

RocaJunyent Informs

Tax Law Department
30 September 2022



On 29 September 2022, Law 18/2022, of 28 September, on the creation and growth of companies, was published in the Official State Gazette (BOE).

Among other matters, the regulation introduces **an important novelty in the area of invoicing**, progressively introducing the mandatory issuance of electronic invoices between entrepreneurs and professionals.

Thus, with the priority objective of tackling the fight against late payment—as stated in the explanatory memorandum of the law itself—and with others including the digitalisation of business relations, cost reduction and transparency in commercial transactions, the obligation of electronic invoicing in private commercial relations has been introduced.

To this end, it is stipulated that entrepreneurs and professionals shall be obliged **to issue, send and receive electronic invoices** in their commercial relations and, to this end, the companies that provide the corresponding technological solutions and platforms must guarantee their **interconnection and interoperability free of charge**, i.e.

all technological solutions must be compatible, without the receiver being able to oblige the issuer to use a specific tool.

In any case, electronic invoices must comply with the provisions of the invoicing regulations, i.e. the electronic invoice must, in addition to having this quality, be issued in such a way as to guarantee the **authenticity** of its origin, the **integrity** of its content and its **legibility** throughout its storage period, as established in Article 8 of the Invoicing Regulation.

This new regulation is pending regulatory development, which must be approved within a maximum period of six months from publication in the BOE (i.e. before the end of March 2023).

As regards the entry into force of the new rule, this will take place, for entrepreneurs and professionals with an annual turnover of **more than 8 million** euros, one year after the approval of the regulatory development (end of **March 2024** at the latest) and, for the rest of entrepreneurs and professionals, two years after the approval of the regulatory development (end of March 2025).

In any case, the **entry into force of the rule is subject** to the Community derogation from the rules laid down in the VAT Directive on invoicing and, in particular, to the provisions of Article 218, which requires Member States to accept the issuing of invoices in both paper and electronic format.