SADER LEGAL
SINCE 1863

Ministerial Decision No 35 issued on 28/01/2021 concerning the Mechanism for benefiting from the tax relief related to environmental conservation

Scope of application:

Under this decision, the procedures to benefit from a tax relief for activities that help preserve the environment as established pursuant to article 20 of the Environmental Protection Law are detailed. Practically, whoever uses equipment and technologies or carries out activities that have as objective to avoid or reduce any form of pollution, shall benefit from the reductions in customs duties on these installations, technologies and approved activities by 50%. In addition, chapter one of Section V of Law no.444/2002 is noteworthy in this regard, shedding light on the protection of air quality and the control of unpleasant odors by prohibiting any pollutant emission such as the burning of fuel.

Key provisions:

- Any taxpayer wishing to benefit from tax reductions on activities that preserve the environment, must submit a request to the Ministry of the Environment and await preliminary approval.

- The statutory tax rebate is included in the income tax statement under special exemptions, and reduction is illegal until receipt of the approval of the Ministry of Environment on the request submitted. If the request is denied, the taxpayer must pay the full reduced tax with statutory fine.

- The Ministry of the Environment shall take its decision within 15 days of the date of submission, otherwise, the request will be considered implicitly approved.