

Emergency Decree – Additional Tax Measures

Legislative Decree 0240/26 adopted additional tax measures aimed at raising further revenue to address the expenditures derived from the public calamity

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KEY ASPECTS

- **National consumption tax on online gambling:** A 16% consumption tax is levied on deposits made by bettors to online gambling operators. The taxable base is gross game revenue (GGR).
- **Tax relief mechanisms:** Taxpayers with outstanding tax, customs or foreign exchange obligations in arrears as of 12/31/25, may benefit from reduced penalties (to 15%) and a moratorium interest rate of 4.5%, provided full payment is made by 04/30/26.
- **Administrative litigation settlement:** DIAN is authorized to settle contentious-administrative proceedings in tax, customs and foreign exchange matters, with reductions of 80% to 85% of penalties and interest depending on the procedural stage, until 06/30/2026.
- **Tax normalization tax:** A 19% tax normalization tax is created for taxpayers with omitted assets or non-existent liabilities as of 04/01/26, to be declared and paid by 07/31/26.
- **Equity tax:** Permanent establishments (including branches) of foreign entities are now included as taxable subjects of the equity tax. The triggering date for these subjects is 03/31/26, and the filing and first payment are due on 04/30/26.
- **Accounting treatment of the equity tax:** Taxpayers may record the equity tax against reserves or against income for fiscal year 2026. In no event shall the amount paid be deductible or creditable against income tax.





Through Legislative Decree 0240 of March 12, 2026 (the "Decree"), issued pursuant to the state of emergency declared by Legislative Decree 0150 of 2026, the President of the Republic adopted additional tax measures aimed at raising further revenue to address the expenditures derived from the public calamity caused by hydrometeorological phenomena in the departments of Córdoba, Antioquia, La Guajira, Sucre, Bolívar, Cesar, Magdalena and Chocó.

The Decree addresses the following matters: (i) the creation of a national consumption tax on online gambling; (ii) the creation of tax relief mechanisms and early termination of disputes subject to payment; (iii) adjustments to the equity tax for legal entities created under Legislative Decree 0173 of 2026, including the extension of the tax to permanent establishments and branches of foreign entities; and (iv) the creation of a complementary tax normalization tax.

Background

Through Legislative Decree 0150 of February 11, 2026, a State of Economic, Social and Ecological Emergency was declared in part of the national territory for a term of thirty (30) days, as a result of multiple converging hydrometeorological events that caused serious impacts on people, infrastructure, and public services.

Legislative Decree 0173 of 2026 had already created an equity tax on legal entities; however, the resources obtained proved insufficient to address the full extent of the emergency, making it necessary to adopt additional tax measures. Furthermore, the Decree noted that the 2026 General Budget was insufficient due to the failure to approve two financing laws and the fact that approximately 93% of budget appropriations are inflexible.

Title I – National Consumption Tax on Online Gambling

What is the taxable event?

The taxable event is the deposit of money — whether cash payments, wire transfers or crypto-asset transfers — made by each bettor to an online gambling operator, whether from within or outside the national territory, to be credited to the bettor's user account in order to obtain the right to place bets.

Who are the responsible parties?

The parties responsible for collecting and remitting the consumption tax are those who operate online gambling activities. Only legal entities holding a valid authorization and concession contract granted by the competent authority may operate or participate in the provision of online gambling services.

What are the taxable base and rate?

The tax rate is sixteen percent (16%). The taxable base is gross game revenue (GGR), understood as total bets minus prizes paid during the corresponding bimonthly period.

Title II- Tax Relief Mechanisms

Transitional reduction of penalties and moratorium interest (Article 3)

Taxpayers with tax, customs or foreign exchange obligations administered by the DIAN that are in arrears as of December 31, 2025, may reduce penalties and moratorium interest, provided full payment is made from the date of entry into force of the Decree and until April 30, 2026, under the following conditions:

1. Payment of 100% of the principal tax, customs or foreign exchange obligation.



2. Payment of moratorium interest at a reduced rate of 4.5%.
3. Payment of fifteen percent (15%) of penalties and updated penalties. The penalty payable may not be less than the minimum penalty in force for the relevant tax year.

Taxpayers with an existing payment plan or installment agreement in force may avail themselves of this benefit in respect of outstanding balances. Payment by way of set-off or cross-account netting under Article 196 of Law 1607 of 2012 is not accepted.

Reduction for omitted or corrected returns (Article 4)

This mechanism applies in the following scenarios:

1. **Omitted tax returns** (due on or before November 30, 2025): late-filing penalties are reduced to 15%, provided the return is filed by April 30, 2026, with full payment of taxes or withholdings and the reduced penalty, without the need to pay moratorium interest.
2. **Voluntary corrections** of tax, customs or foreign exchange returns filed on or before December 31, 2025: the corresponding penalty is reduced to 15%, with payment of taxes and duties, without moratorium interest, if corrected by April 30, 2026.
3. **Outstanding formal obligations** (due on or before November 30, 2025): the penalty is reduced to 15%, provided the obligation is fulfilled by April 30, 2026.

This mechanism also applies to obligations under administrative dispute before the DIAN, provided the resolution on the reconsideration appeal has not yet been served. In such case, the taxpayer must accept all proposed findings.

Subsantion of formal obligations (Article 5)

Formal obligations in tax, customs and foreign exchange matters that were outstanding at the date of entry into force of the Decree may be cured by demonstrating, by April 30, 2026, payment of 3% of gross income as reported in the income tax return for the 2024 tax year. For entities not required to file an income tax return, the payment is 2% of gross assets held as of December 31, 2025. The penalty under this article may not exceed 1,500 UVT, nor be less than the applicable minimum penalty.

Contentious-administrative settlement (Article 6)

The DIAN is authorized to settle contentious-administrative proceedings in tax, customs and foreign exchange matters, under the following terms:

Procedural Stage	Settlement Terms
First instance (Administrative Court or Tribunal)	85% reduction in penalties and interest (at 4.5% annual rate), provided the taxpayer pays 100% of the tax in dispute and 15% of penalties and interest.
Second instance (Tribunal or Council of State)	80% reduction in penalties and interest (at 4.5% annual rate), provided the taxpayer pays 100% of the tax in dispute and 20% of penalties and interest.
Administrative acts imposing monetary penalties (no tax in dispute)	80% reduction in updated penalties, provided the taxpayer pays the remaining 20%.
Improper refunds or offsets	70% reduction in updated penalties, provided the taxpayer pays 30% of the penalty, reimburses all improperly refunded or offset sums and pays interest reduced to 30%.



Key requirements include: (i) the claim must have been filed before December 31, 2025; (ii) the claim must have been admitted prior to the settlement request; (iii) no final judicial decision ending the proceedings may exist; and (iv) the settlement request must be filed with the DIAN by June 30, 2026.

Title III - Tax Normalization

Who are the taxable subjects?

Income tax taxpayers (or taxpayers under substitute regimes) who have omitted assets or non-existent liabilities as of April 1, 2026. Taxpayers with no omitted assets or non-existent liabilities are not subject to this tax.

What is the taxable event?

The tax is triggered by the possession of omitted assets or non-existent liabilities as of April 1, 2026. "Omitted assets" are those not included in national tax returns despite a legal obligation to do so, or that are undervalued. "Non-existent liabilities" are those reported in national tax returns without valid supporting documentation, for the sole purpose of reducing the taxpayer's tax burden.

What is the taxable base?

The taxable base is the tax cost of the omitted assets as of April 1, 2026, determined in accordance with Title II, Book I of the Tax Code, or the commercial self-appraisal established by the taxpayer with technical support (which must not be less than the tax cost). For non-existent liabilities, the base is their tax value under Title I, Book I of the Tax Code, or the value reported in the last income tax return.

Private interest foundations, foreign trusts, savings-component insurance policies, investment funds or any other fiduciary arrangements abroad are treated as fiduciary rights held in Colombia and are subject to the normalization tax, applying the fiscal transparency principle to the underlying assets.

What is the rate?

The rate of the complementary tax normalization tax is nineteen percent (19%).

When is it filed and paid?

The tax normalization tax must be declared, computed and paid in a separate return, to be filed no later than July 31, 2026. Late filing is not permitted, nor is correction after the filing deadline.

Key benefits

The declaration of omitted assets will not give rise to net-worth comparison assessments or taxable income. The inclusion of these assets will not trigger penalties in respect of income tax, VAT, transfer pricing, exogenous information reporting, annual foreign asset declarations, or the equity tax. Nor will it give rise to criminal prosecution for asset omission. Late registration of investments with the Banco de la República will not constitute a foreign exchange infraction.

The normalization does not imply the legalization of assets of illicit origin or assets related to money laundering or terrorist financing.



Title IV - Adjustments to the Equity Tax (Legislative Decree 0173 of 2026)

Inclusion of permanent establishments and branches

Permanent establishments (including branches) of foreign entities are now included as taxable subjects of the equity tax created by Legislative Decree 0173 of 2026. The Decree states that this correction addresses a breach of the principle of tax equity, since permanent establishments and branches exhibit the same manifestations of wealth as domestic legal entities and had not been included as equity tax taxpayers.

Triggering date and taxable base for permanent establishments

The equity tax for permanent establishments is triggered by the possession of net equity equal to or greater than 200,000 UVT as of March 31, 2026. The taxable base is the net equity attributable to the permanent establishment or branch in accordance with Article 20-2 of the Tax Code. A transfer pricing study must be prepared to determine the attributable assets, liabilities, capital, income, costs and expenses.

Filing and payment deadlines for permanent establishments

Event	Date
Filing and payment of the first installment (50%)	April 30, 2026
Payment of the second installment (50%)	June 1, 2026

Additional exclusions from the taxable base

Entities referred to in Article 19-4 of the Tax Code may also exclude the equity value of their members' social contributions and the reserve for the protection of social contributions.

Accounting treatment

Taxpayers may record the equity tax established by Legislative Decree 0173 of 2026 against the reserves account or against income for fiscal year 2026. In no event shall the amount paid be deductible or creditable against income tax. This treatment recognizes the patrimonial nature of the tax and avoids the artificial deterioration of profitability indices and operational margins.

Allocation of Resources

The resources obtained under this Decree shall be used exclusively to cover expenditures under the General Budget of the Nation necessary to address the causes of the State of Emergency declared by Decree 150 of February 11, 2026, and to prevent the extension of its effects.

Effective Date

The Decree enters into force on the day following its publication in the Official Gazette.



For additional information, please contact our [Knowledge and Innovation Group](#) lawyers or your regular contact person at Cuatrecasas.



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