



Decree Establishes Import Tax, VAT Exemptions for Certain Merchandise Goods

By Tinoco Travieso Planchart & Nuñez

In *Official Gazette* No. 6,784 Extraordinary dated Dec. 29, 2023, Decree No. 4,907 was published, which establishes exemptions from Import Taxes and Value Added Tax (VAT) for imports of certain merchandise goods and sectors indicated in the decree.

Exemptions

- Article 3 of the decree establishes the exemption of 90 percent of the Import Tax and 90 percent of the VAT on definitive imports of tangible personal property, new or used, as applicable, carried out by the bodies and entities of the National Public Administration, as well as those carried out with own resources, by natural or legal persons, classified in the tariff codes indicated in Appendix I. This tax benefit operates by matter of law.
- Article 4 establishes the exemption from Import Tax and VAT for definitive imports of tangible personal property, carried out by the bodies and entities of the National Public Administration, as well as those carried out with own resources, by individuals, natural or legal, classified in the tariff codes indicated in Appendix II. This exemption is subject to the "Certificate of No National Production or Insufficient National Production (CNP or CPNI)," issued by the Ministry of Popular Power with jurisdiction over industries and national production.
- The decree establishes in Article 5 the exemption of the Import Tax and the VAT for definitive imports of tangible personal property, carried out exclusively by the Venezuelan Corporation of Guayana (CVG) or its affiliated companies, classified in the tariff codes indicated in Appendix III of the decree.
- Article 6 provides for exemption from Import Tax and VAT for definitive imports of tangible personal property, carried out exclusively by the Ministry of Popular Power for Water Management (MinAguas) or its assigned bodies and entities, classified in the tariff codes indicated in Appendix IV, which forms an integral part of this decree.
- Article 7 of the decree establishes the exemption from the Import Tax and the VAT for definitive imports of tangible personal property, carried out exclusively by the Socialist Cement Corporation (CSC) and its affiliated companies, classified in the tariff codes indicated in the decree.



- Article 8 exempts from Import Tax and VAT, under the terms and conditions provided for in this decree, definitive imports of tangible movable property, carried out exclusively by the Venezuelan Foreign Trade Corporation (Corpovex), classified in the tariff codes referred to in the decree.

The **common requirements** required by the Customs Administration to apply the exemption that the beneficiaries must present are:

1. descriptive list of the tangible movable property to be imported
2. commercial invoice issued in the name of the beneficiary in charge of acquiring the goods
3. the certificates, licenses, registrations and permits that are applicable to the type of merchandise must be recorded in accordance with the customs tariff

The required information must be provided through the electronic format made available by the Ministries of Popular Power with jurisdiction in matters of economy, finance and foreign trade.

Regarding the **specific requirements** required by the Customs Administration to apply the exemption provided for in Article 4, importers must present, along with the Customs Declaration, the CNP or CPNI issued by the Ministry of Popular Power with jurisdiction over industries and national production.

Failure to comply with any of the conditions by the beneficiaries will cause the loss of the exemption benefit provided for in this decree. In such circumstances, the imports made of the goods subject to the benefit are considered taxed, without prejudice to the sanctions that may apply, in accordance with the provisions of the Constituent Decree by which the Organic Tax Code is dictated, and the Constituent Decree by which the Organic Customs Law is issued.

Likewise, those who: 1) fail to comply with the periodic evaluation in accordance with the parameters of the National Integrated Customs and Tax Administration Service (SENIAT), 2) fail to comply with the obligations established in the Constituent Decree by which the Organic Tax Code and other tax regulations, as well as in the Constituent Decree of reform of the Decree with Rank, Value and Force of Organic Customs Law, and 3) fall into any of the assumptions indicated in Article 177 of the Constituent Decree of reform of the Decree with Rank, Value and Force of Organic Customs Law, will lose the tax exemption benefits.

The exemption benefits established in this decree will apply from Jan. 1, 2024, until June 31, 2024.

The decree came into effect upon publication in the *Official Gazette* of the Bolivarian Republic of Venezuela, on Dec. 29, 2023.



Learn more about our [Venezuela Focus Team](#).

Information contained in this newsletter is for the general education and knowledge of our readers. It is not designed to be, and should not be used as, the sole source of information when analyzing and resolving a legal problem, and it should not be substituted for legal advice, which relies on a specific factual analysis. Moreover, the laws of each jurisdiction are different and are constantly changing. This information is not intended to create, and receipt of it does not constitute an attorney-client relationship. If you have specific questions regarding a particular fact situation, we urge you to consult the authors of this publication, your Holland & Knight representative or other competent legal counsel.
