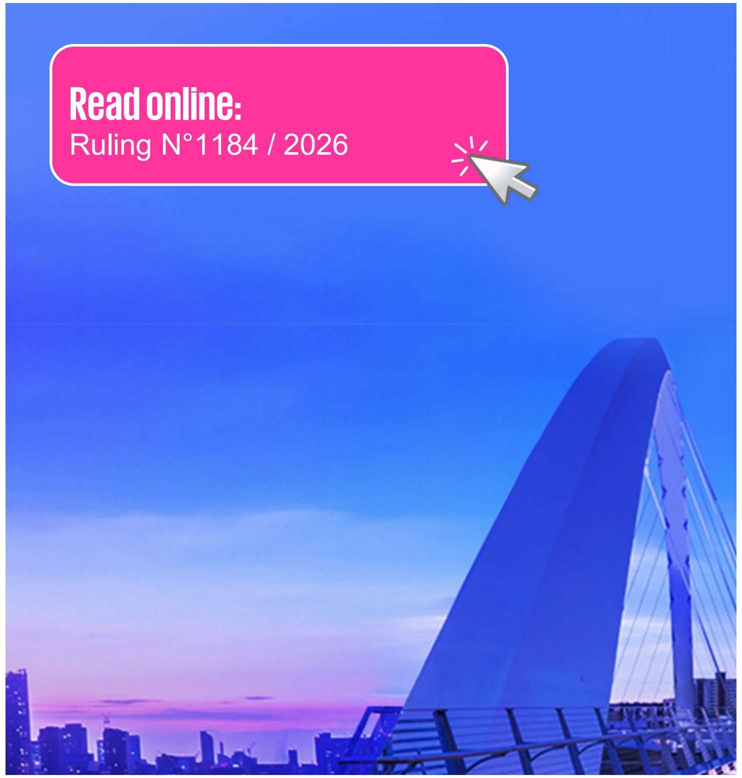
- In a first stage, the taxpayer contributes its assets – including shares in operating companies and real estate investments – under a centralized structure in Chile through a Sociedad por Acciones (SpA), whose shares will later be contributed to a foreign company (Limited Partnership), establishing the indirect ownership of the assets located in Chile.
- Then, the taxpayer plans the early transfer of the assets to the next generation of his family to avoid future fragmentation, by donating the bare ownership of the shares of the companies, keeping the usufruct for himself for a certain period.
- Finally, other investment vehicles abroad will be set up for the administration of hereditary funds and the protection of the assets of other members of the family.
- The structure contemplates financing operations between related entities, in which the same resources contributed could circulate within the group through loans.

In this context, the IRS places emphasis on the review of the economic substance of the structure, questioning relevant aspects of the case.

It warns that some of the declared objectives – such as a supposed "professionalized administration" or risk mitigation – are not consistent with the proposed structure, since control and decision-making would continue to be concentrated in the same taxpayer.

Likewise, the IRS questions the need to incorporate entities abroad and structures at various levels, especially when there is no clear reason other than tax effects, or when there are internal flows that do not show an obvious economic logic.

Along these lines, it is warned that operations such as contributions, financing between related parties or donations could be reviewed both by specific regulations and by the GAAR, to the extent that they imply transfer of profits, alteration of results or structures without real economic substance.



3. Promotional Pricing and GAAR Application

The IRS analyzes a business model in which a company that provides "virtual office" services seeks to attract new customers by offering the service at a reduced price for an initial period. To enhance this strategy, the company intends to channel the offer through other companies, which could offer this benefit to their own customers, even in scenarios where there is some degree of linkage between them. The promotional price would cover the costs – without generating losses – and, once the customer has been captured, they would pay the normal rate if they decide to continue with the service.

From a tax point of view, the IRS confirms that income must be recognized for the value effectively charged, including promotional prices, which may respond to valid commercial practices. However, this recognition is subject to the agreed conditions being reasonable and consistent with the market.

In this context, the IRS leaves open the possibility of adjusting the values of transactions when it detects that the promotional prices do not respond to a real economic logic, especially if this involves transfers of profits between related parties.

The IRS points out that, in the abstract, the model is not objectionable; however, it warns that, in an audit, it will be evaluated whether the structure generates undue tax effects, such as the artificial reduction of income, the transfer of profits to other entities or the use of more favorable regimes. If this type of situation is verified, the IRS could question the operation under the GAAR, considering the economic substance of the transactions.

Finally, the IRS warns that the participation of third parties in the acquisition of customers may constitute intermediation services, which must be duly valued, and that the treatment of VAT must be analyzed on a case-by-case basis according to the nature of the services.

Read online:
Ruling N°1149 / 2026

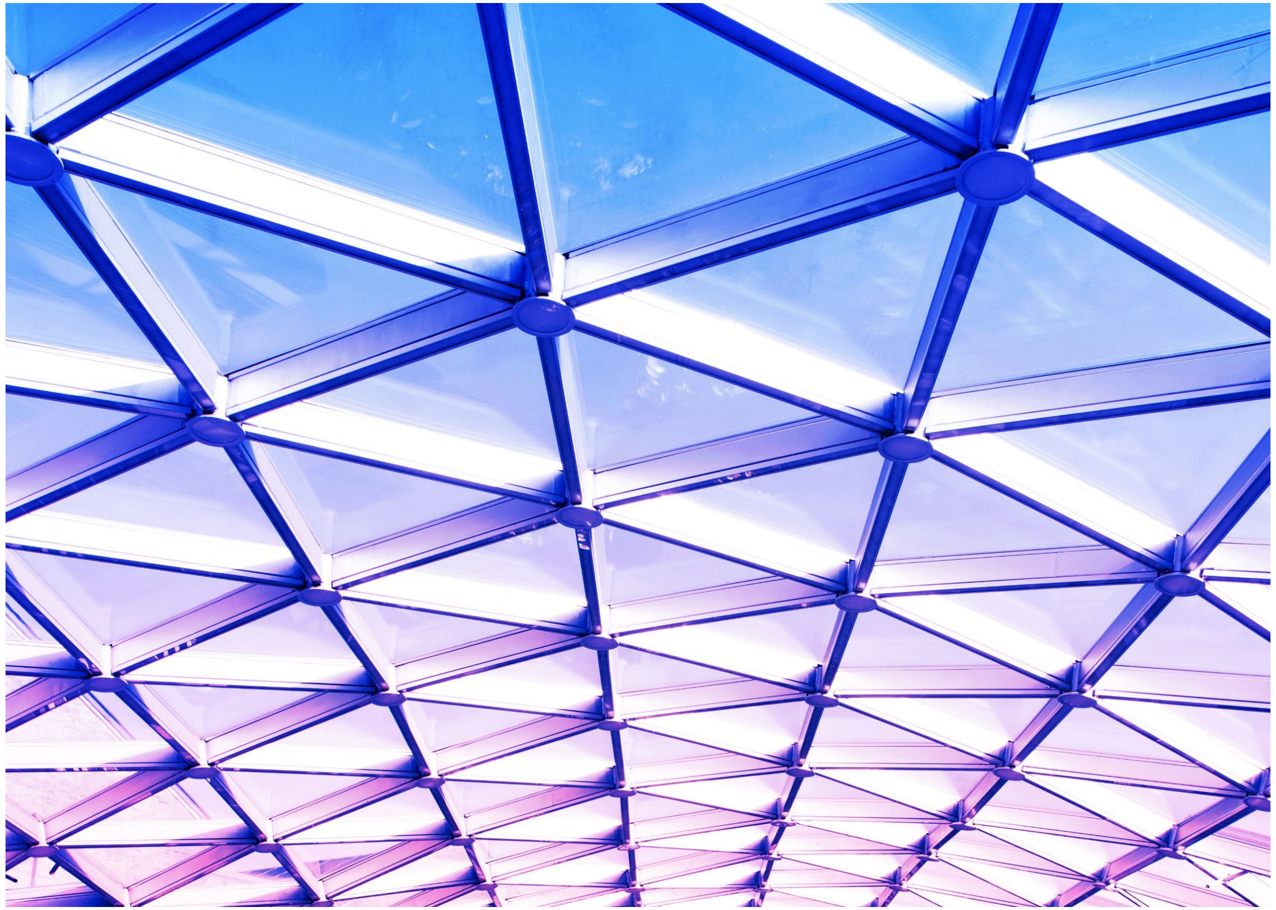
4. International Remote Work

The IRS analyzes the situation of a person who, having lived in Chile for years, moves to Spain, but maintains his or her employment relationship with Chilean companies, providing general manager services remotely and with a limited presence in Chile.

In the first place, the IRS indicates that, as long as the person maintains their domicile in Chile, they will continue to be taxed in the country on their income from any source, including remuneration from Chilean employers.

However, the analysis must consider the application of the DTT with Spain, especially in situations of dual residence. In these cases, the DTT rules must be applied to determine in which country the taxpayer is considered a resident for tax purposes.

However, even if the DTT may assign residence to another country, this does not necessarily eliminate Chile's tax obligations under domestic law, particularly when Chile retains the power to tax such income.



Read online:
Ruling N°1199 / 2026

5. Voluntary Pension Savings (APV) Withdrawals

The IRS clarifies the taxation and withholding on APV withdrawals that are not intended for pension purposes, addressing both the tax that affects them and the withholding that must be practiced by the administering institutions.

In the first place, these withdrawals are subject to a single income tax, applicable both to people residing in Chile and to those without domicile or residence in the country. This tax is determined and declared jointly in the same annual income tax return.

Its determination does not respond to a fixed rate, but to a variable rate that is calculated at the time of withdrawal, depending on the amount involved and the conditions of the taxpayer.

On the other hand, at the time of withdrawal, the APV administrators must make a withholding of 15% on the amount withdrawn, which has the character of a provisional payment attributable to the single tax that is applicable. The obligation to apply this withholding operates in a general way, without distinguishing between dependent, self-employed or pensioned workers.

If this withholding results in a balance in favor of the taxpayer, it can be used to pay other tax obligations, or its refund can be requested.

In addition, transfers of funds between administering institutions do not constitute taxable withdrawals, as long as the resources maintain their pension nature, so they do not trigger taxation in such cases.

Finally, in international contexts, the IRS warns that the application of a current DTT could alter the tax result, which must be evaluated in each specific case.

6. VAT exemption on imports of capital goods

The IRS pronounces on the moment in which the resolution of the Ministry of Finance required to access the VAT exemption on the import of capital goods destined for investment projects in Chile must be obtained.

For the purposes of accessing the VAT exemption, it is not necessary for the respective resolution of the Ministry of Finance to be issued prior to the consummation of the importation, since the LIVS does not impose a specific term or opportunity to obtain the aforementioned resolution.

Therefore, those resolutions obtained after the consummation of the import entitle the taxpayer to access the tax benefit and to request the refund of the VAT paid in such operations, within the limitation periods and in accordance with the general rules.

Read online:
Ruling N°1195 / 2026

7. Instant depreciation on built property

The IRS pronounces on the moment in which an asset built on behalf of a third party is understood to have been acquired, for the purpose of applying the instant depreciation regime established as a transitory benefit (from 2020 to 2022) for investments in fixed assets in Law 21,210.

In this regard, the IRS points out that in the case of goods that are commissioned to be built by third parties, the date of acquisition of the asset corresponds to the date on which the principal receives the work, in whole or in part, accepting the corresponding payment statements. Therefore, the issuance of the invoice does not define the date of acquisition of the asset or its incorporation into the fixed asset.

In this way, the relevant criterion is not formal (invoicing), but material, linked to the effective receipt of the asset.

Read online:
Ruling N°1203 / 2026

8. Electricity compensation and billing treatment

The IRS pronounces tax treatment and the way to document the compensations that electricity companies must pay to customers for supply interruptions.

Firstly, it is clarified that these compensations are not subject to VAT, since they do not correspond to a taxable service or transaction. Consequently, they do not affect the taxable base of the billed electricity service.

Therefore, such compensations should not lower the tax base, but should be deducted from the total amount to be paid by the customer, once all charges and taxes have been calculated.

From an operational point of view, the IRS warns that the electronic invoicing system does not allow discounts to be applied after the total invoice, so, in these cases, the correct way to reflect the compensation is by issuing a credit note.

In the case of electronic receipts, on the other hand, the system does allow negative amounts to be recorded, so the compensation can be deducted directly, as long as it is clearly identified in the gloss.

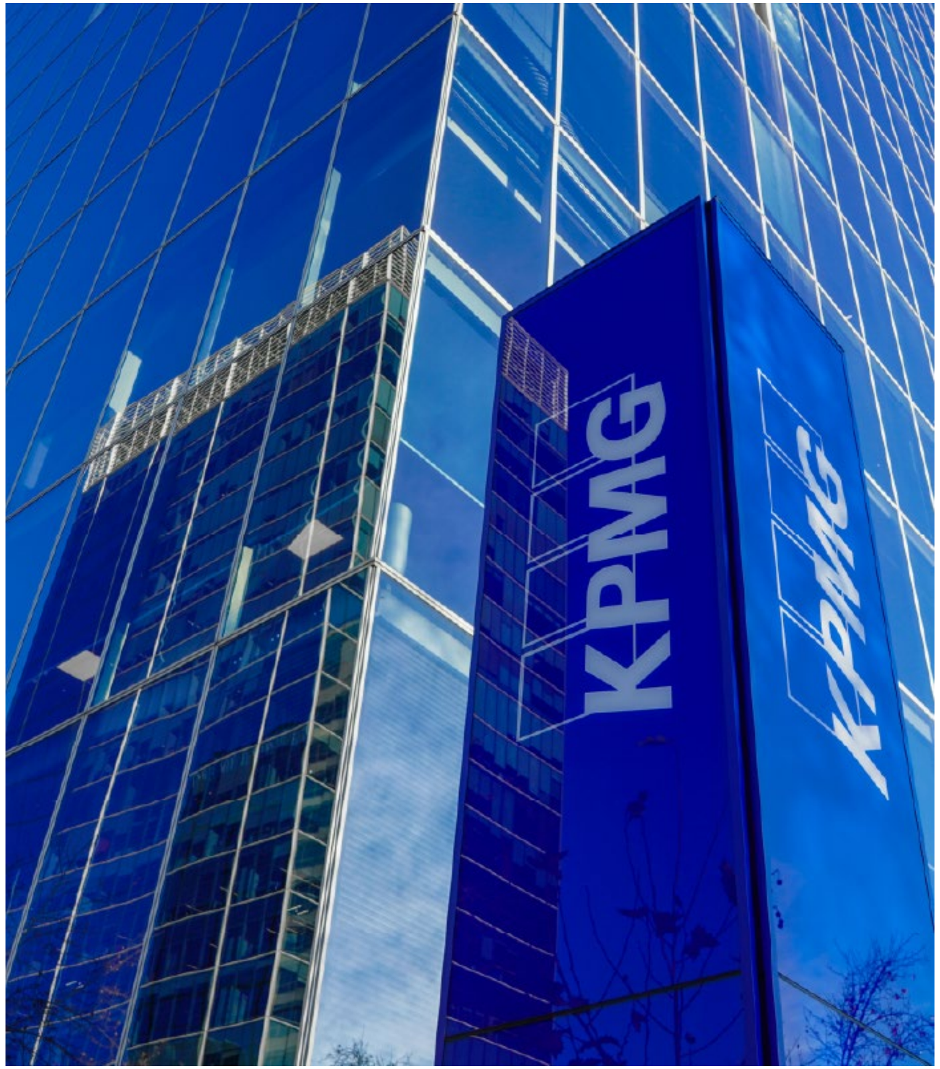
Read online:
Ruling N°1122 / 2026

Other pronouncements

Ordinary Ruling No. 1127, of 05/13/2026	Article 27 bis of the Law on Sales and Services Tax and companies of the pro-SME regime.
Ordinary Ruling No. 1194, of 05/20/2026	Obligation to start activities in the leasing of real estate.
Ordinary Ruling No. 1196, of 05/20/2026	Tax treatment in digital intermediation of judicial notification services.
Ordinary Ruling No. 1198, of 05/20/2026	Check if an invoice must be issued for the sale of a vehicle in the Punta Arenas Free Trade Zone.

Glossary

DTT	Convention for the avoidance of international double taxation
CT	Tax Code
VAT	Value Added Tax
LIR	Income Tax Law
LIVS	Sales and Services Tax Act
GAAR	General Anti-Avoidance Rule
IRS	Internal Revenue Service



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