

PORTUGUESE TAXATION

Degree in Finance

Code: 12119

Main Scientific Area: Taxation

Lecturer: Domingos Carlos de Lemos Martins

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 60h Total Workload: 108h

ECTS: 6,0

Objectives

This programme has the following objectives:

To provide students with solid knowledge about the concept and structure of the Portuguese tax system, on matters such as the constitutional principles of tax law, the sources of law, the tax specificities of subjects such as the interpretation of rules, the integration of loopholes and the implementation of laws in time and space, in order for them to be able to:

1. Understand the main features of income taxation;
2. Know and use the tax legislation;
3. Formulate and solve problems relating to taxation in Portugal, finding technical and scientifically appropriate responses to the resolution of concrete problems;
4. Be able to analyse, with relative depth, the Personal Income Tax (Imposto sobre o Rendimento das Pessoas Singulares), as well as the Corporate Income Tax (Imposto sobre o Rendimento das Pessoas Coletivas).

Learning Outcomes

At the end of this course students should be able to:

-Identify the different subjects of the legal tax relationship and analyse the specificity of the system and the replacement of the tax liability.

-Promote the development and analysis of topics such as the expiry of the settlement, the prescription of tax debts.

With respect to Personal Income Tax (IRS), students must:

- Understand and characterize the underlying philosophy of the IRS;

- Identify and characterize the various categories of income;
- Perceive the concept of residence and the mechanism of encompassing;
- To know the declaratory obligations.

In terms of corporate income taxation, students must:

- Comprehend the interconnection between the accounting result and the fiscal result;
- Distinguish the tax rules applicable to residents and non-residents;
- Recognize and quantify fiscal corrections to accounting costs and income;
- Understand the obligations of withholding and of payment by account;
- Rate accounting and taxation;
- Know the tax declarations and deadlines of the declaratory obligations.

Course Contents

1. Tax System: Concepts and Principles (Lecturer in Law)

1.1. Tax Law – Introductory concepts

1.1.1. The financial activity of the State and the tax centralization

1.1.2. Financial Law, Tributary Law and Tax Law

1.1.3. The relationship between tax law and other law fields

1.1.3.1 The special relationship of the tax law, all tax law, with criminal law in the broad sense: vg the general system of tax offenses (Regime Geral das Infracções Tributárias: RGIT)

1.1.4. The bases of Tributary Law

1.4.1. Interpretation of tax law

1.4.2. Integration of loopholes

1.5. Implementation of tax law

1.5.1. In time

1.5.2. In space

1.6. The fiscal and legal relation

1.6.1. Essential characteristics

1.6.2. The subjects: concept of tributary personality

1.6.3. The object

1.6.4. The fact

1.6.5. The guarantee

2. Personal Income Tax (Lecturer in Taxation)

2.1. Study of some concepts of the Personal Income Tax (IRS), conceptualization of its structure and tax assessment (the analytical and synthetical phases)

2.2. Personal incidence and tax residence

2.3. Characterization of different income categories

2.4. Calculation of the Net Income for each income category

2.4.1. Category A (income from wages and salaries)

2.4.1.1. Description of the gross income components

2.4.1.2. Determination of the specific deduction to the income

2.4.2. Category H (pensions)

2.4.2.1. Description of the gross income components

2.4.2.2. Determination of the specific deduction to the income

2.4.3. Category B (self-employment and business income)

2.4.3.1. Simplified Taxation Scheme

2.4.3.2. One-off transactions and ancillary revenues

2.4.3.3. Income assessment scheme based on the accountancy

2.4.4. Category E (investment income)

2.4.4.1. Description of the gross income components

2.4.4.2. Dividends taxations

2.4.4.3. Interest taxation

2.4.5. Category F (rent)

2.4.5.1. Description of the gross income components

2.4.5.2. Determination of the specific deduction to the income

2.4.6. Category G (increases in wealth)

2.4.6.1. Description of the gross income components

2.4.6.2. Capital gains taxation

2.4.6.3. Unsubstantiated asset increases

2.5. Determination of the net global income

2.6. Tax withholding and withholding rate

2.7. Ancillary and payment obligations

3. Corporate Income Tax (Lecturer in Taxation)

3.1. Concept analysis and conceptualization of the tax structure

3.2. Personal incidence

3.3. Actual incidence (tax base)

3.4. Non-residents taxation (with or without permanent establishment)

3.5. Taxation period

3.6. Taxable income definition

3.6.1. Resident entities mainly dedicated to business activities – IRC calculation scheme – from the accountancy results to the fiscal results (determination of the taxable profit, tax adjustments, fiscal losses deduction)

3.6.2. Resident entities mainly dedicated to business activities (determination of the global income, common and other costs allocation)

3.6.3. Non-resident entities (with permanent establishment and without permanent establishment)

3.7. Rates and autonomous taxation

3.8. Ancillary obligations

3.9. Payment on account.

Recommended Bibliography

Caiado, António C. Pires (2013). As obrigações das sociedades comerciais em sede de IRC, Áreas Editora

- Carlos, Américo Brás, Durão, João Ribeiro, Pimenta, Maria Emília e Abreu, Irene Antunes (2017;2019). Guia dos Impostos em Portugal, Quid Juris

- CASALTA NABAIS, José (2015). Direito Fiscal, 8a edição, Almedina
- FREITAS PEREIRA, Manuel Henrique (2018). Fiscalidade, 6.a edição, Almedina
- MORAIS, Rui Duarte (2009). Apontamentos ao Imposto sobre o Rendimento das Pessoas Colectivas. Reimp. daed. de Nov. 2007. Coimbra: Edições Almedina
- ROCHA, Ana Paula; DIAS, Sara Luís (2023). Legislação Fiscal. 2ª edição, Geslegal, Coimbra
- VASQUES, Sérgio (2014). Manual de Direito Fiscal, Reimp. Almedina

Learning and Teaching Methods

The establishment of the program and the choice of teaching and assessment methods are, as a rule, dependent on the objectives to be attained.

The program includes the study of the essential conceptual structures of Portuguese tax law, as well as the study of taxes on income.

Considering that the main purpose of this course is to give a panoramic view of tax law and taxation, the points selected for the composition of the discipline program correspond to a core of subjects considered essential in the scope of said areas.

The approach and exposition of the various programmatic contents will be oriented in order to allow the accomplishment of the objectives identified above.

The analysis of the subjects foreseen in the program will allow the construction of a practical vision on the Portuguese tax system.

Assessment Methods

The evaluation scheme will be mixed, and the final evaluation will be weighted by the following evaluation instruments, according to the relative weight assigned to each:

First test 42,50%;

Second test 42,50%.

The proposed dates for evaluation are as follows:

1st Test: to be done at the end of the classes of the lecturer of law, October 2023;

2nd Test: at the end of the classes of the lecturer of taxation, December 2023;

3rd Practical work within the scope of the 50/10 program, to present in January 2024.

To access the 2nd test it is necessary to obtain in the first one a minimum classification of 7 values in a scale of 0 to

20;

Teachers may decide to take oral tests.