THE WEEK IN BRIEF

News

DIRECT TAXES
Miscellaneous Income – Real Estate Capital Gains – Sale of Property Received in Divorce – Onerous Acquisition – Gainful Resale
(*Italian Revenue Agency advance ruling, 11 June 2025, No. 153*)

Advance ruling No. 153 issued by the Italian Revenue Agency on 11 June 2025 clarified that when a former spouse, who was awarded 50% of a property under a divorce ruling, sells the entire property before five years have elapsed since the divorce decree, a taxable capital gain arises under Article 67(1)(b) of the TUIR (Italian Income Tax Code), limited to the 50% portion acquired through the divorce, provided that this portion was held for less than five years.
For this purpose, the divorce decree determines the acquisition cost for the assigned portion of the property.

Capital Gains from the Sale of Property by Individuals
Article 67(1)(b) of the TUIR identifies two cases in which capital gains from real estate are taxable when realized by individuals acting outside a business activity:

- The first concerns the sale for consideration of properties that were purchased or built no more than five years prior to the sale, with exceptions for properties inherited or used as the primary residence of the seller or their family for the majority of the ownership period;
- The second concerns the sale for consideration of buildable land, which is taxable without further conditions or exceptions.

In addition, as of 1 January 2024, Article 67(1)(b-bis) includes among miscellaneous income the capital gains realized on the sale of properties that underwent “superbonus” renovations (under Article 119 of Decree-Law 34/2020) completed no more than ten years before the sale.

Acquisition of Part of a Property through Divorce
The case analyzed by the Italian Revenue Agency involves a 50% share of a property assigned to a

spouse through a divorce ruling and addresses whether such a transfer constitutes an "onerous acquisition" for the purposes of Article 67(1)(b) of the TUIR.

This interpretation is based on an earlier administrative clarification concerning the former property tax INVIM (Revenue Ministry Circular No. 23 of 17 October 1984), which stated that transfers resulting from divorce rulings "must undoubtedly be considered for consideration," since "the legal basis lies in the exchange between the value of the property and the waiver of any further economic claims by the transferee."

Following this approach, it is considered that the resale of a property acquired through a divorce decree falls under Article 67(1)(b) of the TUIR, and the five-year holding period must be calculated from the date of transfer.
Applying these principles to the specific case, the Revenue Agency concluded that:

- The sale in 2025 generates a taxable capital gain limited to the 50% share that the seller acquired "for consideration" through the divorce ruling, within the past five years;
- For the purposes of determining the acquisition cost, the value of the share indicated in the divorce ruling must be used.

Legal references:

- Article 67 of Presidential Decree No. 917 of 22 December 1986
- Italian Revenue Agency advance ruling No. 153 of 11 June 2025
- *Il Quotidiano del Commercialista*, 12 June 2025 – "Capital gain on property share received in divorce" – Mauro – Sanna
- *Il Sole 24 Ore*, 12 June 2025, p. 35 – "Capital gains not taxable within five years after divorce ruling" – Caputo A.

COLLECTION
F24 Form – Unified Payments – Deadlines on 30 June 2025 – Extension for ISA taxpayers, and for those under the "minimi" and flat-rate regimes – Measures in the so-called "Tax Decree" approved on 12 June 2025 by the Council of Ministers

The so-called "Tax Decree", approved on 12 June 2025 by the Council of Ministers, includes a deadline extension for tax payments due by 30 June 2025, as per income tax, IRAP, and VAT returns. The new deadlines are:

- **21 July 2025**, without any surcharge (as 20 July falls on a Sunday);
- **20 August 2025**, with a 0.4% surcharge;
- **For taxpayers subject to the synthetic indexes of tax reliability (ISA)**, including those under the flat-rate regime or the so-called "minimi" regime.

This payment extension was granted due to additional changes to the rules on the two-year advance tax agreement ("concordato preventivo biennale") introduced by Legislative Decree No. 81 of 12 June 2025.

Eligible Taxpayers for the Payment Extension

As in previous years, the extension applies to taxpayers who meet **both** of the following criteria:

- They carry out economic activities for which **ISA indexes** (as per Article 9-bis of Decree-Law 50/2017) have been approved;
- They report **revenues or fees not exceeding** the threshold established for each index in the relevant decree by the Minister of Economy and Finance (currently €5,164,569.00).

The following taxpayers are **also eligible**:

- Those applying the **flat-rate regime** (Article 1, paras. 54–89 of Law 190/2014);
- Those applying the **special regime for young entrepreneurs and workers in mobility** (Article 27(1) of Decree-Law 98/2011 – the so-called "minimi");
- Those excluded from ISA application due to other causes (e.g., start-up or cessation of business activity, atypical business operations, flat-rate income determination, etc.).

Excluded Taxpayers – Agricultural Activities

The extension does **not** apply to taxpayers engaged **solely in agricultural activities**, with income classified as **agricultural income** under Articles 32 et seq. of the TUIR (see Italian Revenue Agency ruling No. 330 of 2 August 2019).

Participants in "Transparent" Entities

The extension also applies to individuals who:

- Participate in partnerships, associations, or businesses that meet the above criteria;
- Must report income **through transparency** under Articles 5, 115, and 116 of the TUIR. This includes:
    - Partners in partnerships;
    - Collaborators in family-owned businesses;
    - Spouses running jointly owned businesses;
    - Members of professional associations (e.g., law/accounting firms);
    - Shareholders of transparent corporations.

IRES Taxpayers with Payment Deadlines After 30 June 2025

The extension does **not** apply to IRES taxpayers whose ordinary payment deadlines fall **after 30 June 2025**, due to:

- The **approval date of the financial statements** (e.g., corporations that approve their 2024 financial statements within 180 days after year-end, beyond 31 May 2025);
- The **fiscal year-end date** (e.g., companies with a fiscal year from 1 July 2024 to 30 June 2025).

Payments Covered by the Extension

The extension applies to:

- Payments resulting from **2025 income tax (REDDITI), IRAP, and VAT returns**, originally due by 30 June 2025 (without the 0.4% surcharge);

- Other payments **linked to the same deadlines** applicable to income taxes. Therefore, the extension also covers:

(*[The sentence seems to continue – let me know if you want to complete it or translate the continuation]*)

Postponement Applies To:

- The 2024 balance and the first 2025 advance payment of IRPEF (personal income tax), IRES (corporate income tax), and IRAP (regional production tax);
- IRPEF/IRES surcharges (addizionali);
- The IRES surtax for "non-operating companies" (società di comodo);
- Substitute taxes (e.g. for flat-rate and minimum-rate taxpayers, flat tax on rental income, substitute tax on additional agreed income);
- Wealth taxes due by individuals, simple partnerships, and non-commercial entities resident in Italy, holding real estate and/or financial assets abroad (IVIE and/or IVAFE);
- The tax on the value of crypto-assets;
- INPS social security contributions for artisans, retailers, and professionals (see INPS message no. 2731 of 27.7.2021 and the Italian Revenue Agency FAQ of 26.7.2024); the postponement also includes INPS contributions of members of limited liability companies (SRLs) operating in artisan or commercial sectors, not under the "tax transparency" regime (see Italian Revenue Agency resolution no. 173 of 16.7.2007);
- VAT payments related to adjustments based on ISA (synthetic reliability indexes);
- The 2024 VAT balance resulting from the 2025 VAT return, if the payment was not made by March 17, 2025 (since March 16 falls on a Sunday), applying an interest surcharge of 0.4% for each month or part thereof after March 17 and up to June 30, 2025; if the payment is further deferred to August 20, 2025, an additional 0.4% surcharge applies on the amount already increased up to June 30;
- The annual fee to the Chambers of Commerce.

References:

- Art. 17 of Presidential Decree 435 dated 7.12.2001
- Art. 18 of Legislative Decree 241 dated 9.7.1997
- Art. 6 of Presidential Decree 542 dated 14.10.1999
- Art. 8 of Ministerial Decree 359 dated 11.5.2001
- Art. 9-bis of Decree Law 50 dated 24.4.2017

Press Coverage:

- *Il Quotidiano del Commercialista*, 13.6.2025 – "Deadlines postponed to July 21 for ISA and flat-rate taxpayers" – Negro
- *Il Sole 24 Ore*, 13.6.2025, p. 3 – "Taxes postponed to July 21 for 4.6 million VAT holders" – Mobili M., Parente G.
- *Italia Oggi*, 13.6.2025, p. 25 – "Tax decree includes mixed deadline extensions" – Bartelli C.
- *Italia Oggi*, 13.6.2025, p. 25 – "VAT holders: major deadline extensions, including for flat-rate taxpayers. Late 2024 filings also accepted" – Mandolesi G.

Eutekne Guides – Assessment and Penalties:

- "IRES" – Corso L., Negro M.
- "IRPEF" – Negro M.

SUBSTITUTE TAXES

Flat-rate Regime under Law 190/2014 – Exclusion Criteria – Exit from the Regime
(Italian Revenue Agency Ruling No. 149 of 9.6.2025)

In ruling no. 149 of 9 June 2025, the Italian Revenue Agency reiterated that the only event triggering immediate exit (i.e., effective starting from the year in which the condition arises) from the flat-rate regime provided by Law 190/2014 is the **exceeding of the income threshold of €100,000.00** in revenue or compensation.

In contrast, the occurrence of any **exclusion condition** under Article 1, paragraph 57 of Law 190/2014—such as moving residence outside of Italy—results in **exiting the regime starting from the following tax year only**.

Exclusion for Non-Resident Individuals:
According to Article 1, paragraph 57, letter b) of Law 190/2014, the flat-rate regime **is not available to non-resident individuals**, except those residing in EU Member States or in countries of the European Economic Area that ensure an adequate exchange of information, and **only if at least 75% of their total income is generated in Italy**.

Exit Effective in the Following Tax Year:
In the specific case examined in the ruling, a taxpayer under the flat-rate regime registered with AIRE (Register of Italians Residing Abroad) effective May 15, 2024. This event **does not lead to immediate exclusion from the favorable regime** (i.e., not from 2024), but rather becomes effective **from the following year (i.e., 2025)**.

Invoices 2024 without corrections
In the specific case, it is not necessary to make corrections to the invoices issued in 2024 without applying VAT and withholding tax, considering that this behavior is correct and in line with the flat-rate scheme, which in this case is applicable for the entire year 2024.

art. 1 para. 57 Law 23.12.2014 no. 190
Response to tax ruling by the Revenue Agency 9.6.2025 no. 149
Il Quotidiano del Commercialista, 10.6.2025 – "Transfer abroad affects the flat-rate scheme starting from the following year" – Editorial staff
Il Sole - 24 Ore, 10.6.2025, p. 35 – "Out of the flat-rate scheme the year after registering with AIRE" – Caputo
Italia Oggi, 10.6.2025, p. 25 – "Flat-rate taxpayers and AIRE, loss after one year" – Stancati
Eutekne Guides – Audits and sanctions – "Accounting and tax regimes – Flat-rate scheme for self-employed (Law 190/2014)" – Rivetti P.

SOCIAL SECURITY
Change in the interest rate on main refinancing operations (formerly TUR) – Interest rate for

deferment and installment payments and amount of civil penalties (INPS circular 10.6.2025 no. 100 and INAIL circular 10.6.2025 no. 34)

With INPS circular no. 100 of 10.6.2025 and INAIL circular no. 34 of 10.6.2025, the effects of the monetary policy decision of 5.6.2025 by the European Central Bank (ECB) were illustrated, which reduced by 25 basis points the interest rate on the Eurosystem's main refinancing operations (formerly TUR).
From 11.6.2025, the rate is set at 2.15%.

New value of the deferment interest

The deferment interest on installment plans for the regularization of social security debts and civil penalties pursuant to art. 2 para. 11 of DL 9.10.89 no. 338 is calculated at an annual rate of 8.15% and applies to installment plans submitted from 11.6.2025.
Conversely, amortization plans already issued and notified based on the previously applicable interest rate will not be modified.

New value of the interest on deferred payment

The interest on deferred payment of contributions must be calculated at an annual rate of 8.15% and will apply starting from contributions relating to May 2025.

Effects on INAIL debt installment plans

The change also affects the interest rate for installment plans of debts for insurance premiums and related charges as provided for by art. 2 para. 11 of DL 338/89, and consequently, amortization plans for installment requests submitted from 11.6.2025 are determined applying the interest rate of 8.15%; there are no changes for ongoing installment plans.

Effects on the amount of civil penalties

The reduction of the interest rate on main refinancing operations by the ECB also affects civil penalties, for which different cases must be distinguished.
In case of failure or late payment of contributions or premiums under art. 116 para. 8 letter a) of Law 388/2000, the civil penalty is:

- 7.65% per year (rate of 2.15% increased by 5.5 points);
- 2.15% per year (without the 5.5-point increase), if payment is made within 120 days from the legal deadline, in a single spontaneous payment before any contestation or request by the taxing authorities.

In cases of evasion pursuant to art. 116 para. 8 letter b) of Law 388/2000, the civil penalty rate, per year, is 30% up to a maximum of 60% of the amount of contributions or premiums not paid by the legal deadline.

Regarding this, it is noted that:

- In the case of a voluntary declaration, made before any contestation or requests by the tax authorities, of the debt situation within 12 months from the deadline for payment of contributions or premiums, the civil penalties for evasion are reduced to the omission rate of 7.65% per year (rate of 2.15% plus 5.5 points) if the payment is made in a single solution within 30 days from the declaration;
- If payment is made in a single solution within the longer deadline of 90 days from the voluntary declaration, the civil penalties amount to 9.65% per year (rate of 2.15% plus 7.5 points).

In case of failure or late payment of contributions or premiums resulting from objective uncertainties connected to conflicting judicial or administrative interpretations regarding the existence of the contribution obligation, later recognized in judicial or administrative proceedings (art. 116 para. 10 of Law 388/2000), civil penalties are due only in the amount of legal interest pursuant to art. 1284 of the Civil Code.

Applicability of the rate in case of insolvency procedures
For companies subject to insolvency procedures, the reduced civil penalties provided by art. 116 para. 8 letter a) of Law 388/2000 must be calculated at the former TUR rate. In the case of evasion under letter b), the penalty rate is equal to the already mentioned rate increased by two points.

It is pointed out that the maximum reduction limit cannot be lower than the legal interest rate, and therefore, if the TUR rate falls below the legal interest rate, the maximum reduction will be equal to the legal rate, while the minimum will be the legal interest plus two points.

That said, since as a result of the ECB decision the interest rate on main refinancing operations (formerly TUR) is higher than the legal interest rate in force since 1.1.2025 (2% per year), from 11.6.2025 the reduction of penalties will be based on the interest rate on main refinancing operations, equal to 2.15%.

art. 116 para. 8 Law 23.12.2000 no. 388
art. 2 para. 11 DL 9.10.1989 no. 338
INPS Circular 10.6.2025 no. 100
INAIL Circular 10.6.2025 no. 34
Il Quotidiano del Commercialista, 11.6.2025 – "INAIL civil penalty installment rate falls again" – Andreozzi
Il Quotidiano del Commercialista, 12.6.2025 – "Interest rate on deferment and contribution deferment falls again" – Editorial staff
Eutekne Guides – Social security – "INPS contributions – Omissions and contribution evasions" – Andreozzi F.

SOCIAL SECURITY
Social safety nets – Bilateral solidarity fund for professional activities – Adjustment pursuant to Law 234/2021 (2022 Budget Law) – Instructions (INPS circular 10.6.2025 no. 99)

With circular no. 99 of 10.6.2025, INPS provided operational instructions regarding wage supplementation benefits paid by the Bilateral Solidarity Fund for professional activities.

Purpose and adjustment of the regulation
The Bilateral Solidarity Fund for professional activities aims to provide protections for workers in the sector during employment in cases of reduction or suspension of work activity for ordinary and extraordinary causes referred to in articles 11 and 21 of Legislative Decree 148/2015.

INPS recalls that with the Ministerial Decree of 21.5.2024, the regulation of the Fund was adjusted to the changes introduced by art. 1 paras. 204-208 of Law 234/2021 (2022 Budget Law), concerning the scope of eligible subjects, the duration and amount of wage supplementation benefits, the applicability of causes, as well as the measure of ordinary contributions.

Subject scope
The employers in the professional activities sector with an average employment of at least one employee fall within the scope of application of the Fund. INPS specifies that this size threshold is verified monthly based on the average of the six months prior to the date of submission of the application.
The direct beneficiaries of the benefit, however, are all subordinate workers in the mentioned sector:

- excluding managers and including apprentices and home-based workers;
- with at least 30 days of actual work seniority at the production unit for which the benefit is requested, as of the date of submission of the application.

Regarding apprentices, INPS recalls that upon resumption of work activity, the apprenticeship period is extended by an amount equivalent to the hours of suspension or reduction enjoyed.

Application and amount of the benefit
Applications for access to wage supplementation benefits must be submitted within the terms set out in art. 30 para. 2 of Legislative Decree 148/2015, namely:

- not earlier than 30 days from the start of the suspension or reduction of activity, if planned;
- no later than 15 days from the start of the suspension or reduction of work activity.

The amount of the wage supplementation benefit is equal to that defined by art. 3 para. 5-bis of Legislative Decree 148/2015, i.e., 80% of the total remuneration that the worker would have received for the hours not worked, counted from zero hours up to the contractual work hour limit, which for 2025 is €1,404.03.

Duration of the benefit
Regarding the duration of the benefit, the circular recalls that it may vary depending on the number of employees and the reason used.
If employers have employed on average up to 15 employees in the six months prior to the date of the application, the maximum duration is 26 weeks within a rolling two-year period for both ordinary and extraordinary causes.
If there are more than 15 employees, the maximum duration is:

- 26 weeks within a rolling two-year period, for ordinary causes;
- 24 months within a rolling five-year period, for the extraordinary cause of company reorganization, including to implement transition processes;
- 12 months within a rolling five-year period, for the extraordinary cause of company crisis;
- 36 months within a rolling five-year period, for the extraordinary cause of solidarity contracts.

Procedural and contribution aspects
After recalling, for access to the benefit, the employer's need to carry out the information and union consultation procedures set out in art. 14 of Legislative Decree 148/2015, INPS specifies that the payment of the benefit will be made by the employer to eligible employees at the end of each pay period and recovered by the employer within 6 months through reimbursement or contribution adjustment.

Regarding financing contributions, the ordinary rate is 0.50% (two-thirds paid by the company and one-third by the employee) for employers who have employed on average up to 5 employees in the reference semester, increasing to 0.80% if employees number more than 5 and up to 15, or to 1% if this last threshold is exceeded. It is recalled that from 1.1.2025, for employers who in the semester prior to the application have employed on average up to 5 employees and have not requested the benefit for at least 24 months, the ordinary contribution rate is reduced by 40%.

Furthermore, an additional contribution is due by the employer, in case of use of the wage supplementation benefit, equal to 4% calculated on the lost wages.

Management of the UniEmens flow
With the circular, INPS provides instructions for the correct compilation of the UniEmens flow, particularly regarding the reporting of the event, the additional contribution, and the adjustment of the wage supplementation benefit.
Employers must indicate the “EventCode” for events of reduction or suspension of work activity covered by the Fund, managed through the ticket system.
In particular, the “EventCode” element of “CreditDifferences” must include the already used event code “AIO”, while the event code “AIS” must no longer be used.

For reporting both the additional contribution and the adjustment of sums advanced to workers and relating to each authorized ordinary benefit application, the company-level declaration must use “AdjustmentsCIG” – “AuthorizedCIG” with the element “SolidarityFund”.

Finally, in case of business closure, the employer can request reimbursement through the UniEmens regularization flow referring to the last month of activity and, in any case, within the authorization expiry terms.

Art. 26 Legislative Decree 14.9.2015 No. 148
Art. 30 Legislative Decree 14.9.2015 No. 148
Art. 5 Ministerial Decree 21.5.2024 Ministry of Labour and Social Policies INPS Circular 10.6.2025 No. 99
Il Quotidiano del Commercialista dated 12.6.2025 – "Differentiated Contribution for the Solidarity Fund for Professional Activities" – Mamone
Eutekne Guides – Social Security – "Solidarity Funds – Bilateral Solidarity Funds" – Mamone L.
Eutekne Guides – Social Security – "Wage Supplement Allowance" – Bonini P.

Featured Laws

REVENUE AGENCY MEASURE 17.4.2025 NO. 186368
TAX
INDIRECT TAXES – VAT – OBLIGATIONS OF TAXPAYERS – Tax Representative of Non-Resident Entities – Appointment – Requirements of Integrity – Guarantee Obligations – Implementing Provisions

Article 4, paragraph 1, letter a) of Legislative Decree 12.2.2024 No. 13 amended article 17, paragraph 3 of Presidential Decree 633/72, establishing that the tax representative appointed pursuant to the same provision:

- must possess the integrity requirements referred to in article 8, paragraph 1, letters a), b), c) and d) of Ministerial Decree 31.5.99 No. 164;
- in case of appointment of a legal entity, these requirements must be possessed by the legal representative of the entity appointed.

In implementation of the new regulation:

- the Ministerial Decree of 9.12.2024 identified the criteria under which the tax representative can assume the role upon providing an appropriate guarantee, graded according to the number of represented entities;
- through this measure, the operational procedures for certifying the subjective requirements and providing the guarantee have been defined.

Certification of Integrity Requirements
The integrity requirements of tax representatives must be certified by means of a substitute declaration of affidavit, pursuant to articles 46 and 47 of Presidential Decree 445/2000, to be submitted to the competent Provincial Directorate of the Revenue Agency according to the tax domicile of the person intending to assume the role of representative.
The declaration must be submitted simultaneously with the submission of the activity commencement or data variation declaration form for VAT purposes, through which the identification data of the tax representative are communicated.
In the case of a tax representative other than a natural person, the declaration must be made by all the legal representatives, who are natural persons, as indicated in the VAT activity commencement or data variation declaration form.
In the event of replacement or new appointment of one or more legal representatives of the tax representative, the declaration must be made by them simultaneously with the submission of the VAT activity commencement or data variation declaration form.

Characteristics of the Guarantee
The guarantee is provided in the form of a deposit of government securities or securities guaranteed by the State, or a bank guarantee or surety policy issued pursuant to article 1 of Law 348/82, in favor of the director of the competent Provincial Directorate of the Revenue Agency according to the tax domicile of the person intending to assume the role of tax representative.
It must be delivered in person to the same Provincial Directorate and must have a minimum duration of 48 months from the date of submission.
After the 48-month term, the guarantee does not have to be resubmitted, except in cases where the number of represented entities increases.

Minimum Guarantee Limits
The minimum guaranteed amount is determined based on the number of represented entities, according to the following minimum limits:

- €30,000 for those representing from 2 to 9 entities;
- €100,000 for those representing from 10 to 50 entities;
- €300,000 for those representing from 51 to 100 entities;
- €1,000,000 for those representing from 101 to 1,000 entities;
- €2,000,000 for those representing more than 1,000 entities.

In case of an increase in the number of represented entities, the tax representative must provide a guarantee with the new minimum maximum value.

Entities Assuming a Single Representation
For entities assuming only one representation, the certification of the integrity requirements alone is considered sufficient for acquiring the role of tax representative.

Method of Providing the Guarantee
The guarantee is provided:

- using the template attached as Annex 1 to this measure, if it concerns a blocked deposit in government securities or securities guaranteed by the State;
- using the template attached as Annex 2 to this measure, if it concerns a surety policy or bank guarantee;
- simultaneously with the submission of the VAT activity commencement or data variation declaration form through which the data of the tax representative are communicated.

Change of Guarantee Bracket
In case of an increase in the number of represented entities, resulting in moving from a lower bracket to a higher one, the tax representative must provide a new guarantee with the new minimum maximum value.
The competent Provincial Directorate verifies the conformity of the guarantee with the legally required criteria and communicates the outcome to the entity that provided it.
In case of a positive outcome, the tax representative may request the release of the previously provided guarantee.

Transitional Regime
Entities already operating as VAT tax representatives as of the publication date of this measure (17.4.2025) must, within 60 days thereof (i.e., by 16.6.2025), submit the declaration certifying possession of the aforementioned subjective requirements and provide the guarantee where required.

Violation Notification and Effects
If the failure to certify the subjective requirements or failure to provide the guarantee is contested, the Revenue Agency notifies the tax representative via certified email (PEC) or registered mail with return receipt (A/R) of the initiation of the procedure for administrative termination of the VAT numbers of the represented entities.
After 60 days from the date of receipt of the notification by the tax representative, the Revenue Agency proceeds with the administrative termination of the VAT number(s) of the represented entities.