



## Observatory on the Protection of Taxpayers' Rights

Below you will find a questionnaire filled in by Fernando Juárez Hernandez, Partner at *Freeman Law Firm, PLLC*, Luis Rodrigo Salinas Olvera, Tax Counsel at *Creel, García-Cuellar, Aiza y Enríquez, S.C.* and Diana Bernal Ladrón de Guevara, Counsel at *Fernandez Espino y Asociados*, all three OPTR National Reporters of Mexico.

This set of questionnaires comprise the National Reporter's assessment on the country practice during 2022 in the protection of taxpayers' rights, and the level of fulfilment of the minimum standards and best practices on the practical protection of taxpayers' rights identified by Prof. Dr. Philip Baker and Prof. Dr. Pasquale Pistone at the 2015 IFA Congress on "The Practical Protection of Taxpayers' Fundamental Rights".

# OPTR - 2022 Questionnaire 1 - Country Practice

Dear National Reporter,

I would like to thank you for your participation in the IBFD's Observatory on the Protection of Taxpayers' Rights (OPTR).

This form collects the information on the practical implementation in domestic law of legal procedures, safeguards and guarantees associated with taxpayers' rights in 82 situations for the practical protection of taxpayers' rights, as monitored by the IBFD Observatory on the Protection of Taxpayers' Rights.

We kindly ask you to assess assertively (yes/no) the level of practical implementation of said procedures, safeguards and guarantees associated with taxpayers' rights in your country. When answering, please bear in mind the actual practice regarding each situation, regardless of whether a given procedure, safeguard or guarantee has been formally adopted in your country.

We would be very grateful if you submit us this questionnaire, duly filled out, by no later than 14 January 2023.

Feel free to contact us for any clarification you may need. We look forward to your valuable contribution to this remarkable project.

Kind regards,

Prof. Dr. Carlos E. Weffe  
Scientific Coordinator  
IBFD Observatory on the Protection of Taxpayers' Rights.

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## Questionnaire 1 - Country Practice

Instructions:

1. Please answer all questions. The form will not allow you to continue/submit your responses until you have answered all questions.
2. For assertive questions, please answer with "yes" or "no" by clicking on the corresponding button.
3. For questions that require you to specify a period of time (namely, Q. 26 and Q. 45), please select the time applicable in your country to carry out the procedures indicated in the questions in practice, within the options provided.
4. For questions with more than one possible answer (namely, Q. 56), please check all necessary boxes to reflect better the practical situation of your country regarding the issue, by clicking on them.
5. When completed, please submit the survey.
6. Once you have submitted the survey, you will receive an email acknowledging your participation in

the OPTR and providing a backup of your answers.

7. The email will also include an "edit your survey" link, in case you want to modify any of your answers. You will receive this email every time you submit partial responses.

8. An option to quit the survey and save your answers is provided at the end of each section.

9. If answering partially, please select "Yes" at the end of the section in which you are to submit your partial answers to the survey. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this survey.

10. For editing your answers, please use the last "edit your response" link provided to you via email. Please bear in mind that this is the only way the system will acknowledge your previous answers. If you use a link other than the last one provided, some (or all) changes might not be retrieved by the system.

11. When clicking on the last "edit your response" link, the system will lead you to the front page of the survey. Click on "Next" as many times as needed to get to the section you want to continue in. Once you have reached said section, please remember to change your answer to the question "Do you want to save your results and quit?" to "No", in order to be able to continue.

## Area 1 - Identification of taxpayers, issuing tax returns and communicating with taxpayers

1. Do taxpayers have the right to see the information held about them by the tax authority? \*

Yes

No

2. If yes, can they request the correction of errors in the information? \*

Not applicable (click here if you answered "No" to the previous question)

Yes

No

3. Is it possible in your country for taxpayers to communicate electronically with the tax authority? \*

Yes

No

4. If yes, are there systems in place to prevent unauthorised access to the channel of communication? \*

Yes

No

5. In your country, is there a system of "cooperative compliance" / "enhanced relationship" which applies to some taxpayers only? \*

Yes

No

6. If yes, are there rules or procedures in place to ensure this system is available to all eligible taxpayers on a non-preferential/non discriminatory/non arbitrary basis? \*

Not applicable (click here if you answered "No" to question 5)

Yes

No

7. Are there special arrangements for individuals who face particular difficulties (e.g. the disabled, the elderly, other special cases) to receive assistance in complying with their tax obligations? \*

Yes

No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

## Area 2 - The issue of tax assessment

8. Does a dialogue take place in your country between the taxpayer and the tax authority before the issue of an assessment in order to reach an agreed assessment? \*

Yes

No

9. If yes, can the taxpayer request a meeting with the tax officer? \*

- Not applicable (click here if you answered "No" to question 8)
- Yes
- No

10. If a systematic error in the assessment of tax comes to light (e.g. the tax authority loses a tax case and it is clear that tax has been collected on a wrong basis), does the tax authority act ex officio to notify all affected taxpayers and arrange repayments to them? \*

- Yes
- No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

- Yes
- No

### Area 3 - Confidentiality

11. Is information held by your tax authority automatically encrypted? \*

- Yes
- No

12. Is access to information held by the tax authority about a specific taxpayer accessible only to the tax official(s) dealing with that taxpayer's affairs? \*

Yes

No

13. If yes, must the tax official identify himself/herself before accessing information held about a specific taxpayer? \*

Not applicable (click here if you answered "No" to question 12)

Yes

No

14. Is access to information held about a taxpayer audited internally to check if there has been any unauthorised access to that information? \*

Yes

No

15. Are there examples of tax officials who have been criminally prosecuted in the last decade for unauthorised access to taxpayers' data? \*

Yes

No

16. Is information about the tax liability of specific taxpayers publicly available in your country? \*

Yes

No

17. Is "naming and shaming" of non-compliant taxpayers practised in your country? \*

Yes

No

18. Is there a system in your country by which the courts may authorise the public disclosure of information held by the tax authority about specific taxpayers (e.g. habeas data or freedom of information)? \*

Yes

No

19. Is there a system of protection of legally privileged communications between the taxpayer and its advisors? \*

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

Yes

No

20. If yes, does this extend to advisors other than those who are legally qualified (e.g. accountants, tax advisors)? \*

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

Not applicable (click here if you answered "No" to question 19)

Yes

No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

#### Area 4 - Normal audits

21. Does the principle ne bis in idem apply to tax audits (i.e. that the taxpayer can only receive one audit in respect of the same taxable period)? \*

Yes

No

22. If yes, does this mean only one audit per tax per year? \*

- Not applicable (click here if you answered "No" to question 21)
- Yes
- No

23. Does the principle audi alteram partem apply in the tax audit process (i.e. does the taxpayer have to be notified of all decisions taken in the process and have the right to object and be heard before the decision is finalised)? \*

- Yes
- No

24. Does the taxpayer have the right to request an audit (e.g. if the taxpayer wishes to get finality of taxation for a particular year)? \*

- Yes
- No

25. Are there time limits applicable to the conduct of a normal audit in your country (e.g. the audit must be concluded within so many months)? \*

- Yes
- No

26. If yes, what is the normal limit in months? \*

10-12 months



27. Does the taxpayer have the right to be represented by a person of its choice in the audit process? \*

Yes

No

28. May the opinion of independent experts be used in the audit process? \*

Yes

No

29. Does the taxpayer have the right to receive a full report on the conclusions of the audit at the end of the process? \*

Yes

No

30. Are there limits to the frequency of audits of the same taxpayer (e.g. in respect to different periods or different taxes)? \*

Yes

No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

#### Area 5 - More intensive audits

31. Is the principle nemo tenetur applied in tax investigations (i.e. the principle against self-incrimination)? \*

Yes

No

32. If yes, is there a restriction on the use of information supplied by the taxpayer in a subsequent penalty procedure/criminal procedure? \*

- Not applicable (click here if you answered "No" to question 31)
- Yes
- No

33. If yes to nemo tenetur, can the taxpayer raise this principle to refuse to supply basic accounting information to the tax authority? \*

- Not applicable (click here if you answered "No" to question 31)
- Yes
- No

34. Is there a procedure applied in your country to identify a point in time during an investigation when it becomes likely that the taxpayer may be liable for a penalty or a criminal charge, and from that time onwards the taxpayer's right not to self-incriminate is recognised? \*

- Yes
- No

35. If yes, is there a requirement to give the taxpayer a warning that the taxpayer can rely on the right of non-self-incrimination? \*

Not applicable (click here if you answered "No" to question 34)

Yes

No

36. Is authorisation by a court always needed before the tax authority may enter and search premises? \*

Yes

No

37. May the tax authority enter and search the dwelling places of individuals? \*

Yes

No

38. Is a court order required before the tax authority can use interception of communications (e.g. telephone tapping or access to electronic communications)? \*

Yes

No

39. Is there a procedure in place to ensure that legally privileged material is not taken in the course of a search? \*

Yes

No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

#### Area 6 - Reviews and appeals

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

40. Is there a procedure for an internal review of an assessment/decision before the taxpayer appeals to the judiciary? \*

Yes

No

41. Does the taxpayer need permission to appeal to the first instance tribunal? \*

Yes

No

42. Does the taxpayer need permission to appeal to the second or higher instance tribunals? \*

Yes

No

43. Is it necessary for the taxpayer to bring his case first before an administrative court to quash the assessment/decision, before the case can proceed to a judicial hearing? \*

Yes

No

44. Are there time limits applicable for a tax case to complete the judicial appeal process? \*

Yes

No

45. If yes, what is the normal time it takes for a tax case to be concluded on appeal? \*

There is no limit (click here if you answered "No" to question 44) ▼

46. Are there any arrangements for alternative dispute resolution (e.g. mediation or arbitration) before a tax case proceeds to the judiciary? \*

Yes

No

47. Is there a system for the simplified resolution of tax disputes (e.g. by a determination on the file, or by e/filing)? \*

Yes

No

48. Is the principle audi alteram partem (i.e. each party has a right to a hearing) applied in all tax appeals? \*

Yes

No

49. Does the taxpayer have to pay some/all the tax before an appeal can be made (i.e. solve et repete)? \*

Yes

No

50. If yes, are there exceptions recognised where the taxpayer does not need to pay before appealing (i.e. can obtain an interim suspension of the tax debt)? \*

Not applicable (click here if you answered "No" to question 49)

Yes

No

51. Does the loser have to pay the costs in a tax appeal? \*

Yes

No

52. If yes, are there situations recognised where the loser does not need to pay the costs (e.g. because of the conduct of the other party)? \*

Not applicable (click here if you answered "No" to question 51)

Yes

No

53. If there is usually a public hearing, can the taxpayer request a hearing in camera (i.e. \* not in public) to preserve secrecy/confidentiality? \*

Yes

No

54. Are judgments of tax tribunals published? \*

Yes

No

55. If yes, can the taxpayer preserve its anonymity in the judgment? \*

Not applicable (click here if you answered "No" to question 54)

Yes

No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

56. Does the principle ne bis in idem apply in your country to prevent either: \*

- The principle does not apply in my country
- The imposition of a tax penalty and the tax liability
- The imposition of more than one tax penalty for the same conduct
- The imposition of a tax penalty and a criminal liability

57. If ne bis in idem is recognised, does this prevent two parallel sets of court proceedings \* arising from the same factual circumstances (e.g. a tax court and a criminal court)?

- Not applicable (click here if you answered "No" to question 56)
- Yes
- No

58. If the taxpayer makes a voluntary disclosure of a tax liability, can this result in a reduced or a zero penalty? \*

- Yes
- No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

- Yes
- No

## Area 8 - Enforcement of taxes

59. Is a court order always necessary before the tax authorities can access a taxpayer's bank account or other assets? \*

Yes

No

60. Does the taxpayer have the right to request a deferred payment of taxes or a payment in instalments (perhaps with a guarantee)? \*

Yes

No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

## Area 9 - Cross-border situations

61. Does the taxpayer have the right to be informed before information relating to him is exchanged in response to a specific request? \*

Yes

No

62. Does the taxpayer have a right to be informed before information is sought from third parties in response to a specific request for exchange of information? \*

Yes

No

63. If no to either of the previous two questions, did your country previously recognise the right of taxpayers to be informed and was such right removed in the context of the peer review by the Forum on Transparency and Exchange of Information? \*

Not applicable (click here if you answered "No" to either question 61 or question 62)

Yes

No

64. Does the taxpayer have the right to be heard by the tax authority before the exchange of information relating to him with another country? \*

Yes

No

65. Does the taxpayer have the right to challenge before the judiciary the exchange of information relating to him with another country? \*

Yes

No

66. Does the taxpayer have the right to see any information received from another country that relates to him? \*

Yes

No

67. Does the taxpayer have the right in all cases to require a mutual agreement procedure is initiated? \*

Yes

No

68. Does the taxpayer have a right to see the communications exchanged in the context of a mutual agreement procedure? \*

Yes

No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

## Area 10 - Legislation

69. Is there a prohibition on retrospective tax legislation in your country? \*

Yes

No

70. If no, are there restrictions on the adoption of retrospective tax legislation in your country? \*

Not applicable (click here if you answered "Yes" to question 69)

Yes

No

71. Is there a procedure in your country for public consultation before the adopting of all (or most) tax legislation? \*

Yes

No

72. Is tax legislation subject to constitutional review which can strike down unconstitutional laws? \*

Yes

No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

#### Area 11 - Revenue practice and guidance

73. Does the tax authority in your country publish guidance (e.g. revenue manuals, circulars, etc.) as to how it applies your tax law? \*

Yes

No

74. Does your country have a generalised system of advanced rulings available to taxpayers? \*

Yes

No

75. If yes, is it legally binding? \*

- Not applicable (click here if you answered "No" to question 74)
- Yes
- No

76. If a binding ruling is refused, does the taxpayer have a right to appeal? \*

- Yes
- No

77. If your country publishes guidance as to how it applies your tax law, can taxpayers acting in good faith rely on that published guidance (i.e. protection of legitimate expectations)? \*

- Not applicable (click here if you answered "No" to question 76)
- Yes
- No

Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

- Yes
- No

## Area 12 - Institutional framework for protecting taxpayers' rights

78. Is there a taxpayers' charter or taxpayers' bill of rights in your country? \*

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

Yes

No

79. If yes, are its provisions legally effective? \*

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

Not applicable (click here if you answered "No" to the previous question)

Yes

No

80. Is there a (tax) ombudsman / taxpayers' advocate / equivalent position in your country? \*

Yes

No

81. If yes, can the ombudsman intervene in an on-going dispute between the taxpayer and the tax authority (before it goes to court)? \*

- Not applicable (click here if you answered "No" to question 80)
- Yes
- No

82. If yes to a (tax) ombudsman, is he/she independent from the tax authority? \*

- Not applicable (click here if you answered "No" to question 80)
- Yes
- No

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Google Forms

# OPTR - 2022 Questionnaire 2 - Standards of Protection

Dear National Reporter,

I would like to thank you for your participation in the IBFD Observatory on the Protection of Taxpayers' Rights (OPTR).

This form collects the information on developments occurred in 2022 regarding the implementation of 57 minimum standards and 44 best practices, distributed into 86 benchmarks, for the practical protection of taxpayers' rights as monitored by the OPTR.

We kindly ask you to provide an impartial, non-judgmental summary of events occurred in 2022 that in your opinion affect the level of compliance of a given minimum standard/best practice in your country. These events may include, without limitation, legislation enacted, administrative rulings and/or circulars issued, case law and tax administration practices implemented, among others, as requested by this form.

In ALL cases back up your assertions with the relevant documentary materials, and provide full details for identifying the documents related to the reported developments. Either a (soft) copy or internet links to make said documents available (and therefore, quotable) are greatly appreciated.

You are also kindly required to assess whether the events you described represent either a step towards or a step away from the practical implementation of the given minimum standard/best practice in your country. Full instructions are provided below.

This form should be filled in as soon as any of the events mentioned above occurs and edited as many times as necessary to cover all relevant developments occurred in 2022, until no later than 14 January 2023. We appreciate very much your cooperation in this regard.

Feel free to contact us for any clarification you may need. We look forward to your valuable contribution to this remarkable project.

Kind regards,

Prof. Dr Carlos E. Weffe  
Scientific Coordinator  
IBFD Observatory on the Protection of Taxpayers' Rights.

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\* Better if filled in using Google Chrome © or Mozilla Firefox ©

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Taxpayers / Tax Practitioners

Tax Administration

Judiciary

(Tax) Ombudsperson

Academia

Other: \_\_\_\_\_

Instructions

1. Please answer all questions. The form will not allow you to continue/submit your responses until you have answered all questions.

2. All questions are two or three-tiered (namely, either with parts "MS" and/or "BP", and "S"). They comprise a minimum standard (MS) and /or a best practice (BP), and a "summary of relevant facts in 2021" (S). The latter is a space for providing a summarized account on facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way.

3. Please Indicate, by clicking on the corresponding button, whether there was an improvement or a decrease of the level of compliance of the relevant standard/best practice in your country in 2021. If there were no changes, please indicate so by clicking on the corresponding button.
4. In ALL cases where an assessment of either improvement or decrease is reported, please refer the relevant novelties in the space provided under "summary of relevant facts in 2021", for each question. Please give a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. In case there is nothing to report for a given minimum standard/best practice, please answer "no changes".
5. If any, make additional, non-judgmental commentaries at the space provided under "summary of relevant facts in 2021".
6. In ALL cases back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org).
7. When completed, please submit the survey.
8. Once you have submitted the survey, you will receive an email acknowledging your participation in the OPTR and providing a backup of your answers.
9. The email will also include an "edit your survey" link, in case you want to modify any of your answers. You will receive this email every time you submit partial responses.
10. An option to quit the survey and save your answers is provided at the end of each section. This survey has 12 sections, as many as those identified by Baker and Pistone in their 2015 IFA General Report.
11. If answering partially, please select "Yes" at the end of the section in which you are to submit your partial answers to the survey. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this survey.
12. For editing your answers, please use the last "edit your response" link provided to you via email. Please bear in mind that this is the only way the system will acknowledge your previous answers. If you use a link other than the last one provided, some (or all) changes might not be retrieved by the system.
13. When clicking on the last "edit your response" link, the system will lead you to the front page of the survey. Click on "Next" as many times as needed to get to the section you want to continue in. Once you have reached said section, please remember to change your answer to the question "Do you want to save your results and quit?" to "No", in order to be able to continue.

Area 1 - Identification of taxpayers, issuing tax returns and communicating with taxpayers

1 (MS). Implement safeguards to prevent impersonation when issuing a unique identification number \*

- No changes
- Shifted away
- Shifted towards

1 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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2 (MS). The system of taxpayer identification should take account of religious sensitivities \*

- No changes
- Shifted away
- Shifted towards

## 2 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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## 3 (MS). Impose obligations of confidentiality on third parties with respect to information gathered by them for tax purposes \*

- No changes
- Shifted away
- Shifted towards

## 3 (BP). Where tax is withheld by third parties, the taxpayer should be excluded from liability if the third party fails to pay over the tax \*

- No changes
- Shifted away
- Shifted towards

### 3 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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4 (MS). Where pre/populated returns are used, these should be sent to taxpayers to correct errors. \*

- No changes
- Shifted away
- Shifted towards

### 4 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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5 (MS). Provide a right to access to taxpayers to personal information held about them, and a right to correct inaccuracies. \*

- No changes
- Shifted away
- Shifted towards

5 (BP). Publish guidance on taxpayers' rights to access information and correct inaccuracies \*

- No changes
- Shifted away
- Shifted towards

5 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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6 (MS). Where communication with taxpayers is in electronic form, institute systems to prevent impersonation or interception \*

- No changes
- Shifted away
- Shifted towards

6 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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7 (MS). Where a system of "cooperative compliance" operates, ensure it is available on a non-discriminatory and voluntary basis \*

- No changes
- Shifted away
- Shifted towards

### 7 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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8 (MS). Provide assistance for those who face difficulties in meeting compliance obligations, including those with disabilities, those located in remote areas, and those unable or unwilling to use electronic forms of communication \*

- No changes
- Shifted away
- Shifted towards

### 8 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

## Area 2 - The issue of tax assessment

9 (BP). Establish a constructive dialogue between taxpayers and revenue authorities to ensure a fair assessment of taxes based on equality of arms \*

No changes

Shifted away

Shifted towards

## 9 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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10 (BP). Use e-filing to speed up assessments and correction of errors, particularly systematic errors \*

- No changes
- Shifted away
- Shifted towards

10 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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- Yes
- No

Area 3 - Confidentiality

11 (MS). Provide a specific legal guarantee for confidentiality, with sanctions for officials who make unauthorised disclosures (and ensure sanctions are enforced). \*

- No changes
- Shifted away
- Shifted towards

11 (BP). Encrypt information held by a tax authority about taxpayers to the highest level attainable. \*

- No changes
- Shifted away
- Shifted towards

11 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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12 (MS). Introduce an offence for tax officials covering up unauthorised disclosure of confidential information. \*

- No changes
- Shifted away
- Shifted towards

12 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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13 (MS). Restrict access to data to those officials authorised to consult it. For encrypted data, use digital access codes. \*

- No changes
- Shifted away
- Shifted towards

13 (BP). Ensure an effective fire-wall to prevent unauthorised access to data held by revenue authorities. \*

- No changes
- Shifted away
- Shifted towards

13 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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14 (MS). Audit data access periodically to identify cases of unauthorised access. \*

- No changes
- Shifted away
- Shifted towards

#### 14 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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#### 15 (MS). Introduce administrative measures emphasizing confidentiality to tax officials. \*

- No changes
- Shifted away
- Shifted towards

#### 15 (BP). Appoint data protection/privacy officers at senior level and local tax offices. \*

- No changes
- Shifted away
- Shifted towards

### 15 (S). Summary of relevant facts in 2022

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16 (MS). If a breach of confidentiality occurs, investigate fully with an appropriate level of seniority by independent persons (e.g. judges). \*

- No changes
- Shifted away
- Shifted towards

### 16 (S). Summary of relevant facts in 2022

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17 (MS). Provide remedies for taxpayers who are victims of unauthorised disclosure of confidential information. \*

- No changes
- Shifted away
- Shifted towards

17 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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18 (MS). Exceptions to the general rule of confidentiality should be explicitly stated in the law, narrowly drafted and interpreted. \*

- No changes
- Shifted away
- Shifted towards

### 18 (S). Summary of relevant facts in 2022

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19 (MS). If "naming and shaming" is employed, ensure adequate safeguards (e.g. judicial \*  
authorisation after proceedings involving the taxpayer).

- No changes
- Shifted away
- Shifted towards

19 (BP). Require judicial authorisation before any disclosure of confidential information by \*  
revenue authorities

- No changes
- Shifted away
- Shifted towards

### 19 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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20 (MS). No disclosure of confidential taxpayer information to politicians, or where it might \* be used for political purposes.

- No changes
- Shifted away
- Shifted towards

20 (BP). Parliamentary supervision of revenue authorities should involve independent \* officials, subject to confidentiality obligations, examining specific taxpayer data, and then reporting to Parliament.

- No changes
- Shifted away
- Shifted towards

## 20 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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21 (MS). Freedom of information legislation may allow a taxpayer to access information about himself. However, access to information by third parties should be subject to stringent safeguards: only if an independent tribunal concludes that the public interest in disclosure outweighs the right of confidentiality, and only after a hearing where the taxpayer has an opportunity to be heard. \*

- No changes
- Shifted away
- Shifted towards

## 21 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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22 (MS). If published, tax rulings should be anonymised and details that might identify the taxpayer removed. \*

- No changes
- Shifted away
- Shifted towards

22 (BP). Anonymize all tax judgments and remove details that might identify the taxpayer \*

- No changes
- Shifted away
- Shifted towards

22 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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23 (MS). Legal professional privilege should apply to tax advice. \*

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org)) an annex with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- No changes
- Shifted away
- Shifted towards

23 (BP). Privilege from disclosure should apply to all tax advisors (not just lawyers) who supply similar advice to lawyers. Information imparted in circumstances of confidentiality may be privileged from disclosure. \*

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org)) an annex with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- No changes
- Shifted away
- Shifted towards

23 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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24 (MS). Where tax authorities enter premises which may contain privileged material, arrangements should be made (e.g. an independent lawyer) to protect that privilege. \*

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- No changes
- Shifted away
- Shifted towards

#### 24 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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- Yes
- No

Area 4 - Normal audits

25 (MS). Audits should respect the following principles: (i) Proportionality. (2) Ne bis in idem (prohibition of double jeopardy). (3) Audi alteram partem (right to be heard before any decision is taken). (4) Nemo tenetur se detegere (principle against self/incrimination). Tax notices issued in violation of these principles should be null and void. \*

- No changes
- Shifted away
- Shifted towards

### 25 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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26 (MS). In application of proportionality, tax authorities may only request for information that is strictly needed, not otherwise available, and must impose least burdensome impact on taxpayers. \*

- No changes
- Shifted away
- Shifted towards

### 26 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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27 (BP). In application of ne bis in idem the taxpayer should only receive one audit per taxable period, except when facts that become known after the audit was completed. \*

- No changes
- Shift away
- Shift towards

### 27 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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28 (MS). In application of audi alteram partem, taxpayers should have the right to attend \* all relevant meetings with tax authorities (assisted by advisors), the right to provide factual information, and to present their views before decisions of the tax authorities become final.

- No changes
- Shifted away
- Shifted towards

### 28 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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29 (MS). In application of nemo tenetur, the right to remain silent should be respected in \* all tax audits.

- No changes
- Shifted away
- Shifted towards

### 29 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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### 30 (BP). Tax audits should follow a pattern that is set out in published guidelines. \*

- No changes
- Shifted away
- Shifted towards

### 30 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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31 (BP). A manual of good practice in tax audits should be established at the global level. \*

- No changes
- Shifted away
- Shifted towards

31 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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32 (BP). Taxpayers should be entitled to request the start of a tax audit (to obtain finality). \*

- No changes
- Shifted away
- Shifted towards

### 32 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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33 (MS). Where tax authorities have resolved to start an audit, they should inform the taxpayer \*

- No changes
- Shifted away
- Shifted towards

33 (BP). Where tax authorities have resolved to start an audit, they should hold an initial meeting with the taxpayer in which they spell out the aims and procedure, together with timescale and targets. They should then disclose any additional evidence in their possession to the taxpayer. \*

- No changes
- Shifted away
- Shifted towards

### 33 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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### 34 (MS). Taxpayers should be informed of information gathering from third parties. \*

- No changes
- Shifted away
- Shifted towards

### 34 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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35 (BP). Reasonable time limits should be fixed for the conduct of audits. \*

- No changes
- Shifted away
- Shifted towards

35 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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36 (MS). Technical assistance (including representation) should be available at all stages of the audit by experts selected by the taxpayer. \*

- No changes
- Shifted away
- Shifted towards

### 36 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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37 (MS). The completion of a tax audit should be accurately reflected in a document, notified in its full text to the taxpayer. \*

- No changes
- Shifted away
- Shifted towards

37 (BP). The drafting of the final audit report should involve participation by the taxpayer, with the opportunity to correct inaccuracies of facts and to express the taxpayer's view. \*

- No changes
- Shifted away
- Shifted towards

### 37 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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38 (BP). Following an audit, a report should be prepared even if the audit does not result in additional tax or refund. \*

- No changes
- Shifted away
- Shifted towards

### 38 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

### Area 5 - More intensive audits

39 (BP). More intensive audits should be limited to the extent strictly necessary to ensure \*  
an effective reaction to non-compliance.

No changes

Shifted away

Shifted towards

### 39 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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40 (MS). If there is point in an audit when it becomes foreseeable that the taxpayer may \* be liable for a penalty or criminal charge, from that time the taxpayer should have stronger protection of his right to silence, and statements from the taxpayer should not be used in the audit procedure.

- No changes
- Shifted away
- Shifted towards

#### 40 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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41 (MS). Entering premises or interception of communications should be authorised by \* the judiciary.

- No changes
- Shifted away
- Shifted towards

#### 41 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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42 (MS). Authorisation within the revenue authorities should only be in cases of urgency, \* and subsequently reported to the judiciary for ex-post ratification.

- No changes
- Shifted away
- Shifted towards

#### 42 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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43 (MS). Inspection of the taxpayer's home should require authorisation by the judiciary and only be given in exceptional cases. \*

- No changes
- Shifted away
- Shifted towards

43 (BP). Where tax authorities intend to search the taxpayer's premises, the taxpayer should be informed and have an opportunity to appear before the judicial authority, subject to exception where there is evidence of danger that documents will be removed or destroyed. \*

- No changes
- Shifted away
- Shifted towards

43 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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44 (BP). Access to bank information should require judicial authorisation. \*

- No changes
- Shifted away
- Shifted towards

44 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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45 (BP). Authorisation by the judiciary should be necessary for the interception of telephone communications and monitoring of internet access. Specialised offices within the judiciary should be established to supervise these actions. \*

- No changes
- Shifted away
- Shifted towards

#### 45 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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46 (MS). Seizure of documents should be subject to a requirement to give reasons why seizure is indispensable, and to fix the time when documents will be returned; seizure should be limited in time. \*

- No changes
- Shifted away
- Shifted towards

#### 46 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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47 (BP). If data are held on a computer hard drive, then a backup should be made in the presence of the taxpayer's advisors and the original left with the taxpayer. \*

- No changes
- Shifted away
- Shifted towards

#### 47 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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48 (MS). Where invasive techniques are applied, they should be limited in time to avoid a disproportionate impact on taxpayers. \*

- No changes
- Shifted away
- Shifted towards

#### 48 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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Yes

No

#### Area 6 - Reviews and appeals

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

49 (BP). E-filing of requests for internal review to ensure the effective and speedy handling of the review process. \*

No changes

Shifted away

Shifted towards

#### 49 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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50 (MS). The right to appeal should not depend upon prior exhaustion of administrative reviews. \*

- No changes
- Shifted away
- Shifted towards

#### 50 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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51 (BP). Reviews and appeals should not exceed two years. \*

- No changes
- Shifted away
- Shifted towards

51 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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52 (MS). Audi alteram partem should apply in administrative reviews and judicial appeals. \*

- No changes
- Shifted away
- Shifted towards

## 52 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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53 (MS). Where tax must be paid in whole or in part before an appeal, there must be an effective mechanism for providing interim suspension of payment. \*

- No changes
- Shifted away
- Shifted towards

53 (BP). An appeal should not require prior payment of tax in all cases. \*

- No changes
- Shifted away
- Shifted towards

### 53 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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54 (BP). The state should bear some or all of the costs of an appeal, whatever the outcome. \*

- No changes
- Shifted away
- Shifted towards

### 54 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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55 (MS). Legal assistance should be provided for those taxpayers who cannot afford it. \*

- No changes
- Shifted away
- Shifted towards

55 (S). Summary of relevant facts in 2022

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56 (MS). Taxpayers should have the right to request the exclusion of the public from a tax appeal hearing. \*

- No changes
- Shifted away
- Shifted towards

### 56 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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### 57 (MS). Tax judgments should be published. \*

- No changes
- Shifted away
- Shifted towards

### 57 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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Do you want to save your results and quit? \*

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Yes

No

## Area 7 - Criminal and administrative sanctions

58 (MS). Proportionality and ne bis in idem should apply to tax penalties. \*

No changes

Shifted away

Shifted towards

## 58 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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59 (BP). Where administrative and criminal sanctions may both apply, only one procedure \* and one sanction should be applied.

- No changes
- Shifted away
- Shifted towards

59 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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60 (BP). Voluntary disclosure should lead to reduction of penalties. \*

- No changes
- Shifted away
- Shifted towards

### 60 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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61 (MS). Sanctions should not be increased simply to encourage taxpayers to make voluntary disclosures. \*

- No changes
- Shifted away
- Shifted towards

### 61 (S). Summary of relevant facts in 2022

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Yes

No

## Area 8 - Enforcement of taxes

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org) and [c.weffe@ibfd.org](mailto:c.weffe@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Please be particularly aware of regulations on the COVID-19 pandemic. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

62 (MS). Collection of taxes should never deprive taxpayers of their minimum necessary for living. \*

No changes

Shifted away

Shifted towards

## 62 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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63 (BP). Authorisation by the judiciary should be required before seizing assets or bank accounts \*

- No changes
- Shifted away
- Shifted towards

63 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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64 (MS). Taxpayers should have the right to request delayed payment of arrears. \*

- No changes
- Shifted away
- Shifted towards

#### 64 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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65 (BP). Bankruptcy of taxpayers should be avoided, by partial remission of the debt or structured plans for deferred payment. \*

- No changes
- Shifted away
- Shifted towards

#### 65 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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66 (MS). Temporary suspension of tax enforcement should follow natural disasters. \*

Please provide separately (via [optr@ibfd.org](mailto:optr@ibfd.org)) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Please be particularly aware of regulations on the COVID-19 pandemic. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- No changes
- Shifted away
- Shifted towards

66 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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- Yes
- No

Area 9 - Cross-border situations

67 (MS). The requesting state should notify the taxpayer of cross-border requests for information, unless it has specific grounds for considering that this would prejudice the process of investigation. The requested state should inform the taxpayer unless it has a reasoned request from the requesting state that the taxpayer should not be informed on grounds that it would prejudice the investigation. \*

- No changes
- Shifted away
- Shifted towards

67 (BP). The taxpayer should be informed that a cross-border request for information is to be made. \*

- No changes
- Shifted away
- Shifted towards

#### 67 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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68 (BP). Where a cross-border request for information is made, the requested state should also be asked to supply information that assists the taxpayer. \*

- No changes
- Shifted away
- Shifted towards

68 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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69 (BP). Provisions should be included in tax treaties setting specific conditions for exchange of information. \*

- No changes
- Shifted away
- Shifted towards

### 69 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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70 (MS). If information is sought from third parties, judicial authorisation should be necessary. \*

- No changes
- Shifted away
- Shifted towards

### 70 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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71 (BP). The taxpayer should be given access to information received by the requesting state. \*

- No changes
- Shifted away
- Shifted towards

71 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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72 (BP). Information should not be supplied in response to a request where the originating cause was the acquisition of stolen or illegally obtained information. \*

- No changes
- Shifted away
- Shifted towards

### 72 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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73 (BP). A requesting state should provide confirmation of confidentiality to the requested state. \*

- No changes
- Shifted away
- Shifted towards

### 73 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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74 (MS). A state should not be entitled to receive information if it is unable to provide independent, verifiable evidence that it observes high standards of data protection. \*

- No changes
- Shifted away
- Shifted towards

74 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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75 (BP). For automatic exchange of financial information, the taxpayer should be notified of the proposed exchange in sufficient time to exercise data protection rights. \*

- No changes
- Shifted away
- Shifted towards

### 75 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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### 76 (BP). Taxpayers should have a right to request initiation of mutual agreement procedure. \*

- No changes
- Shifted away
- Shifted towards

### 76 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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77 (MS). Taxpayers should have a right to participate in mutual agreement procedure by being heard and being informed as to the progress of the procedure. \*

- No changes
- Shifted away
- Shifted towards

77 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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Do you want to save your results and quit? \*

If "Yes", please submit the form. If "Yes", bear in mind that there are still several questions that need to be answered later. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

- Yes
- No

Area 10 - Legislation

78 (MS). Retrospective tax legislation should only be permitted in limited circumstances which are spelt out in detail. \*

- No changes
- Shifted away
- Shifted towards

78 (BP). Retrospective tax legislation should ideally be banned completely. \*

- No changes
- Shifted away
- Shifted towards

78 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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79 (BP). Public consultation should precede the making of tax policy and tax law. \*

- No changes
- Shifted away
- Shifted towards

### 79 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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### Do you want to save your results and quit? \*

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Yes

No

### Area 11 - Revenue practice and guidance

80 (MS). Taxpayers should be entitled to access all relevant legal material, comprising legislation, administrative regulations, rulings, manuals and other guidance. \*

No changes

Shifted away

Shifted towards

### 80 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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81 (MS). Where legal material is available primarily on the internet, arrangements should be made to provide it to those who do not have access to the internet. \*

- No changes
- Shifted away
- Shifted towards

### 81 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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82 (MS). Binding rulings should only be published in an anonymised form \*

- No changes
- Shifted away
- Shifted towards

82 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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83 (MS). Where a taxpayer relies upon published guidance of a revenue authority which subsequently proves to be inaccurate, changes should apply only prospectively. \*

- No changes
- Shifted away
- Shifted towards

### 83 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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Yes

No

### Area 12 - Institutional framework for protecting taxpayers' rights

84 (MS). Adoption of a charter or statement of taxpayers' rights should be a minimum standard. \*

No changes

Shifted away

Shifted towards

84 (BP). A separate statement of taxpayers' rights under audit should be provided to taxpayers who are audited. \*

- No changes
- Shifted away
- Shifted towards

84 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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85 (BP). A taxpayer advocate or ombudsman should be established to scrutinise the operations of the tax authority, handle specific complaints, and intervene in appropriate cases. Best practice is the establishment of a separate office within the tax authority but independent from normal operations of that authority. \*

- No changes
- Shifted away
- Shifted towards

85 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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86 (BP). The organisational structure for the protection of taxpayers' rights should operate \*  
at local level as well as nationally.

- No changes
- Shifted away
- Shifted towards

86 (S). Summary of relevant facts in 2022

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. IN ALL CASES please back up your assertions with the relevant documentary materials. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: [optr@ibfd.org](mailto:optr@ibfd.org). Thank you.

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We are attaching the supporting documentation for questions 25 and 25. We highlighted articles 32, 62 and 63 of the Law.

Best regards,



## **LEY REGLAMENTARIA DEL ARTÍCULO 5o. CONSTITUCIONAL, RELATIVO AL EJERCICIO DE LAS PROFESIONES EN LA CIUDAD DE MÉXICO**

**Nueva Ley publicada en el Diario Oficial de la Federación el 26 de mayo de 1945**

### **TEXTO VIGENTE**

**Última reforma publicada DOF 19-01-2018**

Al margen un sello con el Escudo Nacional, que dice: Estados Unidos Mexicanos.- Presidencia de la República.

**MANUEL AVILA CAMACHO**, Presidente Constitucional de los Estados Unidos Mexicanos, a sus habitantes, sabed:

Que el H. Congreso de la Unión, se ha servido dirigirme el siguiente

### **D E C R E T O:**

"El Congreso de los Estados Unidos Mexicanos, decreta:

## **LEY REGLAMENTARIA DEL ARTÍCULO 5o. CONSTITUCIONAL, RELATIVO AL EJERCICIO DE LAS PROFESIONES EN LA CIUDAD DE MÉXICO**

*Denominación de la Ley reformada DOF 23-12-1974, 19-01-2018*

### **CAPITULO I DISPOSICIONES GENERALES**

*Denominación del Capítulo reformada DOF 02-01-1974*

**ARTICULO 1o.-** Título profesional es el documento expedido por instituciones del Estado o descentralizadas, y por instituciones particulares que tenga reconocimiento de validez oficial de estudios, a favor de la persona que haya concluido los estudios correspondientes o demostrado tener los conocimientos necesarios de conformidad con esta Ley y otras disposiciones aplicables.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 2o.-** Las leyes que regulen campos de acción relacionados con alguna rama o especialidad profesional, determinarán cuáles son las actividades profesionales que necesitan título y cédula para su ejercicio.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 3o.-** Toda persona a quien legalmente se le haya expedido título profesional o grado académico equivalente, podrá obtener cédula de ejercicio con efectos de patente, previo registro de dicho título o grado.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 4o.-** El Ejecutivo Federal, previo dictamen de la Dirección General de Profesiones, que lo emitirá por conducto de la Secretaría de Educación Pública y oyendo el parecer de los Colegios de Profesionistas y de las comisiones técnicas que se organicen para cada profesión, expedirá los reglamentos que delimiten los campos de acción de cada profesión, así como el de las ramas correspondientes, y los límites para el ejercicio de las mismas profesiones.



**ARTICULO 5o.-** Para el ejercicio de una o varias especialidades, se requiere autorización de la Dirección General de Profesiones, debiendo comprobarse previamente: 1.- Haber obtenido título relativo a una profesión en los términos de esta Ley; 2.- Comprobar, en forma idónea, haber realizado estudios especiales de perfeccionamiento técnico científico, en la ciencia o rama de la ciencia de que se trate.

**ARTICULO 6o.-** En caso de conflicto entre los intereses individuales de los profesionistas y los de la sociedad, la presente Ley será interpretada en favor de esta última, si no hubiere precepto expreso para resolver el conflicto. Por lo que se refiere a las profesiones que implican el ejercicio de una función pública, se sujetarán a esta Ley, y a las leyes que regulen su actividad, en lo que no se oponga a este ordenamiento.

**ARTICULO 7o.-** Las disposiciones de esta ley regirán en la Ciudad de México en asuntos de orden común, y en toda la República en asuntos de orden federal.

*Artículo reformado DOF 23-12-1974, 19-01-2018*

## **CAPITULO II**

### **Condiciones que deben llenarse para obtener un título profesional**

**ARTICULO 8o.-** Para obtener título profesional es indispensable acreditar que se han cumplido los requisitos académicos previstos por las leyes aplicables.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 9o.-** Para que pueda registrarse un título profesional expedido por institución que no forme parte del sistema educativo nacional será necesario que la Secretaría de Educación Pública revalide, en su caso, los estudios correspondientes y que el interesado acredite haber prestado el servicio social.

*Artículo reformado DOF 02-01-1974*

## **CAPITULO III**

### **Instituciones autorizadas que deben expedir los títulos profesionales**

#### **SECCION I**

##### **Títulos expedidos en la Ciudad de México**

*Denominación de la Sección reformada DOF 23-12-1974, 19-01-2018*

**ARTICULO 10.-** Las instituciones que impartan educación profesional deberán cumplir los requisitos que señalen las leyes y disposiciones reglamentarias que las rijan.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 11.-** Sólo las instituciones a que se refiere el artículo anterior están autorizadas para expedir títulos profesionales de acuerdo con sus respectivos ordenamientos.

#### **SECCION II**

##### **Títulos profesionales expedidos por las autoridades de una entidad federativa con sujeción a sus leyes**

*Denominación de la Sección reformada DOF 19-01-2018*

**ARTICULO 12.-** Los títulos profesionales expedidos por las autoridades de un Estado, serán registrados, siempre que su otorgamiento se haya sujetado a sus leyes respectivas, de conformidad con la fracción V del artículo 121 de la Constitución.



**ARTICULO 13.-** El Ejecutivo Federal, por conducto de la Secretaría de Educación Pública, podrá celebrar convenios de coordinación con los gobiernos de las entidades federativas para la unificación del registro profesional, de acuerdo con las siguientes bases:

*Párrafo reformado DOF 19-01-2018*

**I.-** Instituir un solo servicio para el registro de títulos profesionales;

**II.-** Reconocer para el ejercicio profesional en las entidades federativas, la cédula expedida por la Secretaría de Educación Pública y, consecuentemente, reconocer para el ejercicio profesional en la Ciudad de México las cédulas expedidas por los Estados.

*Fracción reformada DOF 23-12-1974, 19-01-2018*

**III.-** Establecer los requisitos necesarios para el reconocimiento de los títulos profesionales, así como los de forma y contenido que los mismos deberán satisfacer;

**IV.-** Intercambiar la información que se requiera; y

**V.-** Las demás que tiendan al debido cumplimiento del objeto del convenio.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 14.-** Por ningún concepto se registrarán títulos ni se revalidarán estudios de aquellas entidades federativas que no tengan los planteles profesionales correspondientes.

*Artículo reformado DOF 19-01-2018*

### **SECCION III**

#### **Registro de títulos expedidos en el extranjero**

**ARTICULO 15.-** Los extranjeros podrán ejercer en la Ciudad de México las profesiones que son objeto de esta Ley, con sujeción a lo previsto en los tratados internacionales de que México sea parte.

*Párrafo reformado DOF 19-01-2018*

Cuando no hubiere tratado en la materia, el ejercicio profesional de los extranjeros estará sujeto a la reciprocidad en el lugar de residencia del solicitante y al cumplimiento de los demás requisitos establecidos por las leyes mexicanas.

*Artículo reformado DOF 23-12-1974, 22-12-1993*

**ARTICULO 16.-** (Se deroga).

*Artículo reformado DOF 23-12-1974. Derogado DOF 22-12-1993*

**ARTICULO 17.-** Los títulos expedidos en el extranjero serán registrados por la Secretaría de Educación Pública, siempre que los estudios que comprenda el título profesional, sean iguales o similares a los que se impartan en instituciones que formen parte del sistema educativo nacional.

*Párrafo reformado DOF 22-12-1993*

En los casos en que resulte imposible establecer la igualdad o similitud de estudios en la forma prevista en los términos del párrafo anterior, se establecerá un sistema de equivalencia de estudios, sometiendo, en su caso, a los interesados a pruebas o exámenes, para la comprobación de sus conocimientos.

**ARTICULO 18.-** (Se deroga).

*Artículo derogado DOF 22-12-1993*

**ARTICULO 19.-** (Se deroga).

*Artículo derogado DOF 22-12-1993*



**ARTICULO 20.-** (Se deroga).

*Artículo derogado DOF 22-12-1993*

## **CAPITULO IV** **De la Dirección General de Profesiones**

**ARTICULO 21.-** Dependiente de la Secretaría de Educación Pública se establecerá una dirección que se denominará: Dirección General de Profesiones, que se encargará de la vigilancia del ejercicio profesional y será el órgano de conexión entre el Estado y los colegios de profesionistas.

**ARTICULO 22.-** La Dirección anterior formará comisiones técnicas relativas a cada una de las profesiones, que se encargarán de estudiar y dictaminar sobre los asuntos de su competencia. Cada Comisión estará integrada por un representante de la Secretaría de Educación Pública, otro de la Universidad Autónoma de México o del Instituto Politécnico Nacional en sus ramas profesionales respectivas y otro del Colegio de Profesionistas. Cuando en ambas instituciones educativas se estudie una misma profesión, cada una de ellas designará un representante.

**ARTICULO 23.-** Son facultades y obligaciones de la Dirección General de Profesiones:

**I.-** Registrar los títulos de profesionistas a que se refiere esta Ley, de conformidad con los artículos 14, 15 y 16 de este ordenamiento;

**II.-** Llevar la hoja de servicios de cada profesionista, cuyo título registre, y anotar en el propio expediente, las sanciones que se impongan al profesionista en el desempeño de algún cargo o que impliquen la suspensión del ejercicio profesional;

**III.-** Autorizar para el ejercicio de una especialización;

**IV.-** Expedir al interesado la cédula personal correspondiente, con efectos de patente para el ejercicio profesional y para su identidad en todas sus actividades profesionales;

**V.-** Llevar la lista de los profesionistas que declaren no ejercer la profesión;

**VI.-** Publicar en los periódicos de mayor circulación todas las resoluciones de registro y denegatorias de registro de títulos;

**VII.-** Cancelar el registro de los títulos de los profesionistas condenados judicialmente a inhabilitación en el ejercicio y publicar profusamente dicha cancelación;

**VIII.-** Determinar, de acuerdo con los colegios de profesionistas, la sede y forma como éstos desean cumplir con el servicio social;

**IX.-** Sugerir la distribución de los profesionistas conforme a las necesidades y exigencias de cada localidad;

**X.-** Llevar un archivo con los datos relativos a la enseñanza preparatoria, normal y profesional que se imparta en cada uno de los planteles educativos;

**XI.-** Anotar los datos relativos a las universidades o escuelas profesionales extranjeras;

**XII.-** Publicar, en el mes de enero de cada año, la lista de los profesionistas titulados en los planteles de preparación profesional durante el año anterior;



**XIII.-** Proporcionar a los interesados informes en asuntos de la competencia de la Dirección;

*Fracción reformada DOF 19-08-2010*

**XIV.-** Integrar y mantener una base de datos actualizada con la información señalada en las fracciones II, V y VII de este artículo, misma que deberá ser compartido en los términos de la Ley General del Sistema Nacional de Seguridad Pública, y

*Fracción adicionada DOF 19-08-2010*

**XV.-** Las demás que le fijen las leyes y reglamentos.

*Fracción recorrida DOF 19-08-2010*

## CAPITULO V Del ejercicio profesional

**ARTICULO 24.-** Se entiende por ejercicio profesional, para los efectos de esta Ley, la realización habitual a título oneroso o gratuito de todo acto o la prestación de cualquier servicio propio de cada profesión, aunque sólo se trate de simple consulta o la ostentación del carácter del profesionista por medio de tarjetas, anuncios, placas, insignias o de cualquier otro modo. No se reputará ejercicio profesional cualquier acto realizado en los casos graves con propósito de auxilio inmediato.

**ARTICULO 25.-** Para ejercer en la Ciudad de México cualquiera de las profesiones a que se refieren los Artículos 2o. y 3o., se requiere:

*Párrafo reformado DOF 23-12-1974, 22-12-1993, 19-01-2018*

**I.-** Estar en pleno goce y ejercicio de los derechos civiles.

*Fracción reformada DOF 22-12-1993*

**II.-** Poseer título legalmente expedido y debidamente registrado, y

**III.-** Obtener de la Dirección General de Profesiones patente de ejercicio.

**ARTICULO 26.-** Las autoridades judiciales y las que conozcan de asuntos contencioso-administrativos rechazarán la intervención en calidad de patronos o asesores técnico del o los interesados, de persona, que no tenga título profesional registrado.

El mandato para asunto judicial o contencioso-administrativos determinado, sólo podrá ser otorgado en favor de profesionistas con título debidamente registrado en los términos de esta Ley.

Se exceptúan los casos de los gestores en asuntos obreros, agrarios y cooperativos y el caso de amparos en materia penal a que se refieren los artículo 27 y 28 de esta Ley.

**ARTICULO 27.-** La representación jurídica en materia obrera, agraria y cooperativa, se regirá por las disposiciones relativas de la Ley Federal del Trabajo, Código Agrario, Ley de Sociedades Cooperativas y en su defecto, por las disposiciones conexas del Derecho Común.

**ARTICULO 28.-** En materia penal, el acusado podrá ser oído en defensa por sí o por medio de persona de su confianza o por ambos según su voluntad. Cuando la persona o personas de la confianza del acusado, designados como defensores no sean abogados, se le invitará para que designe, además, un defensor con título. En caso de que no hiciere uso de este derecho, se le nombrará el defensor de oficio.



**ARTICULO 29.-** Las personas que sin tener título profesional legalmente expedido actúen habitualmente como profesionistas, incurrirán en las sanciones que establece esta Ley, exceptuándose, a los gestores a que se refiere el artículo 26 de esta Ley.

**ARTICULO 30.-** La Dirección General de Profesiones podrá extender autorización a los pasantes de las diversas profesiones para ejercer la práctica respectiva por un término no mayor de tres años.

Para los efectos de lo anterior, se demostrará el carácter de estudiantes, la conducta y la capacidad de los mismos, con los informes de la facultad o escuela correspondiente.

En cada caso darán aviso a la Secretaría de Educación Pública y extenderán al interesado una credencial en que se precise el tiempo en que gozará de tal autorización. Al concluir dicho término quedará automáticamente anulada esta credencial. En casos especiales podrá el interesado obtener permiso del Secretario de Educación Pública para prorrogar la autorización, por el tiempo que fije dicho funcionario.

**ARTICULO 31.-** Para trabajos no comprendidos en los aranceles, el profesionista deberá celebrar contrato con su cliente a fin de estipular los honorarios y las obligaciones mutuas de las partes.

**ARTICULO 32.-** Cuando no se hubiere celebrado contrato a pesar de lo dispuesto por el artículo anterior y hubiere conflicto para la fijación y pago de honorarios, se procederá en la forma prescrita por la ley aplicable al caso.

**ARTICULO 33.-** El profesionista está obligado a poner todos sus conocimientos científicos y recursos técnicos al servicio de su cliente, así como al desempeño del trabajo convenido. En caso de urgencia inaplazable los servicios que se requieran al profesionista, se prestarán en cualquiera hora y en el sitio que sean requeridos, siempre que este último no exceda de veinticinco kilómetros de distancia del domicilio del profesionista.

**ARTICULO 34.-** Cuando hubiere inconformidad por parte del cliente respecto al servicio realizado, el asunto se resolverá mediante juicio de peritos, ya en el terreno judicial, ya en privado si así lo convinieren las partes. Los peritos deberán tomar en consideración para emitir su dictamen, las circunstancias siguientes:

I.- Si el profesionista procedió correctamente dentro de los principios científicos y técnica aplicable al caso y generalmente aceptados dentro de la profesión de que se trate;

II.- Si el mismo dispuso de los instrumentos, materiales y recursos de otro orden que debieron emplearse, atendidas las circunstancias del caso y el medio en que se presente el servicio;

III.- Si en el curso del trabajo se tomaron todas las medidas indicadas para obtener buen éxito;

IV.- Si se dedicó el tiempo necesario para desempeñar correctamente el servicio convenido, y

V.- Cualquiera otra circunstancia que en el caso especial pudiera haber influido en la deficiencia o fracaso del servicio prestado.

El procedimiento a que se refiere este artículo se mantendrá en secreto y sólo podrá hacerse pública la resolución cuando sea contraria al profesionista.

**ARTICULO 35.-** Si el laudo arbitral o la resolución judicial en su caso, fueren adversos al profesionista, no tendrá derecho a cobrar honorarios y deberá, además, indemnizar al cliente por los daños y perjuicios que sufre. En caso contrario, el cliente pagará los honorarios correspondientes, los



gastos del juicio o procedimiento convencional y los daños que en su prestigio profesional hubiere causado al profesionista. Estos últimos serán valuados en la propia sentencia o laudo arbitral.

**ARTICULO 36.-** Todo profesionista estará obligado a guardar estrictamente el secreto de los asuntos que se le confíen por sus clientes, salvo los informes que obligatoriamente establezcan las leyes respectivas.

**ARTICULO 37.-** Los profesionistas que ejerzan su profesión en calidad de asalariados, quedan sujetos por lo que a su contrato se refiere, a los preceptos de la Ley Federal del Trabajo y al Estatuto de los Trabajadores al Servicio de los Poderes de la Unión, en su caso.

**ARTICULO 38.-** Los profesionistas podrán prestar sus servicios mediante iguala que fijen libremente con las partes con quienes contraten.

**ARTICULO 39.-** Los profesionistas que desempeñen cargos públicos podrán pertenecer a las organizaciones profesionales sin perjuicio de las obligaciones y derechos que les reconozca el Estatuto de los Trabajadores al Servicio de los Poderes de la Unión, o cualesquiera otras leyes que los comprendan.

**ARTICULO 40.-** Los profesionistas podrán asociarse, para ejercer, ajustándose a las prescripciones de las leyes relativas; pero la responsabilidad en que incurran será siempre individual.

Las sociedades de fines profesionales que tengan a su servicio a profesionistas sujetos a sueldo, están obligados a hacerlos participar en las utilidades.

**ARTICULO 41.-** Las personas que hayan obtenido títulos de alguna de las profesiones a que se refiere el artículo 2º de esta Ley y que sirvan en el Ejército o la Marina Nacional, podrán ejercer civilmente sin perjuicio de sus obligaciones con éstos y ajustándose a las prescripciones de esta Ley.

**ARTICULO 42.-** El anuncio o la publicidad que un profesionista haga de sus actividades no deberá rebasar los conceptos de ética profesional que establezca el Colegio respectivo. En todo caso, el profesionista deberá expresar la institución docente donde hubiere obtenido su título.

**ARTICULO 43.-** Para los efectos a que se contrae la fracción VII del artículo 23 de esta Ley, las autoridades judiciales deberán comunicar oportunamente a la Dirección General de Profesiones las resoluciones que dicten sobre inhabilitación o suspensión en el ejercicio profesional, cuando éstas hubiesen causado ejecutoria.

## CAPITULO VI De los colegios de profesionistas

**ARTICULO 44.-** Todos los profesionales de una misma rama podrán constituir en la Ciudad de México uno o varios colegios, sin que excedan de cinco por cada rama profesional, gobernados por un Consejo compuesto por un presidente, un vicepresidente, dos secretarios propietarios y dos suplentes, un tesorero y un subtesorero, que durarán dos años en el ejercicio de su encargo.

*Artículo reformado DOF 23-12-1974, 19-01-2018*

**ARTICULO 45.-** Para constituir y obtener el registro del Colegio Profesional respectivo, deberán reunirse los siguientes requisitos:

I.- Derogada.

*Fracción derogada DOF 23-12-1974*



**II.-** Que se reúnan los requisitos de los artículos 2670, 2671 y 2673 del Código Civil vigente;

**III.-** Ajustarse a los términos de las demás disposiciones contenidas en el título decimoprimer del Código Civil en lo relativo a los Colegios; y

**IV.-** Para los efectos del registro del Colegio deberán exhibirse los siguientes documentos:

**a).-** Testimonio de la escritura pública de protocolización de acta constitutiva y de los estatutos que rijan, así como una copia simple de ambos documentos;

**b).-** Un directorio de sus miembros; y

**c).-** Nómina de socios que integran el Consejo Directivo.

**ARTICULO 46.-** Los Colegios de Profesionistas constituídos de acuerdo con los requisitos anteriores, tendrán el carácter de personas morales con todos los derechos, obligaciones y atribuciones que señala la ley.

**ARTICULO 47.-** La capacidad de los Colegios para poseer, adquirir y administrar bienes raíces se ajustará a lo que previene el artículo 27 de la Constitución General de la República y sus Leyes Reglamentarias.

**ARTICULO 48.-** Estos colegios serán ajenos a toda actividad de carácter político o religioso, quedándoles prohibido tratar asuntos de tal naturaleza en sus asambleas.

**ARTICULO 49.-** Cada Colegio se dará sus propios estatutos, sin contravenir las disposiciones de la presente Ley.

**ARTICULO 50.-** Los Colegios de Profesionistas tendrán los siguientes propósitos:

**a).-** Vigilancia del ejercicio profesional con objeto de que éste se realice dentro del más alto plano legal y moral;

**b).-** Promover la expedición de leyes, reglamentos y sus reformas, relativos al ejercicio profesional;

**c).-** Auxiliar a la Administración Pública con capacidad para promover lo conducente a la moralización de la misma;

**d).-** Denunciar a la Secretaría de Educación Pública o a las autoridades penales las violaciones a la presente Ley;

**e).-** Proponer los aranceles profesionales;

**f).-** Servir de árbitro en los conflictos entre profesionales o entre éstos y sus clientes, cuando acuerden someterse los mismos a dicho arbitraje;

**g).-** Fomentar la cultura y las relaciones con los colegios similares del país o extranjeros;

**h).-** Prestar la más amplia colaboración al Poder Público como cuerpos consultores;

**i).-** Representar a sus miembros o asociados ante la Dirección General de Profesiones;

**j).-** Formular los estatutos del Colegio depositando un ejemplar en la propia Dirección;



- k).- Colaborar en la elaboración de los planes de estudios profesionales;
- l).- Hacerse representar en los congresos relativos al ejercicio profesional;
- m).- Formar lista de sus miembros por especialidades, para llevar el turno conforme al cual deberá prestarse el servicio social;
- n).- Anotar anualmente los trabajos desempeñados por los profesionistas en el servicio social;
- o).- Formar listas de peritos profesionales, por especialidades, que serán las únicas que sirvan oficialmente;
- p).- Velar porque los puestos públicos en que se requieran conocimientos propios de determinada profesión estén desempeñados por los técnicos respectivos con título legalmente expedido y debidamente registrado;
- q).- Expulsar de su seno, por el voto de dos terceras partes de sus miembros, a los que ejecuten actos que desprestigien o deshonren a la profesión. Será requisito en todo caso el oír al interesado y darle plena oportunidad de rendir las pruebas que estime conveniente, en la forma que lo determinen los estatutos o reglamentos del Colegio.
- r).- Establecer y aplicar sanciones contra los profesionistas que faltaren al cumplimiento de sus deberes profesionales, siempre que no se trate de actos y omisiones que deban sancionarse por las autoridades; y
- s).- Gestionar el registro de los títulos de sus componentes.

**ARTICULO 51.-** Los profesionistas asalariados que pertenezcan a los Colegios, no están obligados a cubrir las cuotas que fijen éstos, sino hasta que vuelvan al libre ejercicio profesional.

## **CAPITULO VII**

### **Del servicio social de estudiantes y profesionistas**

**ARTICULO 52.-** Todos los estudiantes de las profesiones a que se refiere esta Ley, así como los profesionistas no mayores de 60 años, o impedidos por enfermedad grave, ejerzan o no, deberán prestar el servicio social en los términos de esta Ley.

**ARTICULO 53.-** Se entiende por servicio social el trabajo de carácter temporal y mediante retribución que ejecuten y presten los profesionistas y estudiantes en interés de la sociedad y el Estado.

**ARTICULO 54.-** Los Colegios de Profesionistas con el consentimiento expreso de cada asociado, expresarán a la Dirección General de Profesiones la forma como prestarán el servicio social.

**ARTICULO 55.-** Los planes de preparación profesional, según la naturaleza de la profesión y de las necesidades sociales que se trate de satisfacer, exigirán a los estudiantes de las profesiones a que se refiere esta Ley, como requisito previo para otorgarles el título, que presten servicio social durante el tiempo no menor de seis meses ni mayor de dos años.

No se computará en el término anterior el tiempo que por enfermedad u otra causa grave, el estudiante permanezca fuera del lugar en que deba prestar el servicio social.



**ARTICULO 56.-** Los profesionistas prestarán por riguroso turno, a través del Colegio respectivo, servicio social consistente en la resolución de consultas, ejecución de trabajos y aportación de datos obtenidos como resultado de sus investigaciones o del ejercicio profesional.

**ARTICULO 57.-** Los profesionistas están obligados a servir como auxiliares de las Instituciones de Investigación Científica, proporcionando los datos o informes que éstas soliciten.

**ARTICULO 58.-** Los profesionistas están obligados a rendir, cada tres años, al Colegio respectivo, un informe sobre los datos más importantes de su experiencia profesional o de su investigación durante el mismo período, con expresión de los resultados obtenidos.

**ARTICULO 59.-** Cuando el servicio social absorba totalmente las actividades del estudiante o del profesionista, la remuneración respectiva deberá ser suficiente para satisfacer decorosamente sus necesidades.

**ARTICULO 60.-** En circunstancias de peligro nacional, derivado de conflictos internacionales o calamidades públicas, todos los profesionistas, estén o no en ejercicio, quedarán a disposición del Gobierno Federal para que éste utilice sus servicios cuando así lo dispongan las leyes de emergencia respectivas.

## CAPITULO VIII

### De los delitos e infracciones de los profesionistas y de las sanciones por incumplimiento a esta Ley

**ARTICULO 61.-** Los delitos que cometan los profesionistas en el ejercicio de la profesión, serán castigados por las autoridades competentes con arreglo al Código Penal.

**ARTICULO 62.-** El hecho de que alguna persona se atribuya el carácter de profesionista sin tener título legal o ejerza los actos propios de la profesión, se castigará con la sanción que establece el artículo 250 del Código Penal vigente, a excepción de los gestores señalados en el artículo 26 de esta Ley.

**ARTICULO 63.-** Al que ofrezca públicamente sus servicios como profesionista, sin serlo, se le castigará con la misma sanción que establece el artículo anterior.

**ARTICULO 64.-** Se sancionará con multa de cincuenta pesos por primera vez y duplicándose en cada caso de reincidencia, al que contravenga lo dispuesto en la parte final del artículo 33 de esta Ley.

La Dirección General de Profesiones, previa comprobación de la infracción, impondrá la multa de referencia sin perjuicio de las sanciones penales en que hubiere incurrido.

**ARTICULO 65.-** A la persona que desarrolle actividad profesional cuyo ejercicio requiera título, sin haber registrado éste, se le aplicará la primera vez una multa de quinientos pesos y en los casos sucesivos se aumentará ésta, sin que pueda ser mayor de cinco mil pesos.

Las sanciones que este artículo señala serán impuestas por la Dirección General de Profesiones, dependiente de la Secretaría de Educación Pública, previa audiencia al infractor. Para la aplicación de las sanciones se tomarán en cuenta las circunstancias en que la infracción fue cometida, la gravedad de la misma y la condición del infractor.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 66.-** La violación del artículo 52 será sancionada con la cancelación de registro del Colegio de Profesionistas que la haya cometido, y con multa hasta de cincuenta pesos que se aplicará a



cada uno de los miembros del Colegio, asistentes a la junta, en la que se haya contravenido la prohibición contenida en el citado precepto.

**ARTICULO 67.-** La Dirección General de Profesiones, a solicitud y previa audiencia de parte interesada, en sus respectivos casos cancelará las inscripciones de títulos profesionales, instituciones educativas, colegios de profesionistas o demás actos que deban registrarse, por las causas siguientes:

I.- Error o falsedad en los documentos inscritos;

II.- Expedición del título sin los requisitos que establece la ley;

III.- Resolución de autoridad competente;

IV.- Desaparición de la institución educativa facultada para expedir títulos profesionales o grados académicos equivalentes; revocación de la autorización o retiro de reconocimiento oficial de estudios. La cancelación no afectará la validez de los títulos o grados otorgados con anterioridad;

V.- Disolución del colegio de profesionistas; y

VI.- Las demás que establezcan las leyes o reglamentos.

La cancelación del registro de un título o autorización para ejercer una profesión, producirá efectos de revocación de la cédula o de la autorización.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 68.-** La persona que ejerza alguna profesión que requiera título para su ejercicio, sin la correspondiente cédula o autorización, no tendrá derecho a cobrar honorarios.

*Artículo reformado DOF 02-01-1974*

**ARTICULO 69.-** Se exceptúan de las sanciones previstas en este capítulo a las personas que sin tener título profesional, ejerzan actividades que requieran el mismo, siempre que hayan sido autorizadas por la Dirección General de profesiones en los casos a que se refiere esta Ley.

**ARTICULO 70.-** Queda prohibido a los profesionistas el empleo del término "Colegio", fuera de las agrupaciones expresamente autorizadas par esta Ley. La infracción de esta disposición será castigada con multa hasta de mil pesos.

**ARTICULO 71.-** Los profesionistas será civilmente responsables de las contravenciones que cometan en el desempeño de trabajos profesionales, los auxiliares o empleados que estén bajo su inmediata dependencia y dirección, siempre que no hubieran dado las instrucciones adecuadas o sus instrucciones hubieren sido la causa del daño.

**ARTICULO 72.-** No se sancionará a las personas que ejerzan en asuntos propios y en el caso previsto por el artículo 20 constitucional, fracción IX.

Tampoco se aplicará sanción a los dirigentes de los Sindicatos cuando ejerciten actividades de índole profesional dentro de los términos prevenidos por la Ley Federal del Trabajo ni a los gestores a que se refiere el artículo 26 de esta Ley.

Se exceptúan también de las sanciones que impone este capítulo a las demás personas exceptuadas por la Ley Federal del Trabajo de poseer título, no obstante ejerzan actividades de índole profesional, limitándose esta excepción exclusivamente a la materia de derecho industrial.



**ARTICULO 73.-** Se concede acción popular para denunciar a quien, sin título o autorización legalmente expedidos, ejerza alguna de las profesiones que requieran título y cédula para su ejercicio.

*Artículo reformado DOF 02-01-1974*

### TRANSITORIOS:

**ARTICULO 1º.-** Esta Ley entrará en vigor al día siguiente de su publicación en el "Diario Oficial" de la Federación.

**ARTICULO 2º.-** Esta Ley deroga todas las leyes y disposiciones de carácter general que se le opongan. No deroga las disposiciones especiales contenidas en leyes de carácter federal, ni la Ley en favor de los Veteranos de la Revolución como servidores del Estado.

**ARTICULO 3º.-** Cuando no existiere el número de profesionistas adecuado para las necesidades sociales por tratarse de una profesión nueva o no estar comprendida en los planes de estudios, o no existir el número de profesionistas adecuado para la satisfacción de las necesidades sociales, la Dirección General de Profesiones, oyendo el parecer del Colegio de Profesionistas respectivo, podrá autorizar temporalmente el ejercicio de una profesión a personas no tituladas capaces o a técnicos extranjeros titulados, entre tanto se organizan los planteles correspondientes y se estimula la formación de técnicos mexicanos.

**ARTICULO 4º.-** Todos los planteles de enseñanza profesional están obligados a remitir a la Dirección General de Profesiones en un término de noventa días una lista completa de los títulos profesionales que hubiere expedido durante los últimos veinticinco años.

**ARTICULO 5º.-** Se concede a los planteles de enseñanza preparatoria y profesional existentes en el Distrito y Territorios Federales, un plazo de seis meses para obtener su registro en la Dirección General de Profesiones.

**ARTICULO 6º.-** Los títulos profesionales que con anterioridad a esta Ley hubieren sido legalmente expedidos, surtirán todos sus efectos; pero para que sus poseedores puedan ejercer conforme a esta Ley, deberán registrarlos en el término de un año en la Dirección General de Profesiones.

**ARTICULO 7º.-** Cuando los profesionistas con título expedido por autoridad competente no puedan acompañar al entrar en vigor esta Ley, las constancias que exige para el registro por causa de destrucción o desaparición fehaciente comprobada, de los archivos donde existen las mencionadas constancias, deberán registrar el título respectivo mediante las siguientes condiciones:

- a).- Información testimonial para acreditar que se hicieron los estudios preparatorios y profesionales;
- b).- Ley o decreto que haya creado o reconocido la Universidad, Facultad o Escuela donde se hicieron los estudios a que se contrae el inciso anterior; y
- c).- Si la destrucción o la desaparición de los archivos fué posterior a la clausura de la Universidad, Facultad o Escuela, ley o decreto, que haya ordenado dicha clausura.

**ARTICULO 8º.-** Para los efectos del artículo anterior, se presumen legales, salvo prueba en contrario, los títulos profesionales expedidos por las autoridades en donde existan o hayan existido planteles de preparación legalmente establecidos.

**ARTICULO 9º.-** Se presumen ilegales los títulos profesionales que hubieren sido expedidos por autoridades donde no hubieren existido, en la fecha de su expedición, planteles de preparación profesional.



La única prueba capaz de destruir esta presunción será la que acredite que el interesado hizo los estudios preparatorios y profesionales correspondientes a su carrera, en planteles debidamente autorizados de cualquier lugar de la República.

**ARTICULO 10.-** Son nulos de pleno derecho los títulos profesionales que hubieren sido expedidos por autoridades en ejercicio de facultades extraordinarias o como consecuencia de una ley privativa.

**ARTICULO 11.-** Se reconoce la validez de los títulos profesionales expedidos hasta la fecha de esta Ley por las autoridades o instituciones mexicanas particulares, cuando dichos títulos carezcan de alguno de los requisitos fijados por esta misma Ley, siempre que medie cualquiera de estas circunstancias:

a).- Que se haya hecho el registro de títulos ante las autoridades facultadas para ello, o

b).- Las personas que durante los diez últimos años hayan ejercido la profesión no teniendo título, o poseyendo uno que no llene los requisitos de esta Ley, tendrán un plazo de cinco años a contar de la fecha de su expedición, para regularizar su situación conforme a ella.

**ARTICULO 12.-** A los mexicanos por nacimiento que actualmente ejercen con título obtenido en el extranjero, se les concede un plazo de tres años para satisfacer las condiciones que exige la presente Ley.

**ARTICULO 13.-** Los extranjeros que hayan ejercido en el país durante los últimos cinco años y hubieren registrado su título ante autoridad competente, podrán ejercer de acuerdo con las prescripciones de esta Ley. Los que no hubieren revalidado y registrado su título, si tienen el carácter de inmigrados de acuerdo con la Ley General de Población, podrán registrarse dentro del año siguiente a la publicación de esta Ley.

El permiso temporal a que se refiere el artículo 16 de esta Ley, subsistirá aun cuando el interesado se naturalice mexicano.

**ARTICULO 14.-** La Dirección General de Profesiones, de acuerdo con la reglamentación que se hiciere, podrá autorizar para los cargos públicos que exigen la posesión de un título profesional, a personas que no lo posean, siempre que no hubiere profesionistas para desempeñarlos conforme a las disposiciones relativas del Servicio Social o de manera voluntaria.

**ARTICULO 15.-** Las personas que actualmente desempeñen alguna actividad profesional en empresas privadas o en cargos públicos, continuarán desempeñándolos. En caso de vacante deberá satisfacerse con un profesionista titulado.

Las empresas particulares deberán enviar a la Dirección General de Profesiones, en el término de un año contado a partir de la fecha de la promulgación de esta Ley, una relación de los profesionistas a que se refiere este artículo.

**ARTICULO 16.-** La Secretaría de Educación Pública procederá a organizar la Dirección General de Profesiones en el término de seis meses, a contar de la fecha de la vigencia de esta Ley.

**ARTICULO 17.-** Los estudios preparatorios y profesionales que se hubieren hecho con anterioridad a esta Ley, con estricta sujeción a las leyes de Instrucción Pública y de preparación profesional, serán válidos pero para que el interesado pueda obtener el título respectivo, deberá satisfacer los requisitos que establece esta Ley.



**ARTICULO 18.-** Las personas que comprueben haber hecho estudios completos preparatorios y profesionales conforme a las disposiciones vigentes en la época en que se hicieron dichos estudios, y, además, acrediten haber practicado constantemente la profesión, tendrán derecho a presentar examen profesional y a que se les expida el título correspondiente, sin necesidad de hacer estudios diversos de los exigidos en aquellas personas dentro de los dos años siguientes a la expedición de esta Ley.

**ARTICULO 19.-** El profesionista, en todo tiempo puede obtener el registro de su título, el trámite y la obtención de su cédula o Patente de Ejercicio, por sí o por medio del Colegio respectivo.

**ARTICULO 20.-** Para la constitución de los Colegios de Profesionistas de cada rama, la Dirección General de Profesiones procederá a nombrar una comisión de profesionistas en cada rama que se encargue de hacerlo.

**ARTICULO 21.-** (Se deroga).

*Artículo derogado DOF 22-12-1993*

**ARTICULO 22.-** Todos los plazos que se conceden en los anteriores artículos, se contarán a partir de la fecha en que entre en vigor la Ley.

**Miguel Moreno Padilla, D. P.- Eugenio Prado, S. P.- Eliseo Aragón Rebolledo, D. S.- Dionisio García Leal, S. S.- Rúbricas".**

En cumplimiento de lo dispuesto por la fracción I del artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido la presente Ley en la residencia del Poder Ejecutivo Federal, a los treinta días del mes de diciembre de mil novecientos cuarenta y cuatro.- **Manuel Avila Camacho.-** Rúbrica.- El Secretario de Estado y del Despacho de Gobernación, **Miguel Alemán.-** Rúbrica.- El Secretario de Estado y del Despacho de Educación Pública, **Jaime Torres Bodet.-** Rúbrica.- El Secretario de Estado y del Despacho de Salubridad y Asistencia, **Gustavo Baz.-** Rúbrica.- El Jefe del Departamento del Distrito Federal, **Javier Rojo Gómez.-** Rúbrica.- El Oficial Mayor de Relaciones Exteriores, Encargado del Despacho, **Pablo Campos Ortiz.-** Rúbricas.



## ARTÍCULOS TRANSITORIOS DE DECRETOS DE REFORMA

### DECRETO que reforma la Ley Reglamentaria de los Artículos 4o. y 5o. Constitucionales, relativos al ejercicio de las profesiones en el Distrito y Territorios Federales:

Publicado en el Diario Oficial de la Federación el 2 de enero de 1974

**ARTICULO UNICO.-** Se **reforma** el rubro del Capítulo I y los artículos 1o., 2o., 3o., 8o., 9o., 10, 13, 65, 67, 68 y 73 de la Ley Reglamentaria de los artículos 4o. y 5o. constitucionales, relativos al ejercicio de las profesiones en el Distrito y Territorios Federales, para quedar como sigue:

.....

### ARTICULOS TRANSITORIOS

**PRIMERO.-** El presente decreto entrará en vigor a los quince días siguientes al de la fecha de su publicación en el "Diario Oficial" de la Federación.

**SEGUNDO.-** En tanto se expidan las leyes a que se refiere el artículo 2o. reformado, las profesiones que en sus diversas ramas necesitan título para su ejercicio son las siguientes:

Actuario  
Arquitecto  
Bacteriólogo  
Biólogo  
Cirujano dentista  
Contador  
Corredor  
Enfermera  
Enfermera y partera  
Ingeniero  
Licenciado en Derecho  
Licenciado en Economía  
Marino  
Médico.  
Médico Veterinario.  
Metalúrgico.  
Notario.  
Piloto aviador.  
Profesor de educación preescolar.  
Profesor de educación primaria.  
Profesor de Educación secundaria.  
Químico.  
Trabajador social.

México, D. F., a 29 de diciembre de 1973.- **Rafael Hernández Ochoa**, D. P.- **Vicente Juárez Carro**, S. P.- **J. Armando Gaytán Gudiño**, D. S.- **Juan Sabines Gutiérrez**, S. S.- Rúbricas".

En cumplimiento de lo dispuesto por la fracción I del artículo 89 de la Constitución Política de los Estados Unidos Mexicanos y para su debida publicación y observancia, expido el presente Decreto en la residencia del Poder Ejecutivo Federal, en la ciudad de México, Distrito Federal, a los treinta y un días del mes de diciembre de mil novecientos setenta y tres.- **Luis Echeverría Alvarez**.- Rúbrica.- El Secretario



**LEY REGLAMENTARIA DEL ARTÍCULO 5o. CONSTITUCIONAL, RELATIVO AL EJERCICIO DE LAS PROFESIONES EN LA CIUDAD DE MÉXICO**

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CÁMARA DE DIPUTADOS DEL H. CONGRESO DE LA UNIÓN  
Secretaría General  
Secretaría de Servicios Parlamentarios

*Última Reforma DOF 19-01-2018*

de Educación Pública, **Víctor Bravo Ahuja**.- Rúbrica.- El Secretario de Gobernación, **Mario Moya Palencia**.- Rúbrica.



**DECRETO por el que se reforman diversas leyes para concordarlas con el Decreto que reformó el artículo 43 y demás relativos, de la Constitución Política de los Estados Unidos Mexicanos.**

Publicado en el Diario Oficial de la Federación el 23 de diciembre de 1974

**ARTICULO DECIMOPRIMERO.-** Se **reforman** el nombre de la Ley Reglamentaria de los artículos 4o. y 5o. Constitucionales, relativos al ejercicio de las profesiones en el Distrito y Territorios Federales, artículo 7o.; el Rubro de la Sección I del Capítulo III de la Ley; los artículos 13, fracción II; 15; 16; 25; 44, y se **deroga** el segundo párrafo de la fracción I del artículo 45, para quedar como sigue:

.....

**TRANSITORIO**

**ARTICULO UNICO.-** El presente Decreto entrará en vigor noventa días después de su publicación en el "Diario Oficial" de la Federación.

México, D. F., a 20 de diciembre de 1974.- "AÑO DE LA REPUBLICA FEDERAL Y DEL SENADO".- **Francisco Luna Kan**, S. P.- **Píndaro Uriostegui Miranda**, D. P.- **Carlos Pérez Cámara**, S. S.- **Carlos A. Madrazo Pintado**, D. S.- Rúbricas.

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos y para su debida publicación y observancia, expido el presente Decreto en la residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a los veintiún días del mes de diciembre de mil novecientos setenta y cuatro.- "Año de la República Federal y del Senado".- **Luis Echeverría Alvarez**.- Rúbrica.- El Secretario de Gobernación, **Mario Moya Palencia**.- Rúbrica.



## DECRETO que reforma, adiciona y deroga disposiciones de diversas leyes relacionadas con el Tratado de Libre Comercio de América del Norte.

Publicado en el Diario Oficial de la Federación el 22 de diciembre de 1993

**ARTICULO QUINTO.-** Se **reforman** los Artículos 15; 17 primer párrafo y 25 primer párrafo y fracción I; y se **derogan** los Artículos 16; 18; 19 y 20; así como el transitorio 21 de la Ley Reglamentaria del Artículo 5o. Constitucional, relativo al Ejercicio de las Profesiones en el Distrito Federal, para quedar como sigue:

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### TRANSITORIOS

**PRIMERO.-** El presente Decreto entrará en vigor el 1o. de enero de 1994.

**SEGUNDO.-** La reforma al inciso (b) de la fracción I del Artículo 52 del Código Fiscal de la Federación, entrará en vigor el 1o. de enero de 1996.

**TERCERO.-** La reforma al Artículo 10 de la Ley de Expropiación, se aplicará a las expropiaciones que se realicen a partir de la entrada en vigor del presente Decreto.

**CUARTO.-** La ampliación del plazo de protección de los derechos de propiedad intelectual a que se refiere la fracción I del Artículo 23 de la Ley Federal de Derechos de Autor que se reforma, será aplicable a aquellos derechos que no hayan ingresado al régimen de dominio público a la fecha en que el presente Decreto entre en vigor.

México, D.F., a 14 de diciembre de 1993.- Dip. **Cauhtémoc López Sánchez**, Presidente.- Sen. **Eduardo Robledo Rincón**, Presidente.- Dip. **Juan Adrián Ramírez García**, Secretario.- Sen. **Israel Soberanis Noguera**, Secretario.- Rúbricas".

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a los quince días del mes de diciembre de mil novecientos noventa y tres.- **Carlos Salinas de Gortari**.- Rúbrica.- El Secretario de Gobernación, **José Patrocinio González Blanco Garrido**.- Rúbrica.



**DECRETO por el que se reforman y adicionan diversas disposiciones del Código Penal Federal; del Código Federal de Procedimientos Penales; de la Ley para la Protección de los Derechos de Niñas, Niños y Adolescentes; de la Ley General de Educación; de la Ley de Asociaciones Religiosas y Culto Público; de la Ley Federal de Protección al Consumidor y de la Ley Reglamentaria del Artículo 5 Constitucional relativo al ejercicio de las profesiones en el Distrito Federal.**

Publicado en el Diario Oficial de la Federación el 19 de agosto de 2010

**ARTÍCULO SÉPTIMO.-** Se adiciona la fracción XIV, recorriéndose la actual fracción XIV para ser fracción XV al artículo 23 de la Ley Reglamentaria del Artículo 5o. Constitucional, relativo al ejercicio de las profesiones en el Distrito Federal, para quedar como sigue:

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### TRANSITORIO

**Primero.-** El presente Decreto entrará en vigor al día siguiente de su publicación en el Diario Oficial de la Federación.

**Segundo.-** Las acciones que, en su caso, deba realizar la Secretaría de Educación Pública para dar cumplimiento a lo dispuesto por el presente Decreto, deberán cubrirse en función de los ingresos disponibles conforme a la Ley de Ingresos de la Federación y sujetarse a la disponibilidad presupuestaria que se apruebe para dichos fines en el Presupuesto de Egresos de la Federación y las disposiciones de la Ley Federal de Presupuesto y Responsabilidad Hacendaria.

México, D.F., a 29 de abril de 2010.- Dip. **Francisco Javier Ramírez Acuña**, Presidente.- Sen. **Carlos Navarrete Ruiz**, Presidente.- Dip. **Jaime Arturo Vázquez Aguilar**, Secretario.- Sen. **Renán Cleominio Zoreda Novelo**, Secretario.- Rúbricas."

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a dieciséis de agosto de dos mil diez.- **Felipe de Jesús Calderón Hinojosa**.- Rúbrica.- El Secretario de Gobernación, **José Francisco Blake Mora**.- Rúbrica.



**DECRETO por el que se reforman diversas disposiciones de la Ley Reglamentaria del Artículo 5o. Constitucional relativo al ejercicio de las profesiones en el Distrito Federal, la Ley del Sistema Nacional de Información Estadística y Geográfica, la Ley General para Prevenir y Sancionar los Delitos en Materia de Secuestro, Reglamentaria de la fracción XXI del Artículo 73 de la Constitución Política de los Estados Unidos Mexicanos, la Ley General para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos, la Ley General en Materia de Delitos Electorales, la Ley General del Sistema de Medios de Impugnación en Materia Electoral, la Ley General de Educación, la Ley General del Servicio Profesional Docente, la Ley General de la Infraestructura Física Educativa, la Ley General de Bibliotecas, la Ley General de Contabilidad Gubernamental, la Ley General del Equilibrio Ecológico y la Protección al Ambiente, la Ley General de Desarrollo Forestal Sustentable, la Ley General de Vida Silvestre, la Ley General para la Prevención y Gestión Integral de los Residuos, la Ley General de Cambio Climático, la Ley General de Pesca y Acuacultura Sustentables, la Ley General de Bienes Nacionales, la Ley General de Protección Civil, la Ley General de Cultura Física y Deporte, la Ley General de Sociedades Cooperativas, la Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas, la Ley de Fomento para la Lectura y el Libro, y la Ley Federal de Archivos, en Materia de Reconocimiento de la Ciudad de México como entidad federativa, sustitución del nombre de Distrito Federal y definición, en su caso, de las facultades concurrentes para las demarcaciones territoriales.**

Publicado en el Diario Oficial de la Federación el 19 de enero de 2018

**Artículo Primero.-** Se reforma la denominación de la Ley y el de las secciones I y II del Capítulo III, y se reforman los artículos 7o.; 13, primer párrafo y fracción II; 14; 15; 25, primer párrafo; y 44 de la Ley Reglamentaria del Artículo 5o. Constitucional relativo al ejercicio de las profesiones en el Distrito Federal, para quedar como sigue:

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### **Transitorio**

**Único.-** El presente Decreto entrará en vigor al día siguiente de su publicación en el Diario Oficial de la Federación.

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Ciudad de México, a 23 de noviembre de 2017.- Dip. **Jorge Carlos Ramírez Marín**, Presidente.- Sen. **Ernesto Cordero Arroyo**, Presidente.- Dip. **Andrés Fernández del Valle Laisequilla**, Secretario.- Sen. **Juan G. Flores Ramírez**, Secretario.- Rúbricas."

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, a ocho de enero de dos mil dieciocho.- **Enrique Peña Nieto**.- Rúbrica.- El Secretario de Gobernación, **Miguel Ángel Osorio Chong**.- Rúbrica.