

PROPERTY TAXES

Degree in Taxation

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Code: 12103

Main Scientific Area: Taxation

Lecturer: José Carlos de Castro Abreu

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 45h Total Workload: 95h

ECTS: 5,0

Objectives

The program's goal is to study the issues relating to the implementation of property taxes, enabling students with the knowledge and powers to:

- Understand the implications of the reform of the property taxation, the new taxable realities and the tax implications in the income taxes;
- Characterize the real estate taxation, quantifying the corresponding tax base and systematizing the means of reaction associated with the notification of taxable value;
- Determine who are the taxpayers, the chargeable event, the exemptions and the rates of the The Municipal Real Estate Tax;
- know the taxable transactions under the The Municipal Real Estate Transfer Tax, distinguishing the fiscal transfer from the fiscal transfer, calculating the taxable amount, rates, exemptions and obligations;
- Understand and characterize the new taxable realities in the Stamp Duty.

Learning Outcomes

On completion of this course, students should be able to:

- Identify the taxable transactions/operations in each tax and all the obligations of taxable persons;
- Calculate the taxable amount in each transaction;
- Apply the new mechanism to calculate the property fiscal value of the urban property (VPT);
- Understand the actual taxation of the transfers of property on death or gift only if the donor and the beneficiary are not next of kin;
- Understand the implications of the VPT in the income taxation;

- Handle with the different legislation of the property taxes;
- Formulate and resolve problems concerned to the property taxation in a technically and scientifically structured way;
- Use research methods in property taxation, to find, namely, documents of the Fiscal Administration that helps professionals.

Course Contents

1. The property taxation on the Portuguese Tax System
2. The objectives, principles and main measures of the late reform of the property taxation system and its implications on the income taxation
3. The Municipal Real Estate Tax (IMI)
 - 3.1. Taxable operations
 - 3.2. Taxable persons
 - 3.3. Chargeable event and territoriality
 - 3.4. Exemptions and fiscal benefits
 - 3.5. Property registers: concept, organization, enrollment and claim
 - 3.6. Purpose and types of evaluation in determining Property fiscal value
 - 3.7. Complaints of the evaluation result
 - 3.8. Rates
 - 3.9. Liquidation and payment of the tax amount
 - 3.10. Obligations of taxable persons
4. The Municipal Real Estate Transfer Tax (IMT)
 - 4.1. Taxable transactions (fiscal transfer versus civil transfer)
 - 4.2. Taxable persons
 - 4.3. Chargeable event and Territoriality
 - 4.4. Exemptions and fiscal benefits
 - 4.5. Taxable amount (general and specific rules)
 - 4.6. Rates and their temporal application

4.7. Liquidation and payment of the tax amount

4.8. Obligations and guarantees of the taxable persons

4.9. Exemption right of public bodies

5. Stamp Duty (IS)

5.1. The assignment of free operations in the Stamp Duty:

5.1.1 - Taxable operations, taxable persons and the persons that have de tax charge

5.1.2 – Territoriality and Chargeable event

5.1.3 - Exemptions

5.1.4 - Taxable amount and rates (the general table of Stamp Duty)

5.1.5 - Jurisdiction for the liquidation

5.1.6 - Participation of the transfer

5.1.7 - Liquidation and payment of the tax amount

5.1.8 – Tax Surveillance

5.2. Other acts and documents under the rules of the Stamp Duty:

5.2.1 - Taxable operations, taxable persons and the persons that have de tax charge

5.2.2 – Territoriality and Chargeable event

5.2.3 - Exemptions

5.2.4 - Taxable amount and rates (the general table of Stamp Duty)

5.2.5 - Jurisdiction for the liquidation

5.2.6 - Liquidation and payment of the tax amount

5.2.7 – Supervision of Imposto.

Recommended Bibliography

LEGISLAÇÃO FISCAL:

Código do Imposto Municipal sobre as Transmissões Onerosas de Imóveis.

Código do Imposto Municipal sobre Imóveis.

Código do Imposto do Selo.

Estatuto dos Benefícios Fiscais.

FISCAL, 44ª Edição, Porto Editora

LIVROS:

MATEUS, J. Silvério; FREITAS, L. Corvelo (2005). Os Impostos sobre o Património Imobiliário. O Imposto do Selo, Lisboa, Engifisco.

PIRES, José Maria F. (2018), “Lições de Impostos sobre o Património e do Selo” 3.ª Edição, Almedina, Lisboa.

PIRES, José Maria F. (2017), “O adicional ao IMI e a tributação pessoal do património, Almedina, Lisboa.

ROCHA, Santos António; Brás, Eduardo José Martins (2022), “IMI – IMT e Imposto do Selo (Anotados e Comentados) – 3.ª edição, Almedina

Learning and Teaching Methods

The program configuration and the choice of teaching methods and evaluation depend, in general, on the objectives to be achieved. Thus, considering that the central purpose of this study unit is to give an overview property taxation, the selected points for the composition of the syllabus correspond to a core of material considered essential within those areas.

The approach and exposure of the various syllabuses will be oriented to allow the achievement of the objectives identified emphasizing, in general, understanding the main problems associated with each thematic area, knowledge of key concepts property taxation existing in Portugal.

In this context, and being concerned the aim of training qualified professionals in the field of Accounting and Taxation, the syllabus has been defined based on the objectives to be achieved and the competences to be acquired by students.

In each domain of approach we aim the developing of a critical spirit and initiative to make students, who are pursuing or will pursue activities in Accounting and/or Taxation, able to identify best practices and, with autonomy, to apply them to the reality of each entity.

Assessment Methods

In this course will be used the following methods of evaluation:

Evaluation by the partial tests (written tests that focus on a specific part of the program).

For to have approval in this curricular unit, students should have, in each one of the written examination, a minimum classification of 8 points and, the average classification of the the written examinations should be greater than 9,5 points, in a scale ranging from 0 to 20.

Students who do not pass the planned assessment will have to undergo the scheduled exams. In these cases, the student will match, as a final note, the grade from the exam.

Final Classification

1. The pass mark for the unit, whatever the evaluation system, is 10 (ten) on a scale of 0 (zero) to 20 (twenty).
2. The assessment of knowledge will obey the following rules / weights: 1st partial test (40%); 2nd partial test (60%).
3. Students may perform grade improvement in general terms set out in the academic regulation.