



The Government issues Legislative Decrees introducing new tax measures under the State of Economic, Social and Ecological Emergency.



On March 12th, 2016, the Government enacted new Legislative Decrees adopting tax measures aimed at covering the expenditures of the General National Budget necessary to address the state of emergency declared Legislative Decree 150 of February 11, 2026. The second executive order including tax matters is Decree 240, whose main aspects are summarized below:

1. WEALTH TAX

1.1. Branches and Permanent Establishments (“PE”)

- **New taxable entities:** Permanent establishments and branches of foreign companies
- **Taxable event:** Having a net worth as of March 31st, 2026, with a value equal to or greater than 200,000 taxable units (USD 2,8M).
- **Taxable base:** net worth calculated by taking the total gross assets attributable to the Permanent Establishment or branch at March 31, minus the liabilities allocated as of the same date, in accordance with Article 20-2 of the Colombian Tax Code.
To determine the tax base, an attribution study must be prepared in accordance with the arm’s-length principle, taking into consideration the functions performed, assets used, personnel involved, and the risks assumed by the enterprise.
- **Filing and payment:** PE and branches of foreign entities must file the equity tax return on April 30th, 2026, paying 50% of the tax on that date. The remaining 50% must be paid on June 1st, 2026.

1.2. Accounting for the equity tax

- The Equity tax may be booked against reserves or against P&L for fiscal year 2026.

1.3. Cooperatives

- Amendment addressed to cooperatives, their associations, unions, central leagues, higher-level financial entities, mutual associations, auxiliary cooperative institutions, and cooperative confederations, as provided for in cooperative legislation and supervised by superintendency or oversight authority.
- They may exclude from their taxable base the patrimonial value of the members’ capital contributions and the value of the reserve established to protect such capital contributions.

2. NATIONAL CONSUMPTION TAX FOR ONLINE GAMBLING

- **Taxable event:** a monetary deposit, understood as the cash payment or the transfer of funds or crypto-assets made by each betting user of games of chance operated exclusively online, whether within the national territory or from abroad, to be credited to their user account in order to obtain the right to place bets.
- **Taxable entities:** those operating online games of chance
- **Rate:** 16%.
- **Taxable base:** the gross gaming revenue (GGR), understood as the total amount wagered minus the prizes paid during the corresponding two-month period.
- It is established that only legal entities holding a valid authorization and concession contract may operate these games, and financial institutions, payment service providers, technology platforms, and other third parties are prohibited from providing services to unauthorized operators.

3. COMPLEMENTARY TAX ON ASSET NORMALIZATION

Which also establishes a temporary tax normalization levy applicable to omitted assets and non-existent liabilities:

Essential elements 				Special Rules 			
Taxable person	Taxable event	Tax base for omitted assets	Tax base for fictitious liabilities	Rules applicable to trusts	Tax base applicable to trusts	Exclusion of special taxable income	Asset regularization
Income Taxpayers	To hold omitted assets as of April 1, 2026.	Tax cost of omitted assets as of April 1, 2026.	Tax value of fictitious liabilities	Foreign private interest foundations, foreign trusts, insurance policies with a material savings component, investment funds, or any other foreign fiduciary arrangement shall be treated as fiduciary rights held in Colombia.	Its net worth value shall be determined on the basis of the tax basis as of April 1, 2026, in accordance with the principle of tax based on a commercial self-assessment supported by technical documentation, which shall correspond, at a minimum, to the tax basis of the omitted	Any net worth increase arising from the inclusion of omitted assets shall not give rise to the determination of taxable income, nor to the imposition of penalties under the income tax, substitute tax regimes, value-added tax (VAT), transfer pricing regime, exogenous information reporting obligations, or the annual declaration of foreign assets.	Where taxpayers have reported assets, other than inventories, at a value lower than their market value, they may adjust such value by including the additional amounts as part of the tax base of the tax normalization levy.
Taxpayers under substitute tax regimes who hold omitted assets or fictitious liabilities	To have reported fictitious liabilities as of April 1, 2026	A commercial self-assessment supported by technical documentation, which shall correspond, at a minimum, to the tax basis of the omitted assets					

4. TAX RELIEF PROVISIONS

4.1. Temporary reduction of penalties and default interest applicable to people subject to tax, customs, and foreign exchange obligations (Article 3 of the executive order 240)

Scope of Application	-This provision shall apply to taxpayers who are in default on the payment of tax, customs, and foreign exchange obligations administered by the Colombian National Tax and Customs Authority (DIAN) as of December 31st, 2025. It shall also apply to those cases referred to in Article 828 of the Colombian Tax Code in which a monetary penalty has been imposed, including judgments, administrative acts, official assessments, and similar enforceable decisions.
Tax benefit	- Assessment of only fifteen percent (15%) of the penalties and penalty adjustments applicable to the outstanding obligations. -Application of a reduced default interest rate of four point five percent (4.5%), in accordance with Article 635 of the Colombian Tax Code.
Requirements	(i) Full payment of the principal amount of the tax, customs, or foreign exchange obligation. (ii) Payment of the default interest accrued on such obligations. (iii) Payment of the reduced penalty amount, provided that the penalty payable shall not be lower than the minimum penalty in force for the taxable year in which it was originally assessed. * The above payments must be made no later than April 30th, 2026.

4.2. Temporary application for non-compliance with formal obligations

- Tax payers who failed to comply with tax, customs, or foreign exchange formal obligations prior to the entry into force of this decree may remedy such non-compliance by paying, no later than April 30, 2026, a penalty equivalent to three percent (3%) of the gross income reported in the income tax return for taxable year 2024.
- Persons who are not required to file an income tax return may remedy such non-compliance by paying an amount equivalent to two percent (2%) of their gross net worth or total assets as of December 31, 2025, no later than March 31, 2026.

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- The penalty shall not exceed one thousand five hundred (1,500) UVT (USD 21.280), nor shall it be lower than the minimum penalty in force.
- This measure shall not apply to transfer pricing obligations.
- The remedy shall only be valid if the corresponding formal obligation is duly fulfilled.

4.3. Temporary reduction of penalties and late-payment interest for the omission or correction of tax, customs, foreign-exchange, and formal compliance returns.

Type	Eligible taxpayers*	Benefit	Requirements
Non-filers	Taxpayer who failed to file the tax returns due on or before November 30, 2025.	Reduction of the late-filing penalty to 15%.	(i) File the return no later than April 30, 2026. (ii) Assess and pay the taxes or withholdings due, as applicable, together with the reduced penalty, without being required to assess or pay late-payment interest.
Amendment	Amendment of tax, customs, or foreign-exchange returns filed on or before December 31, 2025, in which the amount payable is increased, or the balance in favor is reduced, or net operating losses are reduced.	Reduction of the amendment or inaccuracy penalty to 15%.	(i) File the amendment return no later than April 30, 2025. (ii) Assess and pay the taxes or withholdings due, as applicable, together with the reduced penalty, without being required to assess or pay late-payment interest.
Formal obligations**	Taxpayers who failed to comply with formal obligations due on or before November 30, 2025.	Reduction of the applicable penalty to 15%.	Comply with the respective formal obligation no later than April 30, 2026.

** Applies to tax, customs, and foreign-exchange obligations under dispute before the DIAN for which the resolution deciding the reconsideration appeal has not yet been notified. The taxpayer must inform the DIAN in writing, no later than April 30, 2026, of compliance with the aforementioned requirements and the full acceptance of the adjustments proposed by the authority.

** Applies to transfer pricing formal obligations, including the informative return.

4.4. Judicial conciliation in tax, customs, and foreign-exchange matters.

	First or sole instance	Second instance	Administrative act imposing a monetary penalty with no taxes under dispute	Penalty for improper refund or offset
Amount subject to conciliation	-85% of the total value of penalties, interest and adjustments. -Interest at 4.5% per year.	-80% of the total value of penalties, interest and adjustments. -Interest at 4.5% per year.	-80% of the total value of updated penalties.	-70% of the total value of updated penalties.
Requirements	-Pay 100% of the tax under dispute. -Pay 15% of the total amount of penalties and adjustments, calculated at the annual rate of 4.5%.	-Pay 100% of the tax under dispute. -Pay 20% of the total amount of penalties and adjustments, calculated at the annual rate of 4.5%.	-Pay 20% of the total amount of updated penalties.	-Pay 30% of the total amount of updated penalties. -Reimburse the full amount of refunds, offsets, or imputations improperly received, together with the corresponding interest, which will be reduced to 30%.”
Common requirements	-The lawsuit must have been filed before December 31, 2025. -The lawsuit must have been admitted before the submission of the conciliation request to the tax authority. -There must be no final judgment or judicial decision that puts an end to the corresponding judicial proceeding. -Attach evidence of payment of the obligations subject to conciliation. - Provide evidence of payment of the self-assessed tax or levy subject to conciliation corresponding to tax year 2024. This requirement applies only if, at the time the conciliation request is submitted, the obligation to pay such tax or levy has already arisen under the deadlines established by the national government. -The conciliation request must be submitted to the National Tax and Customs Authority (DIAN) no later than June 30, 2026.”			

Find Executive Order No. 240 of 2026 [here](#).

Additionally, on March 12, 2026, the Government enacted Legislative Decree 243 of 2026, pursuant to which governors and mayors of the areas affected by the economic, social, and ecological emergency are granted powers to adopt tax, budgetary, and financial measures aimed at mitigating and addressing the crisis referred to in Decree No. 150 of February 11, 2026. Such measures shall be subject to automatic constitutional review by the Constitutional Court. Set forth below is a summary of the provisions of a tax-related nature:

1. Authority to defer the payments of tax obligations

New measure: During fiscal year 2026, governors and mayors of the territorial entities affected by the Economic, Social, and Ecological Emergency declared through Decree No. 150 of 2026 are authorized to defer, without the accrual of interest, the payment of taxes owned by their respective entities corresponding to fiscal years 2026 and 2027.

2. Recovery of receivables in favor of territorial entities

New measure: The measure allows territorial entities, during fiscal year 2026, to establish special payment conditions for taxpayers with outstanding tax obligations, for the purpose of recovering public revenues while providing relief to debtors. Such conditions may include the forgiveness or reduction of default interest and/or the reduction or elimination of penalties. Additionally, these measures may also apply to debts that are subject to administrative, judicial, or enforcement collection proceedings, and may result in the termination of such proceedings upon payment under the agreed conditions.

3. Allocation of the ACPM surtax

New measure: As from the taxable period corresponding to the month of April 2026, and through December 2027, the ACPM surtax accrued in the affected departments shall be fully allocated to such departments, in proportion to fuel consumption in each of them, and shall be earmarked for addressing the calamity situations that gave rise to the declared emergency.

Find Executive Order No. 243 of 2026 [here](#).

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