RMF 2026: PROCEDURE AND DEADLINES FOR INSURANCE INSTITUTIONS TO APPLY FOR VAT TAX INCENTIVES

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- The 2026 Miscellaneous Tax Resolution introduces VAT incentives for insurance institutions in connection with goods and services related to insured losses occurring up to December 31, 2024, subject to specific requirements and deadlines.
- Access to the incentive requires taxpayers to regularize their tax position by March 31, 2026 (with the option to pay in installments), in accordance with Rule 9.1.22.

On December 28, 2025, the Miscellaneous Tax Resolution for 2026 was published in the Official Journal of the Federation. In that resolution, Rule 9.1.22 regulates the time limits, documentation, requirements, and procedure for the application of tax incentives regarding the value added tax (**VAT**) for insurance companies authorized by the National Insurance and Surety Commission, established in the Twenty-Eighth Transitory Article of the Federal Revenue Law for Fiscal Year 2026 (**FRL 2026**). Said tax benefits consist of:

1. Allowing the crediting of VAT charged on the acquisition of assets or services received up to December 31, 2024, when such assets or services have been used to comply with the insurance agreement through compensation or replacement of the damaged property by third parties; and
2. Granting a tax incentive equivalent to the amount of VAT credited, or to the tax credit equivalent to such tax (including updates, fines, surcharges, and enforcement expenses), in two scenarios:

    a. Taxpayers under audit without a final assessment in place upon the entry into force of the FRL 2026 that apply for the benefit under the transitory article; and

    b. Taxpayers with VAT tax assessments under dispute who withdraw from the legal remedies or dispute resolution mechanisms (with the possibility of a partial withdrawal when the remedy is an administrative appeal and only with respect to VAT).

The application of the above tax incentives is subject to the taxpayer corrects its tax situation by paying the taxes related to acquisitions or services after December 31, 2024, no later than March 31, 2026.

Likewise, taxpayers may correct their tax situation by making payments in up to 12 installments, with the last installment due no later than December 15, 2026.

Thus, the Miscellaneous Tax Resolution for 2026, through Rule 9.1.22, establishes: *(i)* that the application to request such incentives must meet the requirements and be submitted in accordance with the procedure sheet 10/LIF "Application to apply the tax incentive of the Twenty-Eighth Transitory Article of the FRL 2026", *(ii)* the time limits for the authority to request information and for the taxpayer to respond, *(iii)* the respective procedure to request payment in installments, as well as *(iv)* the period the authority has to issue a response.

In this way, a mechanism is enabled for insurance companies to regularize the historical VAT treatment on assets and services rendered in connection with claims settled through replacement or compensation by third parties, up to December 31, 2024, in exchange for a tax regularization regarding transactions carried out after that date and within the established deadlines.

At Santamarina + Steta, we have extensive experience in tax advisory services for insurance companies. We would be pleased to assist in assessing eligibility, designing the correction strategy, and preparing and filing the application for the incentives in accordance with the procedure set forth in Rule 9.1.22 of the Miscellaneous Tax Resolution for 2026.

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