THE WEEK IN BRIEF

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Fiscale

DIRECT TAXES

General provisions - Deductible expenses - Building interventions - Death of the taxpayer - Transfer of the deduction to the heirs - Material and direct possession of the property (principle of law of the Revenue Agency 2.10.2025 no. 7)

With the principle of law 2.10.2025 n. 7, the Revenue Agency has provided clarifications on the transferability of deductions for "building" interventions from the original beneficiary to his heirs, in order to ensure uniformity of interpretation of the rule contained in art. 16-bis , paragraph 8 of the TUIR (which concerns the IRPEF deduction for building renovation interventions, the so-called "*green bonus*", referred to in art. 1, paragraphs 12 to 15 of Law 205/2017, and the *superbonus*, referred to in art. 119 of Decree-Law 34/2020), and in art. 9 of Ministerial Decree 6.8.2020 "Requirements" no. 159844 (which concerns the IRPEF/IRES deduction due for interventions aimed at the energy requalification of buildings).

Transfer of the property subject to the interventions

If the "construction" deductions are used in the natural way of deduction from the gross tax in the tax return, the transfer of the property that has been the subject of the subsidized interventions may also involve the transfer of the residual portions of the deduction not yet used.

In particular, art. 16-bis co. 8 of the TUIR and the Ministerial Decree of 6.8.2020 establish that:

- in the event of the sale of the real estate unit on which the subsidized interventions have been carried out, the deduction not used in whole or in part is transferred for the remaining tax periods, unless otherwise agreed between the parties, to the purchaser who is a natural person of the real estate unit;
- In the event of the death of the entitled party, the use of the tax benefit is transmitted, in full, exclusively to the heir who retains the material and direct possession of the asset.

Transfers mortis causa

With regard to the second of the two cases ("*case of death of the entitled party*"), the possibility of the heirs to take over from the *deceased*, in the entitlement of the shares not yet used for the "construction" deduction (including the case in which all the shares are not yet used, because the death occurs in the same year in which the deductible expenses are incurred) is firmly anchored to the condition of the preservation of the material and of the property.

Accordingly:

- if the property is leased or granted on loan to third parties, the heir cannot take over the "construction" deduction, because he or she does not have material and direct possession of the property;
- if there are several heirs, if only one of them has the property at his disposal, the "construction" deduction is due in full to the latter heir only, because the other heirs do not have material and direct possession of the property (among others, Revenue Agency circ. 26.6.2023 no. 17, p. 19).

In this regard, the principle of law of the Revenue Agency no. 7/2025 has specified that it is not necessary for the heir to have material and direct possession of the property at the time of opening the succession.

The condition of the material and direct possession of the property by the heir must in fact be verified year by year, with the possibility that, for some years, the corresponding residual deduction cannot be used by the heir and that for others it can instead be used.

As recalled by the Tax Administration (in principle of law no. 7/2025 but also in the answer to ruling 22.12.2022 no. 594) the condition of "direct ownership" must exist uninterruptedly for the entire year (from 1 January to 31 December) and for the entire property, such that, even in the case of renting to third parties only a part of the property and/or for only a part of the year, the annual deduction corresponding to that year cannot be used.

Considering that the requirement of material and direct possession must be verified from year to year, it may happen that the number of heirs for whom the requirement is met may change from one year to the next; In these cases, the installment of the deduction must also be divided among the heirs who meet the requirement in each year.

art. 16 bis co. 8 DPR 22.12.1986 n. 917

art. 8 co. 1 Ministerial Decree 6.8.2020 Ministry of Economic Development no. 159844 Principle of law Revenue Agency 2.10.2025 no. 7

The Accountant's Daily of 3.10.2025 - **"Building deductions transferred to heirs under certain conditions to be verified year by year"** - *Zeni*

DIRECT TAXES

Self-employment income - Expenses - Entertainment expenses - Demonstration of the allocation of expenditure for promotional purposes - Necessity (Cass. 2.10.2025 no. 26553)

With the ordinance of 2.10.2025 no. 26553, the Court of Cassation stated that it is not sufficient to demonstrate the abstract possibility of including an asset among the entertainment expenses, in view of its nature, for a professional to be able to deduct from the self-employment income the cost incurred for the relative purchase, but it is also necessary to prove its destination for purposes that are not personal, but promotional of the activity carried out.

In practice, it is necessary that the disbursements incurred comply with the requirement of inherence.

Regulation of entertainment expenses in self-employment income

Pursuant to Article 54-septies , paragraph 2 of the Consolidated Income Tax Act, entertainment expenses are deductible from professional income within the limits of 1% of the fees received in the tax period.

Entertainment expenses also include those incurred for the purchase or importation of:

- goods intended to be sold free of charge (so-called "gifts");
- works of art, antiques or collectors' items, even if used as goods for the exercise of art or profession.

According to the Revenue Agency circular 13.7.2009 no. 34 (§ 1), the rules on entertainment expenses applicable to the determination of business income (pursuant to art. 108 par. 2 of the TUIR and Ministerial Decree of 19.11.2008) are also relevant for the purposes of professional self-employment income. Therefore, without prejudice to the aforementioned deductibility limits, also for these purposes the definition of entertainment expenses must be borrowed from the aforementioned Ministerial Decree of 19.11.2008.

On the basis of this provision, the following are entertainment expenses inherent, provided that they are actually incurred and documented:

- free of charge;
- carried out for promotional or public relations purposes;
- the support of which meets criteria of reasonableness according to the objective of generating, even potentially, economic benefits for the company or is consistent with commercial practices in the sector.

Case under judgment

In the case at issue, in the 2013 tax year, a professional deducted a series of expenses potentially attributable to those of representation (e.g. purchase of a work of art, payment of a prize to students of a school in his mother's hometown), respecting the aforementioned deductibility limit of 1%, but not demonstrating their destination.

Since these charges could have been incurred for personal and non-professional purposes, in the absence of proof of inherence, the Agency challenged their deductibility, obtaining confirmation of its reasons at all levels of the dispute.

Concept of inherence in self-employment income

The ruling in question appears significant especially in the point in which it states that, for the purposes of determining self-employment income, the recognition of the inherence of entertainment expenses depends on the destination of the assets for the purposes of promoting professional and public relations activities.

With regard to the concept of inherence, in the absence of further indications in art. 54 of the TUIR, in the past it had already been clarified that:

- inherence must be understood as the relationship of direct and immediate correlation that must be established between the expense incurred and the art or profession exercised (Cass. 18.2.2015 n. 3198);
- a cost can be considered deductible from self-employment income only if "*and insofar as it is functional to the production of the income itself*" (Revenue Agency circ. 20.6.2002 no. 55, § 5);
- the expenses must "*be related to the activity as a whole regardless of the cost-effectiveness of the individual transaction and therefore there must not be a strict link with the individual fees for their deductibility*" (res.

Revenue Agency 16.2.2006 n. 30).

The inherent expenses are, therefore, those incurred for the performance of activities or for the acquisition of assets from which remuneration is derived that contributes to the formation of professional income. In practice, it is necessary that there is a functional connection, even indirect, of the costs and charges incurred with respect to the production of the compensation that contribute to forming the self-employment income.

The proof of the inherence of a cost to the professional activity may arise from elements deriving from a criminal res judicata, since, even if such res judicata does not constitute a "status" in the tax procedure, nevertheless the Tax Commission has the obligation to independently assess the criminal findings where there has been a full acquittal of the taxpayer/defendant (Cass. 22.6.2010 n. 14960).

Il Quotidiano del Commercialista del 3.10.2025 - **"Deductible representation expenses of the professional if inherent"** - *Fornero*

Il Sole - 24 Ore of 3.10.2025, p. 33 - **"Accountant's entertainment expenses deductible only if inherent"** - *Ambrosi L. - Iorio A.*

Cass. 2.10.2025 No. 26553

DIRECT TAXES

Capital income - Carried interest - Participation in investment risk (answers to the Revenue Agency ruling 29.9.2025 nos. 254, 255, 256 and 257 and 1.10.2025 no. 258)

With the answers to the question in question, the Revenue Agency intervened on the qualification as income of a financial nature pursuant to Article 60 of Decree-Law 50/2017 for some cases attributable to *carried interest* and *warrants* attributed to *managers*.

The so-called "*carried interest*" (also called income from enhanced asset rights) is a form of remuneration, paid by companies or investment funds, due to staff members as compensation for the management of the fund itself, which takes the form of a share of the fund's profits exceeding the profit deriving from the investment.

Facilitation provided for the so-called carried interest

Article 60 of the converted Decree-Law 50/2017 establishes that, under certain conditions, the income deriving from financial instruments with enhanced property rights received by *managers* and employees is in any case qualified as capital or other income, taking the form of remuneration for participation in risk capital.

This provision constitutes a significant tax relief if we consider that, while financial income enjoys a substitute taxation of 26%, income from employment or similar is subject to ordinary progressive IRPEF taxation (therefore, with progressive rates for brackets from 23% to 43%, in addition to any additional taxes).

The rule in question consists of a legal presumption that establishes the financial nature of *carried interest* in the event that:

- the total investment commitment of all employees and directors involves an actual outlay equal to at least 1% of the total investment made by the UCI;
- the right to income is subordinated to all other shareholders or participants who must receive an amount equal to the capital invested and a minimum return (*hurdle rate*);
- the shares, quotas or financial instruments are retained by the employees and directors or, in the event of death, by their heirs, for a minimum period of 5 years or until the change of control or replacement of the person in charge of management.

Alignment of the interests and risks of managers and other shareholders

The lack of one or more prerequisites established by Article 60 of Decree-Law 50/2017 does not determine the automatic qualification of the income as income related to work; in this case, the "financial" qualification of the *carried interest* requires the assessment of the specific case to establish the nature of the remuneration paid to *managers*.

In this regard, it should be noted that answer no. 254/2025 clarified that it is relevant that managers use only their own resources for the subscription of the plan without benefiting from any funding from

part of the issuer and by parties connected to it. In addition, the fact that the incentive plan provides that, in the event of interruption of the employment relationship, the manager may be subject to the to the option to purchase the shares held by the company, but only for serious reasons. The

the same approach can be found in answer no. 255/2025, which confirms the principle that there must be an alignment of the interests and risks of *managers* and other shareholders in order to benefit from the financial income regime.

Answer no. 256/2025, then, recognized the possibility of applying the tax regime referred to in art. 60 of Legislative Decree 50/2017 in the event that the remuneration provided for some "*Preferred Shares*" guarantees the Fund a return on its investment plus a fixed return limited to 10% per annum compound. Only once this limit is exceeded can any surplus go to remunerate proportionally the other ordinary shares and more than proportionally the shares with enhanced property rights.

This circumstance leads to consider the requirement of subordination of excess yield to be integrated.

Finally, the answer to ruling no. 257/2025 excluded that *managers* assume a substantial role of investors in relation to income deriving from SFPs (participatory financial instruments) assigned to managers who have subscribed to ordinary/special shares. In fact, the risk of loss of invested capital concerns only investments intended for the purchase of shares.

Exercise of warrants and tax regime

The answer to the ruling of the Revenue Agency 1.10.2025 no. 258 excluded the possibility of applying the facilitated regime provided for enhanced property rights pursuant to Article 60 of Decree-Law 50/2017 in the event of the exercise of *warrants* that have been assigned by a company to its *managers*.

It should be noted that a *warrant is* defined as the financial instrument that gives the holder the right, among others, to purchase (*call warrants*) or subscribe to a certain quantity of securities (underlying) at a predefined price (*strike price*) and within a set maturity, usually exceeding one year, according to a certain ratio (exercise ratio).

Therefore, the regime provided for by art. 60 of Decree-Law 50/2017 is not considered applicable, as the sums paid do not constitute a reinforced property right deriving from a participation in the company's capital.

art. 60 DL 24.4.2017 n. 50
Answer to the Revenue Agency ruling 29.9.2025 n.
257 Answer to the Revenue Agency 29.9.2025 n.
256 Answer to the Revenue Agency 29.9.2025 n.
255 Answer to the Revenue Agency 29.9.2025 n.
254

Il Quotidiano del Commercialista of 30.9.2025 - **"Proceeds from carried interest are facilitated if managers use only their own resources"** - *Sanna*

Il Sole - 24 Ore of 30.9.2025, p. 48 - **"Investments with actual and conspicuous outlay taxed at 26%"** - *Germans*

Italia Oggi of 30.9.2025, p. 25 - **"Push for incentive plans"** - *Stancati - Manguso Italia Oggi of*

30.9.2025, p. 25 - **"Bonuses to managers, the rules"** - *Stancati - Manguso Guide Eutekne -*

Direct Taxes - **"Carried interest"** - *Sanna S.*

ADMINISTRATIVE SANCTIONS

Offsetting of non-existent receivables - Credit to be offset within a certain term - Offsetting with tax advances higher than due - Exclusion (Cass. 27.9.2025 no. 26273)

With the ordinance of 27.9.2025 no. 26273, the Court of Cassation has returned to deal with the issue of the offsetting, in the F24 form, of the credits from the facilitation in the particular case in which there is a deadline for such offsetting and the amount of the credit to be offset exceeds that of the tax and social security debts that will be indicated in the "debit amounts" of the F24 form before this deadline.

In the case at hand, the amount due of tax advances (specifically, VAT, but the same would apply to income tax and IRAP advances) was increased on the basis of the forecasting criterion, so as not to "lose" the portion of credit that, otherwise, would have remained unused, given the impossibility of requesting a refund.

Regulatory framework

Taking the case of income taxes and IRAP as an example, the related advances can be determined in two ways:

- with the so-called "historical" criterion, i.e. on the basis of the tax due for the previous year, net of deductions, tax credits and withholding taxes, resulting from specific lines of the INCOME and IRAP forms;
- or with the so-called "forecast" criterion, based on the tax that is presumed to be achieved in the reference year, net of withholdings suffered, deductions made and tax credits due.

The second method is nothing more than the "corollary" of the sanctioning discipline defined by art. 2 co. 4 letter b) of Law 97/77, which establishes the non-application of penalties if the advance paid is lower than that due on the basis of the so-called "historical" method, but at least equal to the tax due for the year of payment of the advance, net of deductions and tax credits and withholding taxes. Therefore, if the tax advances are found to exceed, even significantly, the tax due in balance, no penalty is applicable.

Clarifications from the Revenue Agency

The Revenue Agency also intervened on the issue, which, with the answer to the ruling 10.1.2023 n. 8, with regard to the compensation of the tax credit for energy-intensive companies referred to in art. 6 of Decree-Law 115/2022, specified that there is no legislative preclusion to the payment of the advance calculated with the forecasting method where the relevant amount exceeds what would be due using the historical method.

However, according to the Agency, in no case will the payment of the advance, if it exceeds what is actually due, allow the refund of the relevant tax or a carry-over effect such that the credit spent for the payment is used in any way after the deadline provided by law for offsetting.

Orientation of the Supreme Court

The regulatory and interpretative framework outlined above was addressed by the ruling in question, which stated that the tax credit for disadvantaged areas pursuant to Article 8 of Law 388/2000 (but the principle can be extended, in general, to all credits of a facilitated nature) can be used in compensation only for the purpose of paying taxes actually due and not for the payment of advances or advances that do not correspond to actual tax debts.

In a similar sense, the Court of Cassation had ruled in order 11.10.2017 no. 23814, which states that "*the offsetting of a credit is allowed only if there is actually a tax debt*". This principle "*requires that the determination of the tax debt by applying the method*
the so-called forecast for the determination of the VAT advance pursuant to Law no. 405 of 1990, art. 6, paragraph 2, is carried out taking into account the concrete economic situation of the taxable person, who is required to demonstrate the reasonable sustainability of the forecast made, or that the tax debts (constituting the parameter for determining that advance) are actual and not imaginary".

Where it is used to pay "undue" advances, the set-off is illegitimate, but falls within the *genus* of undue offsets, not in the offsets of non-existent receivables to the extent that, of course, the offsetting receivable exists.

The problem, in fact, does not concern the existence and entitlement of the credit to be offset, but the correct identification of the debt to be extinguished in its amount.

Therefore, since the credit is not due:

- the recovery notice must be notified by 31 December of the fifth year following the year in which the undue compensation took place, and not the eighth year (Article 38-bis , paragraph 1, letter c) of Presidential Decree 600/73);
- although Ordinance 26273/2025 does not talk about this, the penalties are those for undue compensation of undue credit, of 25% (and not 70%) referred to in art. 13 co. 4 of Legislative Decree 471/97.

Since it is an undue set-off, the credit must be recovered, at least in the event that it can no longer be offset due to the expiry of the time limits indicated by the law establishing the credit itself.

art. 13 Legislative Decree no. 471 of 18.12.1997

Answer to the Revenue Agency ruling 10.1.2023 no. 8

Il Quotidiano del Commercialista del 30.9.2025 - **"The credit offset with "excessive" tax advances is not non-existent"** - *Cissello - Negro*

Eutekne Guides - Assessment and penalties - **"Undue compensation of taxes"** - *Cissello A. Eutekne*

Guides - VAT and indirect taxes - **"VAT advance"** - Cass. 27.9.2025 n. 26273

THERMAL ACCOUNT

Incentive for small-scale interventions to increase energy efficiency and for the production of thermal energy from renewable sources (so-called Thermal Account 3.0) - Ministerial Decree 7.8.2025 - Publication in the Official Journal - Main changes

With the Ministerial Decree 7.8.2025 (published in the *Official Gazette of the Democratic Republic of Italy)* 26.9.2025 no. 224) defines the rules relating to the incentive of small-scale interventions for the increase of energy efficiency and for the production of thermal energy from renewable sources (so-called Thermal Account 3.0).

The GSE is responsible for the disbursement of the contribution.

This decree updates the provisions of the Ministerial Decree of 16.2.2016 (so-called Thermal Account 2.0).

Entry into force

Pursuant to art. 31 of the Ministerial Decree of 7.8.2025, the regulations of the Thermal Account 3.0 will enter into force on 25.12.2025 (ninetieth day following the date of publication in the *Official Gazette of the Government).*).

Requests for incentives submitted before that date remain subject to the regulations of the Thermal Account 2.0 ex Ministerial Decree 16.2.2016.

Moreover, the discipline of the Thermal Account 2.0 continues to apply even after 25.12.2025 in the cases identified by art. 30 co. 4 of the Ministerial Decree of 7.8.2025.

Beneficiaries of the incentives

The following are eligible for contributions:

- Public Administrations, with reference to both residential and non-residential buildings (for all types of subsidized interventions);
- private entities, with regard to residential buildings (for energy efficiency increase only) and buildings belonging to the tertiary sector (for all types of intervention).

For the purposes of the Thermal Account 3.0, Third Sector entities pursuant to Article 4 of Legislative Decree 117/2017, registered in the RUNTS (for interventions to increase energy efficiency, it is required that they do not carry out activities of an economic nature) are also equated with Public Administrations.

The Ministerial Decree of 7.8.2025 specifies that, for the purposes of applying the incentives, the following belong to the area:

- residential, buildings or real estate units registered in cadastral group A, with the exception of categories A/8, A/9 and A/10;
- tertiary, buildings and real estate units of cadastral category A/10, as well as registered in cadastral groups B, C (excluding C/6 and C/7), D (excluding D/9) or E (excluding E/2, E/4 and E/6).

Eligible interventions

The incentives recognized with the Thermal Account 3.0 concern first of all:

- interventions to increase energy efficiency (such as insulation of the envelope, replacement of lighting systems, *building automation*, installation of electric vehicle charging stations, installation of photovoltaic systems and related storage systems);
- interventions for the production of thermal energy from renewable sources (such as replacement of winter air conditioning systems and installation of solar thermal systems).

The installation of photovoltaic systems and related storage systems as well as electric vehicle charging stations can access the Thermal Account 3.0 as long as they are carried out in conjunction with the replacement of the pre-existing winter air conditioning system with one equipped with electric heat pumps.

The incentives are also due for the transformation of existing buildings into "*nearly zero-energy buildings*" (this type of intervention, identified according to the result, is an alternative to the others).

Incentive Measurement

The percentage of the incentive, identified by Annex 2 to the Ministerial Decree of 7.8.2025, is equal to:

- 65% of eligible expenses, for interventions to transform existing buildings into "*nearly zero-energy buildings*";
- 55% of the eligible expenses, for the thermal insulation of the building envelope carried out in conjunction with an intervention relating to the production of thermal energy referred to in letters a), b), c) or e)

art. 8 co. 1 of the Ministerial Decree of 7.8.2025;

- 50% of eligible expenses, for the thermal insulation of the building envelope built in climate zones E and F;
- 40% of eligible expenses, for all other interventions.

Also for the replacement of transparent closures including fixtures, it would seem possible to increase the basic percentage by 40%, according to the indications of Annex 2 of the Ministerial Decree 7.8.2025 (however, it is advisable to wait for confirmation in the application rules that will be drawn up by the GSE).

In any case, the incentive measure rises to 100% of the eligible expenses for the interventions referred to in art. 11 co. 2 of the Ministerial Decree of 7.8.2025, carried out on buildings:

- municipalities with a population of up to 15,000 inhabitants and used by them;
- used for school use and buildings of hospitals and other public health facilities, including residential, assistance, care or hospitalization facilities, of the National Health Service.

Limits of eligible expenditure

Annex 2 of the Ministerial Decree of 7.8.2025, for each type of intervention, identifies the "*limits per unit of power and unit of area*" (beyond which potentially eligible expenses cannot be considered) and the maximum levels of the incentive due.

Cumulation

If more than one intervention is carried out, the amount of the contribution is equal to the sum of the incentives relating to the individual interventions, without prejudice to compliance with the maximum ceilings provided for by Article 11 of the Ministerial Decree of 7.8.2025 (normally set at 65% of the eligible expenses incurred, but with an increase to 100% of the eligible expenses for interventions carried out on the types of public buildings referred to in Article 11 paragraph 2 of Ministerial Decree 7.8.2025, referred to above).

In any case, art. 17 para. 1 of the Ministerial Decree of 7.8.2025 provides that, as a rule, incentives are granted exclusively to interventions for the implementation of which no other state incentives are granted, except for guarantee funds, revolving funds and interest rate subsidies.

By way of derogation, art. 17 par. 2 of the Ministerial Decree of 7.8.2025 establishes that, for buildings owned and used by the public administration, the incentives of the "Thermal Account 3.0" (which are not already recognized in an amount equal to 100% of eligible expenses) can be combined with other incentives and public funding, within the limits of a maximum total non-repayable grant equal to 100% of eligible expenses.

Ministerial Decree 7.8.2025 Ministry of the Environment and Energy Security

Il Quotidiano del Commercialista del 29.9.2025 - **"In the Official Gazette the Thermal Account 3.0"** - *Bertelli - Zanetti*

Guide Eutekne - Direct Taxes - **"Thermal Account"** - *Zanetti E., Zeni A.*

Il Quotidiano del Commercialista del 30.9.2025 - **"Conto termico 3.0 up to 65% for private buildings and 100% for public buildings"** - *Bertelli - Zanetti*

Il Quotidiano del Commercialista of 2.10.2025 - **"Percentage of variable incentive for energy efficiency in the Thermal Account 3.0"** - *Bertelli - Zanetti*

Work

SOCIAL SECURITY

Agreement between the Italian Republic and the Republic of Moldova on social security - Entry into force (INPS Circ. 30.9.2025 no. 131)

With Circ. 30.9.2025 no. 131, INPS illustrated the provisions of the Agreement between the Italian Republic and the Republic of Moldova on social security, signed in Rome on 31.10.2024 and entered into force on 1.9.2025.

The purpose of the Agreement is to coordinate the laws of the two States in order to ensure equal treatment and the portability of social security rights.

In particular, the provisions apply to persons who are or have been subject to the legislation of one or both States, as well as their family members and survivors, refugees and stateless persons.

Material application area

With reference to Italian social security legislation, the Agreement applies to disability, old age and survivors' benefits (IVS) provided for:

- by compulsory general insurance (AGO);
- from the special regimes of self-employed workers (artisans, traders and direct farmers);
- the Separate Management referred to in art. 2 co. 26 of Law 335/95;
- by the exclusive and replacement regimes of the compulsory general insurance schemes established for certain categories of workers and managed by INPS, including those enrolled in the Public Management.

In addition, the Agreement applies to pensions and other economic benefits due for accidents at work or occupational diseases and managed by INAIL.

Conversely, for Italy, the Agreement does not apply:

- to the social allowance and other non-contributory and mixed benefits provided at the total or partial expense of general taxation;
- to the supplement to the minimum salary and benefits for which Italian legislation provides for the requirement of residence in Italy.

Instead, with reference to Moldovan social security legislation, the Agreement applies to:

- pensions by age limit;
- pensions for disability caused by a general illness;
- pensions and disability allowances caused by an accident at work or occupational disease;
- survivors' pensions.

Finally, it should be noted that for Moldova the Agreement does not apply to special pensions, early pensions due to age limit and social allowances.

Territoriality of the applicable legislation

On the other hand, with regard to the provisions relating to the territoriality of the applicable legislation, INPS pays specific attention to the issue of the posting of workers.

In particular, according to the Agreement in question, a worker employed by an undertaking established in one of the Contracting States, who has been sent to the territory of the other State, remains subject to the legislation of the first State provided that his employment does not exceed a period of 24 months, unless extended by a further 24 months. This discipline also applies to the self-employed worker.

Further specifications then concern the travelling personnel of air, road or rail transport companies, who remain subject exclusively to the legislation of the State in whose territory the company is based.

On the other hand, crew members of a ship flying the flag of one of the Contracting States are subject to the legislation of the flag State, while for dock workers the legislation of the State to which the port belongs applies.

Furthermore, for the staff of diplomatic and consular representations, the legislation of the contracting state to which the administration to which the workers depend belongs applies.

International totalization

Another important provision in the Agreement concerns the regulation of international aggregation. On the substance, INPS points out that, where the completion of a certain number of periods of insurance or equivalent is required for the purposes of acquiring, maintaining or recovering the right to a benefit under the legislation of one State, the competent institution of that State shall, if necessary, take into account the periods of insurance completed under the legislation of the other State, provided that these periods do not overlap.

In the light of this provision, the international aggregation of insurance periods is carried out only if the right to benefit is not perfected with the periods completed under the legislation of one of the two States.

Provisions on pensions

The circular in question also deals with the issue of pension benefits. As a preliminary point, it should be noted that according to the provisions of the Administrative Agreement linked to the Agreement, the person who collects the pension paid by the competent institution of one State in the national territory of the other State, will certify his existence in life in the manner provided for by the competent institution that provides the benefit.

Below, INPS highlights the main profiles relating to the recognition of the pension under the national/autonomous regime and under the international regime.

With reference to the latter case, it should be noted that the institution of international totalization finds
This applies only if the insured person can claim a minimum insurance period of 52 weeks.

Law no. 98 of 23.6.2025
INPS Circular 30.9.2025 no. 131

Il Quotidiano del Commercialista of 1.10.2025 - **"Social security agreement between Italy and Moldova with rules also for posting"** - *Mamone*

Eutekne Guides - Social Security - **"Social Security Agreements - Moldova"** - *Costa A.*

Special sectors

COMPUTER SCIENCE

Artificial Intelligence - Law 132/2025 - Relevant profiles for professionals

L. 132/2025 ("Provisions and delegations to the Government on artificial intelligence"), published in the *G.U.* 25.9.2025 no. 223 and in force since 10.10.2025, has several profiles of interest for professionals.

Obligations for intellectual professionals

Article13 , paragraph 1 provides that the use of artificial intelligence systems by intellectual professionals must be aimed at "*the sole exercise of instrumental activities and support for professional activity and with a prevalence of the intellectual work that is the subject of the provision of work*".

According to the accompanying dossier of 27.6.2025, this must be understood in the sense that human critical thinking must always prevail over the use of artificial intelligence tools, according to a criterion of prevalence to be understood in a qualitative (and not also quantitative) sense.

Paragraph 2 also requires the professional to communicate to the recipient of the intellectual service, in clear, simple and exhaustive language, the information relating to the artificial intelligence systems used.

The violation of these provisions could result in professional liability for non-compliance, if the client suffers damage caused by the conduct of the professional; Failure to comply with art. 13 could, moreover, give rise to disciplinary liability (think of the lawyer's duty to inform the client, enshrined in art. 27 of the code of ethics, which would be violated in the event of failure to comply with the obligation to inform).

Provisions on the use of AI in employment

L. 132/2025 contains some provisions on employment.

In particular, Article 11 provides that the use of artificial intelligence:

- it must aim to improve working conditions, protect the psychophysical integrity of workers and increase the quality of work performance and productivity of people in accordance with European Union law
- it must be safe, reliable, transparent;
- it may not be contrary to human dignity, nor may it violate the confidentiality of personal data;
- must ensure, in the organisation and management of the employment relationship, the observance of the inviolable rights of the worker without discrimination on the basis of sex, age, ethnic origin, religious belief, sexual orientation, political opinions and personal, social and economic conditions, in accordance with European Union law.

A specific obligation is also provided for the employer or the client towards the worker, about the use of artificial intelligence in the cases and in the manner referred to in art. 1-bis of Legislative Decree no. 26.5.97 no. 152 (provision imposing additional information obligations in the case of the use of automated decision-making or monitoring systems).

Article 12 of Law 132/2025 then establishes a special Observatory on the adoption of artificial intelligence systems in the world of work at the Ministry of Labour to:

- define a strategy on the use of AI in the workplace;
- monitor the impact of AI on the labour market and identify the most affected labour sectors;
- promote AI training for workers and employers.

Criminal provisions

Article 26 of the law also introduces some provisions of a criminal nature, which in part can impact professionals, as well as companies with which professionals collaborate in various capacities.

A new offence of "*Unlawful dissemination of content generated or altered with artificial intelligence systems*" (Article 612-quarter of the Criminal Code) is introduced, aimed at punishing with imprisonment from 1 to 5 years those who cause unjust damage to a person, transferring, publishing or otherwise disseminating, without their consent, images, videos or voices falsified or altered through the use of artificial intelligence systems and capable of misleading about their authenticity.

An aggravating circumstance common to art. 61 of the Criminal Code is provided for, which derives from having committed an unlawful act through the use of artificial intelligence systems, as well as an aggravating circumstance specific to the crime of attacks against the political rights of the citizen (art. 294 of the Criminal Code).

Of particular interest are crimes of a financial nature, with the introduction of specific aggravating circumstances for the crimes of rigging (Article 2637 of the Italian Civil Code) and market manipulation (Article 185 of Legislative Decree 58/98) when the facts are committed through the use of artificial intelligence systems; as well as the extension of the crime of "plagiarism" (Article 171 co. 1 of Law 633/41) to cases of use of artificial intelligence. It should be noted that these last cases cited are all already part of the catalogue of predicate offences "231" (arts. 25-ter, 25-sexies and art. 25-novies of Legislative Decree 231/2001).

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Il Quotidiano del Commercialista del 27.9.2025 - **"Use of AI by professionals only if intellectual work prevails"** - *Pasquale*

Italia Oggi of 27.9.2025, p. 29 - **"Transparent AI in companies and studios"** - *Cirioli D.*

Il Quotidiano del Commercialista of 30.9.2025 - **"New crime of illicit dissemination of content generated or altered with AI systems"** - *Artusi*

The Accountant's Daily of 29.9.2025 - **"Worker to be informed about the use of artificial intelligence in work"** - *Pagano*

Read Highlights

FISCAL

MINISTERIAL DECREE OF THE MINISTRY OF ECONOMY AND FINANCE 6.8.2025

FISCAL

INDIRECT TAXES - VAT - SPECIAL SCHEMES - Farmers' regime - Supplies of certain harvested wood products - Increase in compensation percentages - Extension for the years 2024 and 2025

Art. 1 paragraph 662 of Law no. 145 of 30.12.2018 (2019 Budget Law) provides for the possibility of raising, by ministerial decree, the VAT compensation percentages applicable to wood and firewood by subjects operating under the special regime referred to in art. 34 of Presidential Decree 633/72, within the maximum expenditure limit of one million euros per year.

In implementation of this provision, this Ministerial Decree extends for the years 2024 and 2025 the VAT compensation percentages applicable to the supply of certain wood products by entities operating under the special regime referred to in art. 34 of Presidential Decree 633/72.

Compensation percentages for supplies of harvested wood products

The decree in question confirms, also for the years 2024 and 2025, the application of the VAT compensation percentages of 6.4% for wood and firewood, already established:

1. for the year 2020, by Ministerial Decree 5.2.2021 (published in the Official Gazette 23.2.2021 no. 45);

- for the year 2021, by Ministerial Decree 19.12.2021 (published in the Official Gazette 29.12.2021 no. 308);
- for the year 2022, by Ministerial Decree 10.10.2022 (published in the Official Gazette 24.11.2022 no. 275).

For the year 2023, however, no decree has been issued that would change the applicable VAT compensation percentage, compared to the 2% measure provided for by Ministerial Decree 12.5.92.

Specifically, the aforementioned percentage of 6.4% applies to the products referred to in no. 43) and 45) of Table A, part I, annexed to Presidential Decree 633/72, namely, respectively:

- firewood in rounds, logs, twigs or bundles, as well as wood waste, including sawdust (see 44.01);
- to wood that is simply squared, excluding tropical wood (see 44.04).

The compensation percentage of 2% set by art. 1 lit.
d) of the Ministerial Decree of 12.5.92.

Application of compensation percentages

The compensation percentages are used by agricultural producers who apply the special VAT regime referred to in art. 34 of Presidential Decree 633/72 to calculate the lump sum of deductible VAT referred to the supplies of agricultural products identified in Table A, part I, annexed to Presidential Decree 633/72. For these purposes, the measure aims to support agricultural producers who apply the special regime referred to in art. 34 of Presidential Decree 633/72, increasing the amount of the flat-rate VAT deduction provided for certain types of supplies made by them.

However, the compensation percentages also serve as a VAT rate for the following transactions:

- supplies of agricultural products by "minor" producers who apply the exemption regime referred to in art. 34 co. 6 of Presidential Decree 633/72;
- transfers of assets from member farmers to cooperatives and other associative bodies, referred to in art. 34 co. 2 letter c) of Presidential Decree 633/72, which apply the special regime.

Expiration

The provisions of this Ministerial Decree take effect from 1.1.2024 to 31.12.2025.

To this end, reference must be made to the time of carrying out the transactions, identified pursuant to art. 6 of Presidential Decree 633/72 (see Revenue Agency Circular 6.5.2016 no. 19).

Adjustments for 2024 and 2025 of deductible VAT

The increase in the compensation percentages from 2% to 6.4% determines an increase in the flat-rate portion of deductible VAT for agricultural producers under the special regime referred to in art. 34 of Presidential Decree 633/72.

In view of the retroactive effect from 1.1.2024 established by this Ministerial Decree, it is therefore necessary to proceed with the relevant corrections.

These subjects, if they have applied the percentage of 2% in 2024, will be able to recalculate the tax due for that year in the return, recalculating the deductible portion based on the compensation percentage of 6.4%. In order to recover this amount, it will be necessary to submit a supplementary VAT return, as the deadline for submitting the VAT return for 2024 has now expired (30.4.2025).

With regard to periodic settlements made in the current year, it will be possible to recover the deductible amount in the annual VAT return for 2025.

Consequently, the "LIPE" communications must also be corrected (possibly at the time of the annual return).

Adjustments for 2024 and 2025 of the VAT rate

Again in consideration of the retroactive effect from 1.1.2024 established by this Ministerial Decree, with regard instead to transactions in relation to which the compensation percentage of 6.4% acts as a VAT rate, it appears necessary to issue an increase variation note, pursuant to art. 26 par. 1 of Presidential Decree 633/72, for the tax only, where in 2024 and 2025 the percentage of 2% has been applied.

The Tax Administration has not provided clarifications about the consequences from the point of view of sanctions. However, in the case at hand, the principle of legitimate expectations and good faith provided for by the Taxpayer's Statute (Article 10 of Law 212/2000) should apply, according to which "no penalties or default interest shall be imposed on the taxpayer if he has complied with indications contained in acts of the tax authorities, even if subsequently amended by the same administration, or if his conduct is carried out as a result of facts directly resulting from delays, omissions or errors of the administration itself".