



## **Factores que inciden en el cumplimiento fiscal de las sociedades cooperativas pesqueras**

*Factors that Affect the Tax Compliance of Cooperative Fishing Societies*

*Fatores que afetam a conformidade fiscal das sociedades cooperativas de  
pesca*

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### **Resumen**

El objetivo de esta investigación es conocer las percepciones de los contadores, responsables del cumplimiento fiscal de las sociedades cooperativas de pesca respecto de los factores relacionados con la complejidad y el entendimiento de las normas tributarias, así como el uso de tecnologías que estas sociedades aplican. La problemática que se suscita para cumplir con las obligaciones fiscales del Impuesto Sobre la Renta (ISR) se debe a que la legislación vigente señala tres formas de tributación que se encuentran en normatividades dispersas: la Ley del Impuesto Sobre la Renta (LISR), la Resolución Miscelánea Fiscal y la Resolución de Facilidades Administrativas,



ocasionando de esa forma que estas normas sean complejas en su aplicación y entendimiento para los contadores.

Este estudio tuvo un enfoque cualitativo no experimental y transversal. Las técnicas de investigación fueron: análisis de contenido de las disposiciones fiscales, la observación y la entrevista estructurada. La población estuvo conformada por seis contadores encargados del cumplimiento fiscal de las sociedades cooperativas de producción pesquera de San Felipe y de Río Lagartos, ubicadas en Yucatán. Las preguntas se enfocaron a recabar las percepciones de los contadores respecto a si conocen y/o aplican las disposiciones fiscales relativas a la determinación del impuesto (ingresos exentos, reducción del impuesto, entre otros); si calculan el ISR en forma directa o a través de sus integrantes; cuáles son los diferentes regímenes fiscales en que pueden tributar estas sociedades; los estímulos fiscales que las favorecen; así como las facilidades administrativas otorgadas a este sector y las contenidas en la resolución de carácter general. Adicionalmente, se les cuestionó si consideran que las normas fiscales aplicables a las sociedades cooperativas de pesca son complejas y de difícil entendimiento y cuáles consideran que sean las consecuencias del uso de la tecnología en el cumplimiento fiscal.

Los principales resultados obtenidos en esta investigación respecto del grado de conocimiento y la aplicación de las normas fiscales por parte de los contadores que se encargan del cumplimiento de las obligaciones fiscales de las cooperativas analizadas son: el 100% de los contadores entrevistados manifestó conocer y aplicar las disposiciones fiscales relativas a los ingresos exentos, las facilidades administrativas y la determinación del Impuesto Sobre la Renta como persona moral. En este mismo porcentaje, los entrevistados manifestaron conocer cuáles son las erogaciones parcialmente deducibles/acreditables pero solo el 66.67% las aplica; también el 100% manifestó conocer el concepto de anticipo a cuenta de rendimientos y la resolución de carácter general pero solo el 83.33% de ellos los aplica.

En función de los resultados hallados se concluyó que la complejidad y el entendimiento de la normatividad tributaria sí son factores que afectan negativamente para el adecuado cumplimiento fiscal de las cooperativas pesqueras; en cambio, el factor uso de tecnología afecta positivamente el cumplimiento fiscal de las mencionadas cooperativas.



**Palabras clave:** complejidad y entendimiento tributario, cooperativas pesqueras, cumplimiento fiscal, Impuesto Sobre la Renta, uso de tecnología.

## **Abstract**

The objective of this research is to understand the perceptions of accountants, responsible for the tax compliance of cooperative fishing companies with respect to the factors related to the complexity and understanding of the tax rules, as well as the use of technologies that these societies apply. The problem that arises to comply with the tax obligations of Income Tax (ISR) is that the current legislation indicates three forms of taxation that are found in scattered regulations: Income Tax Law (ISR), Miscellaneous Resolution Fiscal, Resolution of Administrative Facilities, thus causing these rules to be complex in their application and understanding for accountants.

This study had a non-experimental and cross-sectional qualitative approach. The research techniques were: content analysis of tax provisions, observation and structured interview. The population was made up of six accountants in charge of the tax compliance of the cooperative societies of fish production of San Felipe and of River Lagartos, located in Yucatán. The questions focused on collecting the perceptions of accountants regarding whether they know and / or apply the tax provisions related to the determination of the tax (exempt income, tax reduction, among others); if they calculate the Income Tax Law directly or through its members; what are the different tax regimes in which these companies can tax; the fiscal stimulus that favors them; as well as the administrative facilities granted to this sector and those contained in the resolution of a general nature. In addition, they were questioned whether they consider that the fiscal rules applicable to cooperative fishing societies are complex and difficult to understand and which they consider the consequences of using technology in tax compliance.

The main results obtained in this investigation regarding the degree of knowledge and the application of the fiscal rules by the accountants who are in charge of the fulfillment of the



fiscal obligations of the analyzed cooperatives are: 100% of the counters interviewed stated to know and apply the tax provisions relating to exempt income, administrative facilities and the determination of the Income Tax Law as a moral person. In this same percentage, the respondents stated that they were aware of the partially deductible / creditable expenses, but only 66.67% applied them, and 100% stated that they knew the concept of advance payments and the General Resolution, but only 83.33% of them apply.

Based on the results found, it was concluded that the complexity and understanding of tax regulations are factors that negatively affect the proper tax compliance of fishing cooperatives, while the use of technology, positively affects the tax compliance of the aforementioned cooperatives.

**Keywords:** tax complexity and understanding, fishing cooperatives, tax compliance, Income Tax Law, use of technology.

## Resumo

O objetivo desta pesquisa é conhecer as percepções dos contadores, responsáveis pela conformidade fiscal das sociedades cooperativas de pesca em relação aos fatores relacionados à complexidade e compreensão das regulamentações tributárias, bem como ao uso de tecnologias que essas sociedades aplicam. O problema que surge para cumprir as obrigações tributárias do imposto de renda (ISR) é porque a legislação atual aponta para três formas de tributação encontradas em regulamentos dispersos: a Lei do imposto sobre o rendimento (LISR), a Resolução Fiscal Diversa e a Resolução de Instalações Administrativas, fazendo com que esses padrões sejam complexos em sua aplicação e entendimento para contadores.

Este estudo teve uma abordagem qualitativa não experimental e transversal. As técnicas de pesquisa foram: análise de conteúdo de provisões fiscais, observação e entrevista estruturada. A população era composta por seis contabilistas responsáveis pelo cumprimento fiscal das cooperativas de produção de pesca de San Felipe e Río Lagartos, localizadas no Yucatán. As perguntas foram focadas em coleccionar as percepções dos contadores sobre se eles conhecem e / ou aplicam as provisões fiscais relacionadas à determinação de imposto (renda isenta,



redução de impostos, entre outros); se eles calcularem ISR diretamente ou através de seus membros; Quais são os diferentes regimes fiscais nos quais essas empresas podem ser tributadas? os estímulos fiscais que os favorecem; bem como as instalações administrativas concedidas a este setor e as contidas na resolução de natureza geral. Além disso, foram perguntados se eles consideram que as normas fiscais aplicáveis às sociedades cooperativas de pesca são complexas e difíceis de entender e que consideram ser as conseqüências do uso da tecnologia na conformidade fiscal.

Os principais resultados obtidos nesta investigação sobre o grau de conhecimento e a aplicação de regulamentos fiscais pelos contabilistas responsáveis pelo cumprimento das obrigações fiscais das cooperativas analisadas são: 100% dos contadores entrevistados disseram que conhecem e aplicam as disposições fiscais relativas ao rendimento isento, as instalações administrativas e a determinação do imposto de renda como pessoa moral. Nessa mesma porcentagem, os entrevistados afirmaram que eles sabem quais são as despesas parcialmente dedutíveis / credíveis, mas apenas 66,67% as aplicam; também 100% disseram que conhecem o conceito de pagamento antecipado em função dos rendimentos e a resolução de natureza geral, mas apenas 83,33% deles os aplicam.

Com base nos resultados encontrados, concluiu-se que a complexidade e a compreensão das regulamentações fiscais são fatores que afetam negativamente a conformidade fiscal adequada das cooperativas de pesca; Por outro lado, o uso do fator de tecnologia afeta positivamente a conformidade fiscal das cooperativas acima mencionadas.

**Palavras-chave:** complexidade e compreensão fiscal, cooperativas de pesca, conformidade fiscal, imposto de renda, uso de tecnologia.

**Fecha Recepción:** Febrero 2017

**Fecha Aceptación:** Junio 2017



## Introduction

According to the study carried out by the Food and Agriculture Organization of the United Nations (2016) (FAO) on the state of world fisheries and aquaculture in Mexico, fishing and aquaculture are recognized as key activities for the development of the national economy, for obtaining food security, as well as the need for activities in the fishing industry to be developed in accordance with the natural capacity for recovery and availability of this fishing resource. When a group of people decide to associate themselves to carry out these activities, considered in the economy as primary activities, and to work in common by contributing their personal, physical or intellectual work, they are constituted legally as cooperative production societies.

Cooperative production societies are established in accordance with the General Law of Cooperative Societies (2017), which aims to regulate their constitution, organization, monitoring, administration and extinction, as well as the organizations that group such cooperatives. They can be considered as an "autonomous association of persons united voluntarily to meet their economic, social and cultural needs and aspirations in common through a jointly owned, democratically managed enterprise" (International Labor Organization, 2002, p.2). ) and have an essential role in the economy of a country, because, through them, they can generate jobs, provide food, encourage the trade of a population, promote democracy and social inclusion in the community in which develop

These societies have a form of social organization made up of individuals who have common interests and based on the principles of solidarity, self-help and mutual assistance, and whose purpose is the satisfaction of individual and collective needs through the realization of economic activities of production, distribution and consumption of goods and services (Ley General de Sociedades Cooperativas, 2017).

One of the main productive activities of cooperative production societies is fishing. Fisheries and aquaculture are an important source of food, nutrition, income and livelihoods for hundreds of millions of people around the world. In Mexico, Article 17 of the General Law of Fishing and Sustainable Aquaculture recognizes fisheries and aquaculture as key activities for the development of the national economy, for obtaining food security, as well as the need for



activities in the fishing industry is developed in accordance with the natural capacity of recovery and availability of the fishing resource (Valenzuela, 2012).

In 2013, a total of 1185 cooperatives dedicated to fish production and aquaculture existed in the Gulf of Mexico and the Caribbean, of which 224 cooperatives engaged in fish production belonged to the state of Campeche, 109 to the state of Yucatán and 35 to the state of Quintana Roo (Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, 2013).

According to what was published by the FAO, Mexico had a fish production in 2014 of 1 396 205 tons, obtaining the 16th place in world production (United Nations Food and Agriculture Organization, 2016, p.11).

On October 13, 2011, modifications to the Magna Carta were published, which consisted of: an addition to the fourth article of the Political Constitution of the United Mexican States (CPEUM cited by Valenzuela, 2012), which states that: "Every person has right to nutritious, sufficient and quality food. The State will guarantee it "; and article 27 in section XX was added: "The integral and sustainable rural development ... will also have among its aims that the State guarantees sufficient and timely supply of basic foods that the law establishes".

The federal government has granted subsidies and economic support, as it is a priority sector, and for tax purposes it considers them preferential treatment when granting them income exemptions, reductions in the tax rate and administrative facilities in tax compliance.

The problem that arises is that the regulations that regulate the tax compliance of these cooperative fishing production societies are too complex in their understanding and application, since the Income Tax Law (2017) establishes three tax regimes to comply with the obligations correctly. Another problem they face is that the tax provisions are scattered in the legislation, that is, cooperative societies are applied, in addition to the Income Tax Law (LISR) and its regulations, other provisions that are found in miscellaneous general resolutions, and rules established in the resolution of administrative facilities are also applicable, thus making a complex fiscal framework.



The Income Tax Law in effect as of 2014, although the tax treatment of the Income Tax (ISR) calculation for this type of company is similar, had substantial changes, such as, for example, the complexity for the calculation of the limitation of the reduction of the ISR, combined with the obligation to register the accounts by electronic means.

The cooperative societies that are the object of study of this research are located in areas of low marginalization and the level of studies of the partners is relatively low, since the highest percentages correspond to secondary (34.5%), primary (32.7%) and no school study (19.5%). This result is presented in the following table:

**Table 1. Finished formal studies**

		Frecuencia	Porcentaje	Porcentaje válido	Porcentaje acumulado
Válido	Ninguno	22	19.5	19.5	19.5
	Primaria	37	32.7	32.7	52.2
	Secundaria	39	34.5	34.5	86.7
	Preparatoria	13	11.5	11.5	98.2
	Licenciatura	1	.9	.9	99.1
	Maestría	1	.9	.9	100.0
	Total	113	100.0	100.0	

Source: Obtenido de los resultados de las encuestas aplicadas, marzo 2017.

The accumulated percentage of people who have the elementary and secondary school level results in 67.2% of the members of the fishing cooperatives surveyed having received compulsory basic education in accordance with the provisions of article 3 of the Political Constitution of the United States of Mexico.

The managers of these fishing cooperatives lack the knowledge necessary to comply with the tax obligations of the societies they represent, since, as has been observed, most of them only have compulsory basic education. The complexity of the tax rules applicable to these companies and their dispersion in numerous jurisdictions oblige these managers to hire accounting professionals to be responsible for keeping the accounts, as well as compliance with tax obligations.

For the purposes of this investigation, interviews were conducted with the public accountants hired by these managers, finding that these professionals are not timely updated on the changes suffered by the tax provisions applicable to this type of company, as none took an update course





on the scheme fiscal of the cooperative societies of the primary sector in the last two years, which hinders the correct and timely fulfillment of these obligations.

Therefore, it is important to mention that there are several factors that influence fishing cooperatives to comply with their fiscal obligations. For the purposes of this investigation, the following were considered:

1. Complexity and lack of understanding of tax regulations.
2. General perception and complexity about the use of information technologies.

Based on the aforementioned, the objective of this research is to analyze the perceptions regarding the factors of complexity and understanding of tax regulations and the use of technology for fiscal compliance of fishing cooperatives.

According to Sour (2011), in the traditional tax compliance model, the taxpayer decides what part of his income he declares when solving a problem of maximization of the expected utility. The taxpayer faces a commutation between the fiscal savings of underreporting his real income and the risk of being audited and of the imposition of penalties for detected non-compliance. The threat of detection and punishment influences the compliance of individuals. In this sense, the imposition of stricter supervision and greater penalties may negatively affect the taxpayer's willingness to comply, since it may mean that the authorities do not trust taxpayers.

The complexity of the tax function is seen by the taxpayer as a greater opportunity to evade or avoid taxes, which can lead to a reduction in tax compliance since "an excessive complexity of the tax system imposes non-negligible fiscal compliance costs ... plus a greater The complexity of the tax system is associated with higher costs of tax management, which tends to reduce tax compliance "(Panadés, 2012, p.325).

Those who have been engaged in agricultural, livestock, fishing and forestry activities for at least 30 years have had, in terms of Income Tax, tax regimes that have allowed differentiated or special treatments for those who They devote themselves to carrying out other activities. Among these regimes, it is possible to cite the following: special tax bases, simplified entry and exit regime (until 2001), simplified cash flow regime (2002 to 2013); however, as of 2014 there is a new



regime that also implies cash flow, but that has limited benefits compared to the one that existed until 2013 (Gallegos, 2015).

Regarding the relevance of the agricultural sector, Cavazos (2014) mentions that because of the importance of this sector, over time, benefits have been established to be taxed more easily than the rest of the taxpayers.

For Cavazos (2014), the evolution in the form of taxation of the agricultural sector has been as follows:

- Until 1989, small and medium-sized companies in this sector paid their taxes under a system called Special Taxation Bases, which consisted of paying taxes based on a quota established on the number of heads of livestock or birds or hectares sown in exploitation.
- In 1990 this regime was eliminated and the simplified regime (RS) was created, both for individuals and corporations, based on entries and exits, which allowed that, when reinvesting all the resources generated in the enhanced activity, there was no tax base and , therefore, no Income Tax (ISR) payment was generated either; this regime remained until 2001.
- In 2002, the Simplified Regime was included, which was based on cash flow; likewise, it offered the benefits of keeping simplified accounting, applying a reduced rate and in the case of taxpayers with incomes that did not exceed ten million, they could deduct investments as expenses.
- As of 2014, the new Income Tax Law (LISR) includes Chapter VIII of Title II, applicable to natural and legal persons called "Regime of Agricultural, Livestock, Forestry and Fishing Activities", which is similar to the Simplified Regime valid until 2013. This chapter is very brief, it is integrated only by two articles; Other benefits are found in the Resolution of Administrative Facilities.



However, in the explanatory memorandum of the Decree Initiative, which issued the Income Tax Law for the year 2014, the Federal Executive seemed to have forgotten the importance of fiscal stimuli to the agricultural sector under the argument of the improvement in equity in the Mexican Tax System by proposing the following:

In virtue of the foregoing, and since in this Initiative it is proposed to eliminate the simplified regime established in the current Income Tax Law, the Federal Executive in my charge considers it appropriate not to maintain the tax treatment applicable to the primary sector. With this measure a more equal treatment is granted between the primary sector and the general regime and controversies are eradicated based on the argument of a transgression to the principle of tax equity, as well as the distortions generated in the tax system because of that distinction (Cámara de Diputados del H. Congreso de la Unión, 2017: XXXI).

In the process of the evaluation of the initiative by the Executive Branch, according to Cavazos (2014), representative groups of the agricultural sector were heard, and it was decided that the benefits would not be eliminated, but only limited, so as not to generate greater negative effects on the development and strengthening of primary activities. In this way, the primary sector can enjoy benefits; however, in some cases, the application of these is confusing.

In the legislation in force, cooperative production societies can be taxed in three regimes: the Agricultural, Livestock, Forestry and Fishing activities (AGAPES), the general law regime of the legal entities and the tax incentives of the companies. Production Cooperatives.

Production cooperatives pay taxes under the AGAPES regime when they obtain income exclusively from the capture of marine and aquaculture species. For these purposes, it is understood as "exclusively" when they obtain income from the aforementioned activities, without including income from disposals of fixed assets and lands that are owned by them and that are related to their activity. The advantage of this regime is that the tax base is determined based on cash flow, that is, the revenues are accumulated when they are effectively collected



and the authorized deductions are reduced when the considerations are effectively paid (Income Tax Law, 2017).

In this regime the cooperative society can be taxed in two ways: a) as a member (physical or moral person) through the fishing production cooperative society and b) directly.

In the regime that the moral person chooses to determine ISR on behalf of its members, they must:

- Comply with tax obligations in accordance with Section I of Chapter II of Title IV of the LISR, that is, in accordance with the Regime of Business and Professional Activities of Individuals.
- Calculate and complete for each of its members the provisional and annual ISR payments, following the procedure of natural persons with business activity.
- Keep a separate record of income, expenses and investments, of the operations they perform on behalf of each of its members.
- Issue and collect the documentation proving the income and expenses of the operations that on behalf of each of its members.
- Issue a tax receipt to each of its members for the settlements made and will be proof of your income, expenses and investments.

These moral persons comply with their own obligations jointly by their members and receive the ISR that they determine for each of their members jointly in a single declaration.

When the cooperative society taxes directly, it must comply with the obligations of Title II (Of the Moral Persons) but accumulating its income, making its deductions and calculating the provisional payments and annual tax based on cash flow, that is, with the Same terms as natural persons subject to the General Business Activities Regime.

In this regime they have the following advantages:

- a) Up to an income limit they do not pay ISR (exempt income).
- b) Reduction of ISR.



The first is that, if the moral person taxes directly, he will not pay the income tax up to the amount of 20 times of the Unit of Measure of Update (UMA's) for each member, provided that it does not exceed, in its totality, of 200 times the UMA's raised per year; and the second advantage is the reduction of ISR of 30%, provided that the revenues are greater than 20 times the UMA's but lower than 423 times the UMA's, both of which are increased annually. This calculation is complex because administratively the accounting data contemplated in the formula indicated in the Miscellaneous Fiscal Resolution (2017) have to be controlled, and this norm is published with an annual periodicity that can change when indicated by the Tax Administration Service.

Now, if the moral person is taxed through its members, natural persons, and each member has income greater than 20 times of the UMA's of the taxpayer raised per year, without exceeding 423 times of the UMA's of the high taxpayer per year, without total income in the exercise of the company or association exceeding 4230 times of the UMA's raised per year, will be applicable the exemption of income up to the amount of 20 times of the Unit of Measure of Update (UMA's) for each partner provided that it does not exceed, in its entirety, 200 times the UMA's raised per year, for the surplus the tax will be paid reducing by 30%.

In addition to the advantages indicated in the two previous paragraphs, they can choose to deduct minor expenses without fiscal requirements up to the amount of 10% of the income and with an annual cap of \$ 800,000.00 (Administrative Facilities, 2017). The requirements that these disbursements must contain are: that they are in the name of the cooperative society, that they have been paid, that they are registered in the accounts and that the expenditures are accumulated in the fiscal year to be deducted.

Cooperative Fishing Production Societies shall be taxed in the General Regime of the Moral Persons, according to Title II of the LISR, when they do not meet the requirement of exclusivity in fishing activities, that is, they do not comply with the requirement that less 90% of your total income comes from these activities. This situation has as a consequence that the base of the ISR determines both the income and the deductions authorized in an accrued form. This regime does not have the advantages of exempt income, reduction of income tax and administrative facilities.



When Cooperative Fishing Production Societies constituted only by natural persons that can not be taxed under the AGAPES regime and must do so in the general regime of legal persons, they will have the option of calculating the ISR in the fiscal stimulus regime, contemplated in Chapter VII of Title VII of the LISR.

The fiscal stimulus granted by article 194 of the LISR, consists of calculating the ISR that corresponds to them for the activities that they carry out, applying the provisions of the regime of the Physical Persons with Business and Professional Activities.

For the determination of the ISR, the following procedure will be carried out:

- I. Fishery production cooperatives must calculate the taxable income for the year by reducing the deductions authorized for the year from their accumulated income for the year, the PTU paid in the year and the tax losses pending amortization. This taxable profit will be distributed among the members of the cooperatives according to their participation in it.
- II. The cooperative production companies will keep an account called "Taxable Income Account", which will increase with the taxable profit of the exercise and will decrease the amount of the taxable profit paid.

These cooperatives may defer the total tax calculated, until the fiscal year in which they distribute to their partners the taxable profit that corresponds to them; However, once the period of two years has elapsed and if the profits have not been distributed, the corresponding tax must be paid at the moment in which said term has elapsed.

Likewise, Article 194 of the LISR states that cooperative production companies that do not distribute income to their members may only invest those resources in assets that in turn generate more jobs for their cooperative members.

It is important to clarify when the cooperatives are taxed in this regime they will not have exempt income, nor the right to the reduction of the ISR that would give them to pay and they will not have the possibility of receiving the benefits of the resolution of administrative facilities.



In the three tax regimes, cooperative production companies can deliver advance payments on account of the returns to their partners, these being an authorized deduction; In addition, members who receive this perception are treated as an income assimilated to salaries and salaries, being cumulative for purposes of ISR. The Miscellaneous Fiscal Resolution (2017) allows to exempt this income up to the amount of 20 UMAs raised per year by each member of the cooperative that receives the advance on account of the yield.

However, regarding the use of technology, it is necessary to specify that the SAT since 2007 has gradually implemented the electronic means for compliance with fiscal obligations as can be seen in the reforms that have been made in the Federal Tax Code (2017) (CFF), in order to simplify compliance with obligations to taxpayers and to streamline their audit procedures.

Among these reforms, the following can be mentioned:

- Moving from the preparation of invoices manually to what we now know as digital tax receipts (CFDIs).
- Un A large number of procedures that can be carried out online have been made available to taxpayers through the website of the Tax Administration Service (SAT).
- The presentation of tax payments is done digitally.
- In the same way, it has implemented changes that are improving taxpayers' taxation, such as the tax box and electronic accounting.

Because many of the fishing cooperatives were accustomed to carrying out their processes empirically and manually, these changes came to modify several of the administrative and operational processes of this sector, so they had to start adopting technological tools to carry out its operations.

At the beginning, it was necessary to invest in computers, internet hiring and the training of personnel, who for many years had only used a typewriter; However, these same cooperatives began to feel the benefits of this implementation, being able to send invoices for their products from their fishing centers or to be able to make electronic transfers without having to go to the bank offices.



Taxpayers who are in more remote fishing areas went through a process of slower change, since they had to try several satellite internet options and power generation plants.

Fishing Cooperative Societies, being obliged to submit periodic declarations and issue Digital Tax Vouchers over the Internet (CFDI) for the income they obtain, must request their registration before the Federal Taxpayers Registry (RFC) as established in the CFF in its article 27. Derived from the technological changes that the SAT has carried out, the great majority of notices before the RFC can be presented through the website of this institution, which represents a great help to the cooperatives fishing, derived from the fact that many of them are located in retired fishing areas and previously had to travel long distances to be able to present the notices related to the SAT.

As indicated in article 29 of the CFF, fishing cooperatives are obliged to issue digital tax receipts for income they receive and for the deductions they make, complying with the requirements set forth in article 29-A of the CFF.

Undoubtedly, one of the biggest fiscal changes that fishing cooperatives have experienced is the transition from making their invoices for their sales manually to having to do them digitally. This change meant to stop using the typewriter and having to buy a computer and hire the Internet access service; likewise, it meant having to train its staff in the use of the computer, in the electronic invoicing software and in the use of electronic mail for sending the Digital Fiscal Vouchers (CFDIs).

On the other hand, fishing cooperative societies are obliged to keep their accounts in electronic media since 2014, in accordance with Article 28 of the CFF; However, the obligation to send it to these taxpayers began on January 1, 2016, according to the provisions contained in the Fiscal Miscellaneous Resolution for 2014.

The electronic accounting system maintained by the cooperative must be able to generate the following files in XML format:





1. The catalog of accounts and must be sent before the check balance is sent, and each time it is modified.
2. Checking balance, which must be sent in the first three days of the second month after the month corresponding to the accounting information to be sent. However, cooperatives that have opted to submit their interim payments on a semi-annual basis may send their electronic accounting twice a year through six files corresponding to each of the months reported in the first three days of the month of August of the year in question. course and February of the following year.
3. In the case of the balance of verification adjusted at the close of the fiscal year, it must be sent no later than April 20 of the year following the corresponding fiscal year.

Policies and account assistants. They should be sent at the request of the authority.

All of the above is found in article 28 of the CFF (2017) in force for the year 2017 and in regulations 2.8.1.6 and 2.8.1.7 of the Miscellaneous Tax Resolution (2017).

## **Methodology**

The research was carried out under a qualitative, descriptive, non-experimental and transversal approach. The techniques that were applied were: content analysis of legal and fiscal provisions, observation and structured interview.

The information analysis was obtained from an interview guide prepared by the members of the Academic Body of the Legal Area of the Accounting and Administration Faculty of the Autonomous University of Yucatan, and the interviews were conducted from May 11 to 25, 2017 at six accountants responsible for accounting and compliance with the tax obligations of cooperative societies located in:

- Two San Felipe cooperatives. The municipality of San Felipe is located on the northern coast of Yucatán. Its main activity is agriculture and fishing. It has a total population of 1945 inhabitants, of which 739 are the economically active population and the majority (46.14%) are agricultural workers in the primary sector.



- In 2014, the municipality of San Felipe received 28.9 million pesos in gross income, according to the chapter on income collected from taxes, social security contributions, contributions for improvements, rights, products, uses, participations and federal contributions; the major part (18.2 million) came from federal and state contributions (National Institute of Statistics and Geography [INEGI], 2014).
- Two cooperatives of Río Lagartos. Río Lagartos is a coastal town in Yucatán located on the northern coast of the peninsula. Its main activity is agriculture and fishing. The total population is 3502 inhabitants, of which 1187 are the economically active population and the majority (39.93%) are agricultural workers in the primary sector. In 2014, the municipality of Río Lagartos received 21 million pesos in gross income, according to the chapter on income received from taxes, social security contributions, contributions for improvements, rights, products, uses, participations and federal contributions; most (10.8 million) came from federal and state contributions (INEGI, 2014).

These cooperatives belong to the Regional Federation of Fisheries Industry of the Eastern Zone of Yucatan, and, as noted above, the population was six external public accountants responsible for fiscal compliance of cooperative fishing production societies of San Felipe and Rio Lizards

In the interview guide the questions were focused on collecting the accountants' perceptions that if they know and / or apply the provisions related to the reduction of ISR, exempt income, calculation of ISR of the corporate entities directly or through its members, the different tax regimes that can be taxed by cooperative societies, fiscal incentives, administrative facilities and general resolution, as well as if they consider that the fiscal rules applicable to cooperative fishing societies are complex and difficult to understand and the consequences of use of technology in the cooperative operation for tax compliance.

Table 1 "Finished formal studies" shows the results obtained by applying a survey to the members of the production cooperatives, in March 2017. The instrument used is the product of the research carried out by the members of the cooperative. Academic Body of the Legal



Area, whose objective was to analyze and determine the correlation that exists between the informal limitations in the fulfillment of its doctrinal principles.

Being a research with a qualitative approach, the results can not be generalized to other cooperative societies, since it can only have a reference of what happens with the cooperatives involved in this research. Another limitation is the temporality since the study was carried out taking into consideration the obligations imposed by the fiscal laws in effect for the year 2017.

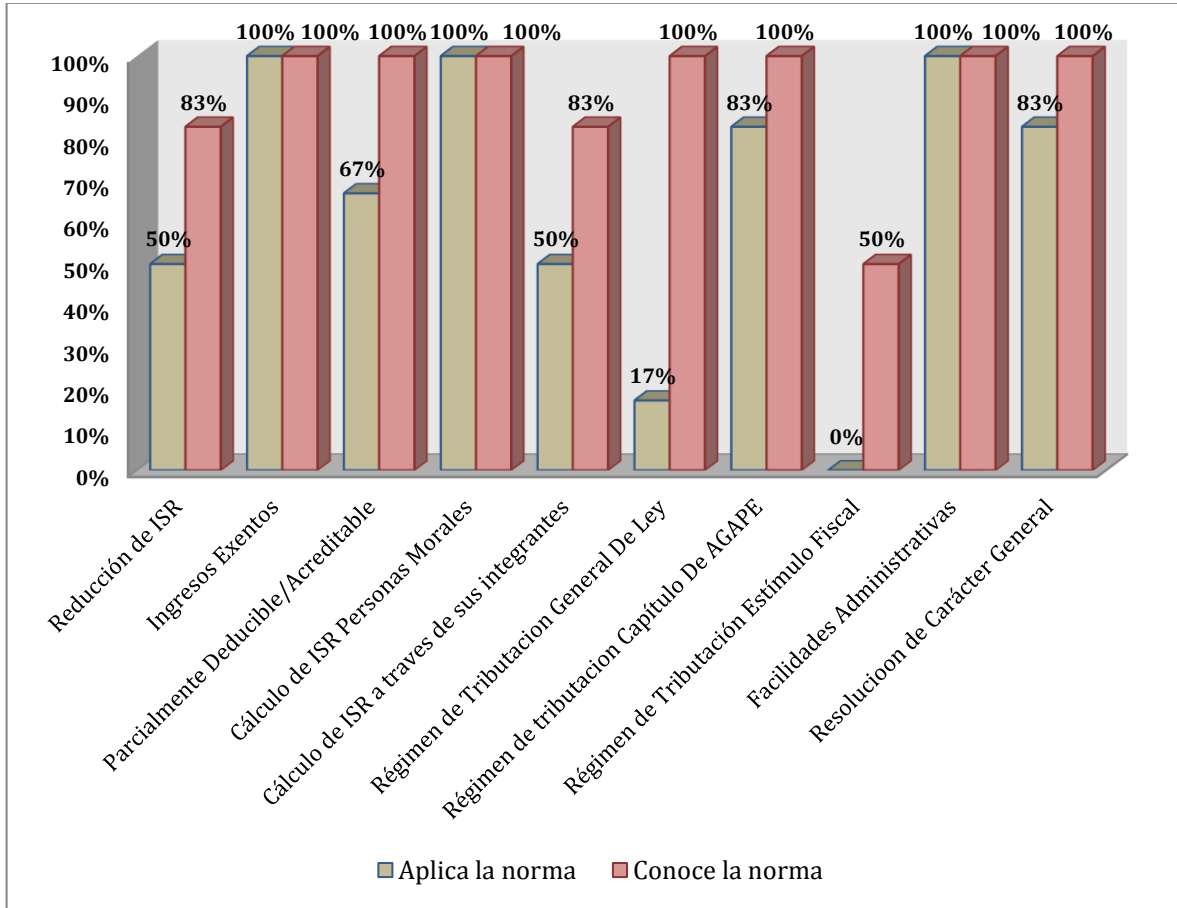
## **Results and Discussion**

This section shows the results obtained from the interviews carried out with the six accountants of the cooperatives belonging to the Regional Federation of the Fishing Industry of the Eastern Zone of the State of Yucatan.

Then, the result is presented graphically as to the degree of knowledge and application of fiscal rules by the accountants who are interviewed and who are responsible for compliance with the fiscal obligations of the cooperatives analyzed.



Graph 1. Known and applied fiscal rules.



Source: elaboración propia, con base en las entrevistas a contadores de cooperativas pesqueras (2017).

Based on the results obtained in this graph, the complexity factor and understanding of the fiscal rules related to the determination of the ISR for the due compliance of the fiscal obligations was analyzed.

Regarding the complexity of the tax regulation and its impact on the fiscal compliance of fishery production cooperatives there were divided opinions, since 66.67% considered that it is not complex, while 33.33% considered that it is.

In addition, of the accountants who agreed that the regulations are not complex, two stated that, although it is not complex, it is difficult to understand them and they can be confusing, because they can be lent to different interpretations.



For their part, the accountants who said that it is complex, said that the reason for this is the lack of clarity in the tax provisions and the existence of various applicable tax provisions, such as laws, miscellany of a general nature, administrative facilities and fiscal stimuli.

Of the interviewees, 66.67% mentioned that they only apply the benefit contemplated in the miscellany and administrative facilities resolutions that consists of considering them exempt from payment of ISR up to a certain limit, and the payments of advances on account of yields granted to the members.

On the other hand, 66.67% of the interviewees considered that there is no consequence derived from the complexity of the fiscal regulations applied to the fishing cooperatives, since they consider that said standards are not complex. However, of 33.33% of the interviewees who considered that those standards are complex, they believe that this situation results in a higher administrative expense, and that, in addition, this complexity may cause these rules to be interpreted in different ways, so therefore, one can be uncertain whether its application is correct or not.

With regard to the complexity of the fiscal provisions in the operation, the interviewees stated that the cooperatives were affected, since their managers, who are in charge of making the deposits for the sales of the products or making the purchases of the inputs, had to get used to the new changes in terms of verification of compliance with the deductibility requirements for expenses, in the same way other consequences was a higher administrative expense.

It was evident in this paper that there are tax rules and schemes that benefit these companies, but the accountants almost do not apply them, as is the case with the rule on the reduction of Income Tax (ISR) where 83% know it, but only 50% of them apply it. The tax scheme to calculate the ISR through its members is known by 83.33% of the interviewees, but none applies it and the tax scheme to determine the ISR by using the fiscal stimulus is only known by 50% of the accountants interviewed, but none applies it and, in the case of the General Scheme of Law, 100% knows it and only 16.67% applies it.

On the other hand, regarding the understanding of the rules to duly fulfill the fiscal obligations of the fisheries production cooperatives 50% considered that it is not difficult to understand



the tax rule applicable to these taxpayers and the other 50% said that it is difficult to understand . The opinion of accountants who perceive that it is difficult to understand the rules says that it is due to the lack of clarity of the aforementioned tax provisions and because they are dispersed in different legal regulations. According to the interviewees, what is most difficult for them when applying the fiscal rules is the interpretation of the same, the constant changes suffered by said norms, calculate the exempt income and the proportion that is considered non-deductible in the expenditures, take control of the limit of the verification of the simplified expenses and the calculation of the ISR of the cooperative when it has other income than fishing.

Regarding the use of technology for fiscal compliance of fishing production cooperatives, 100% of respondents believe that they have had to change the ways of working of these taxpayers introducing technology to their operations; however, the instability in the Internet service in the fishing areas has made these changes difficult; In spite of this, satellite Internet has been contracted when there is no other option. Other implications have been the costs represented by the updating of the computers, the purchase of software for the issuance of the CFDI's by the income and by the CFDI's for payments to the partners, as well as the training of the personnel of the cooperative so that they can use the new technological tools.

Regarding the way in which the fishing cooperative has administratively affected the obligation of sending electronic accounting, 83.33% of the interviewees agreed that there was no greater complication, and that this obligation helped to have better control of the operations carried out by the cooperative. cooperative and be up to date with your accounting documentation.

As regards the issuance of the CFDIs and the way in which the process of making the invoices has become more complex, four of the interviewees considered that there was no greater complexity; meanwhile, two said that it did complicate the process of issuing the invoices.



Despite the above, all agree that the technological tools implemented by the SAT have brought benefits, such as the presentation of statements, notices from the office and the sending of invoices from an email.

Finally, 100% of the interviewees answered that in the last two years they have not participated in courses to update tax issues regarding cooperative production societies of the fishing sector.

## **Conclusions**

After having analyzed the fiscal provisions that apply to cooperative fishing societies and the perceptions of accountants regarding the factors that influence the fulfillment of their fiscal obligations, the following conclusions are presented.

Depending on the complexity and lack of understanding of tax regulations we find that an important factor is the dispersion of the regulations governing the calculation of Income Tax, since this is contained in different legal provisions, such as Tax Law On Income (ISR), the Miscellaneous Fiscal Resolution, the Resolution of Administrative Facilities and the Income Law of the Federation, among other provisions, which undergo constant modifications and which require a continuous updating of knowledge, being in this study that these professionals do not do it opportunely.

Another factor that influences the complexity of the understanding of tax regulations regarding the tax benefits enjoyed by this sector is that they are also contained in different regulations, so not all the accountants know them and much less apply them in favor of these societies.

Most of the accountants interviewed expressed knowledge of the tax regulations of these companies and they know that there are some more beneficial schemes than others, but they consider that the complexity arises when administrative and additional personnel processes are required in their application, which is costly for these companies and, therefore, the probable benefits decrease.

Another factor stated by the accountants is that the fishing cooperatives have production volumes that do not exceed the exempt income indicated by the Income Tax Law (if they chose



to apply the provisions of the resolution of administrative facilities); therefore, they do not need to analyze other fiscal provisions that could be applied, and this situation led them to believe that these rules are not complex, since they only focus on the provisions related to exempt income and advances on account of performance.

Regarding the factor of understanding of the tax rules for the fulfillment of fiscal obligations of the cooperative fishing production companies, the accountants perceive that it is difficult the understanding derived, mainly, from the complexity of the tax rules applicable to the cooperatives.

Regarding the use of technologies, fishing cooperatives had to spend resources for updating computer systems, hiring the Internet service and training staff to comply with the provisions of the fiscal provisions that require the use of technology for the compliance with tax obligations, such as billing or electronic accounting, for these cooperatives the use of these technological tools has benefited them since their fishing centers can fulfill many of their tax obligations.

Taking into account all of the above, it is concluded that the complexity and understanding of the tax regulations affect negatively for the correct fiscal compliance of their obligations of the fishing cooperatives and, on the other hand, the use of technology factor positively affects the tax compliance of the obligations of fishing cooperatives.





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