

These are the requirements of the computer or electronic billing systems and programs

December 2023

Royal Decree 1007/2023 regulates the new requirements of systems and programs for billing processes and standardize formats for billing records

[Royal Decree 1007/2023, of December 5, 2023](#), approving the Regulations which set out the requirements to be met by computer or electronic systems and programs which support the billing processes of traders and professionals, and for the standardization of billing record formats, has been published in the Official State Gazette of December 6, 2023.

These regulations implement the provisions of General Tax Law 58/2003 (LGT) on billing systems, with a twofold objective:

- a) On the one hand, the regulations:
 - a. Set out the requirements to be met by computerized billing systems used by traders and professionals (as we shall see, the requirements **do not apply to those which submit their VAT books through the website of the State Tax Agency – AEAT– using the system known as the immediate information sharing system – SII-**), in order to ensure *“the integrity, preservation, accessibility, readability, traceability and inalterability of the billing records”*.
 - b. Ensure that all commercial transactions generate an invoice and an entry in the taxpayer’s computer system, preventing the subsequent alteration of those entries and permitting, as appropriate, the simultaneous or subsequent submission of the information to the tax authorities, which may be done voluntarily in an automatic manner by electronic means.
- b) On the other hand, the regulations establish obligations for producers, manufacturers, sellers or developers of the computerized systems, which must certify that their computer systems meet the requirements established in the legislation.

The main characteristics of the obligations implemented by these regulations are summarized as follows.

1. Material scope

These regulations set out the requirements and technical specifications to be met by any computer system that supports the billing processes used by those who engage in economic activities, in order to *“ensure the integrity, preservation, accessibility, readability, traceability and inalterability of the billing records, there being no insertions, omissions or alterations which are not duly recorded in the systems themselves, with the information on all the supplies of goods and services.”*

A computer system is defined as the set of hardware and software used to issue invoices through the performance of the following actions:

- a) Allow the entry of billing information through any method.

- b) Preserve the billing information, whether through its storage in the computerized billing system itself or by transferring it out on a physical medium or through its submission electronically to another computer system (whether or not a billing system).
- c) Process the billing information through any procedure in order to produce other derivative results.

2. Personal scope

The regulations are addressed, according to the obligations contained in them, to two groups of users:

- a) On the one hand, to users of computerized billing systems, defined as follows:
 - a. Corporate income taxpayers (with the exception of the exempt entities referred to in article 9.1 of the law regulating the tax, and those partially exempt, which shall only be affected by these obligations in relation to their transactions that do not benefit from the exemption).
 - b. Personal income taxpayers who engage in economic activities.
 - c. Nonresident income taxpayers who obtain income through a permanent establishment.
 - d. Pass-through entities which pursue economic activities, without prejudice to the pertinent attributions of income to their members.

However, these regulations do not apply to taxpayers that keep their VAT books through the AEAT's website (the SII)¹.

The regulations provide for the possibility of delegating the physical fulfillment of the obligations to a third party (including the recipient of the transaction) and of authorizing exclusions in the application thereof when there may be disruptions in the performance of the activities, or exceptional circumstances are detected with respect to certain transactions which make it impossible to fulfill the requirements.

- b) On the other hand, to producers and sellers of computer systems that are subject to specific obligations, which we will analyze separately.

3. Obligations for users of the computerized systems

3.1 Valid systems

Users may elect to fulfill the obligations imposed on them by the regulations through a computer system that meets the requirements established in them, or through the software developed by the tax authorities for that purpose. Irrespective of the method used, the computer system must:

¹ They also exclude certain transactions in respect of which there is no obligation to issue invoices, as is the case of the transactions carried out under the special VAT scheme for agriculture, livestock and fishing, the special compensatory charge scheme or the simplified VAT regime, or other taxable persons authorized not to issue invoices; and invoices relating to exchanges of electricity in the electricity generation market or those issued by the National Energy Commission in the name and for the account of electricity producers subject to a special scheme.

- a) ensure the integrity, preservation, accessibility, readability, traceability and inalterability of the billing records and, moreover,
- b) have the capacity to transmit to the tax authorities on an ongoing basis, in a manner which is secure, correct, complete, automatic, consecutive, instantaneous and reliable, all billing records.

In relation to the first requirement, the system must, essentially, ensure that the records generated cannot be altered without the computer system detecting and notifying it, such that data registered in the system cannot be concealed or modified, or other simulated or false data added, and it must provide a record of events that registers the interactions with the system.

Moreover, it must (i) assure the traceability of the billing records so that their sequence can be verified from the first to the last, and (ii) ensure their appropriate preservation, accessibility and readability.

Given that the tax authorities' access to the records must be ensured, the regulations require that any confidential non-economic information must be dissociated in the system from the information that has tax relevance.

3.2 Billing records

Prior or simultaneously to the issuance of an invoice (whether complete or simplified), the system must generate a "billing record entry".

That entry must include the required elements such as the mandatory references in the invoices (very similar to the type of information required in the SII) to which a fingerprint or "hash" must be added. It must also be signed electronically, unless a "verifiable invoice issuance system" is used; we will refer to this below.

When it is not the first billing record generated by the system, it must include the number and series, if any, and the invoice issue date that appears in the immediately previous billing record entry or cancellation, along with part of the fingerprint or "hash" of that previous record. In addition, the identification code of the computer system used must be included, along with the date, hour, minute and second when the billing record entry is generated, and other additional characteristics that make it possible to ascertain the circumstances in which the billing record entry is generated.

In case of error in the issuance of an invoice that requires canceling the record entry, a "billing record cancellation" must be generated (the specific contents of which are also set forth in the regulations).

3.3 Verifiable invoice issue systems

The regulations establish the possibility for users of the computer system to voluntarily transmit to the AEAT automatically (and on an ongoing basis, in a manner which is secure, correct, complete, automatic, consecutive, instantaneous and reliable) all billing records generated electronically. In that case, the system will be considered a "verifiable invoice issue system" or "VERI*FACTU system", and it will be presumed to meet the requirements of the regulations on the basis of its design.

The election of automatic transmission of data shall remain in force at least until the end of the calendar year in which the first submission of the billing records has effectively taken place.

Moreover, the AEAT shall provide these users with a system whereby the entries are included in their books of sales and income and so that the recipients can take the data and include them in their expense books.

3.4 Content of invoices

The regulations that establish billing obligations are also amended to require complete and simplified invoices (where they are issued by taxable persons) to include the graphic representation of the partial content of the invoice by means of a “QR” code (if the invoice is electronic, the graphic representation may be replaced by the content which the “QR” code represents). Moreover, if the records are transmitted automatically to the AEAT according to the terms stated, the phrase “Invoice verifiable on the AEAT’s website” or “VERI*FACTU” must be added.

The use of a system that complies with the provisions of the regulations will also permit presuming the authenticity of the origin and the integrity of the content of the invoices issued.

3.5 Access to the system

The tax authorities may demand full and immediate access to the place where the billing and event records, or their secure copies, are located, as well as their downloading, transfer, copy and consultation, always in readable format, obtaining, as the case may be, the user code, password (and any other security key that may be necessary), and they may demand and obtain a copy of the billing records stored.

3.6 Invoice recipients

The recipients of the transaction may voluntarily provide certain information on the invoices to the AEAT, furnishing the data contained in the QR code of the invoice, through a specific route on its website or of the software developed for that purpose. In the case of verifiable invoices, the recipient may verify that the invoice received has been sent to the AEAT by its issuer.

Although the submission of the information will not be considered a public report, the AEAT may use the information provided by the recipient in the context of its powers for the application of taxes.

4. Obligations for manufacturers, developers or Sellers of the systems

The regulations require the system producer to certify, through a solemn declaration in writing and in a visible manner in the computer system and in successive versions, that it meets the provisions set out in article 29.2.j) of the LGT, in the regulations and in the specifications approved through a ministerial order in the implementation of the law.

This declaration can be required both by the customer and by the tax authorities from the producer or seller and must include the data relating to the system which permit identifying it and knowing its type, composition and functions, as well as the features of its installation. In addition, it must contain the identifying and location data of the producer and the date and place of signature of this declaration.

The tax authorities may request from the producers or sellers of computer systems the information necessary to verify the fulfillment of the requirements established in the regulations in relation to the computer systems produced or sold.

5. Implementation of the regulations

The authorities have yet to publish a ministerial order detailing the technical and functional specifications of the systems, the details, structure and technical characteristics of the information of the records of entry and cancellation, the specifications relating to the requirements for signature or those relating to the fingerprint or “hash” of the records; or the terms and form of waiving the verifiable invoice issue system, among others.

6. Entry into force and application

Although the regulations have entered into force the day after their publication, the following dates are established for fulfilling the obligations set forth in them:

- a) Users must have their computer systems in place and adapted to the characteristics and requirements established in the regulations and the implementing legislation before July 1, 2025.
- b) Producers, developers, etc. must offer their products adapted to the regulations within the maximum period of nine months following the entry into force of the ministerial order implementing them. In the case of computer systems included in multi-year maintenance agreements executed before that term, they must be adapted to the contents of the regulations before July 1, 2025.
- c) Also, the AEAT's service for receiving the billing records will be activated on its website within this period of nine months following the entry into force of the ministerial order implementing the regulations.

More information:

[Tax](#)

GARRIGUES

Hermosilla, 3

28001 Madrid

T +34 91 514 52 00

info@garrigues.com

Follow us:



© 2023 J&A Garrigues, S.L.P. | This publication contains general information and does not constitute a professional opinion, or legal advice.

garrigues.com