Corrective and supplementary provisions of the tax reform - News of Legislative Decree 18.12.2025 n. 192

1 INTRODUCTION

With Legislative Decree no. 192 of 18.12.2025, published in the *Official Gazette no.* 294 of 19.12.2025, numerous amendments and additions have been made to the provisions and legislative decrees issued in implementation of the tax reform referred to in Delegated Law no. 111 of 9.8.2023.

Legislative Decree 192/2025 entered into force on 20.12.2025, the day after its publication, but specific effective dates are provided for various provisions.

The main changes in Legislative Decree 192/2025 are analysed below.

2 NEWS ON IRPEF

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<tr><th>Topic</th><th>Description</th></tr>
<tr><td>Tax treatment of dependent family members - Extension of the "safeguard clause" to family members other than children</td><td>Paragraph 4-ter of art. 12 of the TUIR, relating to the tax treatment of dependent family members, is replaced in order to extend the so-called "safeguard clause" to dependent family members other than children, following the intervention of the 2025 Budget Law which reduced the scope of application of the related tax deductions.
On the basis of the new paragraph 4-ter of art. 12 of the TUIR, in fact, when the tax provisions refer to the persons indicated in this art. 12, the following must be considered, even if a tax deduction for family expenses is not due:
• the spouse who is not legally and effectively separated;
• children, including recognized children born out of wedlock, adopted, affiliated or foster children, and cohabiting children of the deceased spouse only;
• the other persons listed in art. 433 of the Italian Civil Code (e.g. parents, grandparents, brothers, sisters, in-laws) who live with the taxpayer or receive maintenance payments not resulting from measures of the judicial authority.
In addition, it is specified that, if the conditions provided for by paragraph 2 of art. 12 of the TUIR, i.e. if reference is made to fiscally dependent family members, the aforementioned subjects are considered to have a total income not exceeding the limits indicated in the same paragraph 2 (i.e. 4,000 euros for children up to 24 years of age and 2,840.51 euros for other subjects).
In practice, the so-called "safeguard clause" for the application of other tax provisions that refer to family members (e.g. on deductions/deductions for expenses and corporate welfare), which was provided only for children, is extended to all family members who previously gave the right to tax deduction for family expenses, although this has been abolished by the 2025 budget law.
Effective date
The provisions of the new paragraph 4-ter of art. 12 of the TUIR apply starting from the tax period in progress to 20.12.2025, therefore from the 2025 tax period, in practice with retroactive effect from 1.1.2025.</td></tr>
<tr><td>Tax exemption for the portions of remuneration deriving from the waiver of the pension contribution credit</td><td>By amending art. 51 par. 2 lett. i-bis) of the TUIR, the preferential tax regime for the portions of remuneration deriving from the right to waive the contribution credit is also extended to the "exclusive" forms of the Compulsory General Insurance.
Consequently, the portions of remuneration deriving from the exercise by the employee of the right to waive the contribution credit to the Compulsory General Insurance for invalidity, old age and survivors of employees and the substitute or exclusive forms of the same, for the period following the first useful deadline for retirement, do not contribute to the formation of employment income. after having accrued the minimum requirements according to current legislation.
Effective date
The provision applies to the determination of employment income received starting from the 2025 tax period (tax period in progress as of 20.12.2025).</td></tr>
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Topic	Description
Prizes for athletes	With regard to the withholding tax applicable to prizes paid to amateur sportsmen referred to in art. 36 par. 6-quarter of Legislative Decree 36/2021, the provision that extended the exemption from this withholding tax for prizes up to 300.00 euros is removed from Legislative Decree 33/2025 (Consolidated Law on Payments and Collection, TUVR). In this way, the aforementioned exemption remains limited to the period 29.2.2024 - 31.12.2024, as was provided for by art. 14 co. 2-quarter of Legislative Decree 215/2023 converted into Law 18/2024.

3 NEWS ON BUSINESS INCOME

Topic	Description
Correction of accounting errors	The rules that recognise, under certain conditions, the tax relevance of income components recognised in the financial statements as a result of the correction of accounting errors are significantly amended (severely limiting the objective and temporal scope of application), without the need to submit supplementary returns. ***Subjective scope of application*** The tax relevance of corrective items: • it is provided for persons who compulsorily submit their financial statements to a statutory audit; • it is not limited to entities that adopt the principle of enhanced derivation. ***Objective scope of application*** The tax relevance of corrective items is provided only for non-material accounting errors, while, for material errors (as defined by the accounting standards adopted), the need to submit the relevant supplementary returns – if the requirements are met and within the terms governed, remains unaffected. The new rules do not only concern errors of imputation, but also those of qualification/classification and quantification. ***Time scope*** It is established that the correction must be carried out, in order to assume tax relevance: • by the date of approval of the financial statements relating to the year following the one in which the related assets or income items were erroneously recognised or should have been incorrectly recognised; • in any case, by the date of the start of accesses, inspections, verifications or other administrative assessment activities (concerning the assets and income items subject to the correction) of which the aforementioned subjects have had formal knowledge. ***Sanctioning regime*** While the procedure for correcting accounting errors based on the submission of supplementary returns determines the application, based on the circumstances of the case, of the relevant sanctions, the tax recognition of the correction of the accounting error does not determine sanctioning effects. ***IRAP*** The new rules on the correction of accounting errors also apply for IRAP purposes, but, with reference to this tax area, it is established that the tax relevance of corrective items operates only if both the value of net production relating to the tax period in which the correction is made and the one in which the related assets or income items should have been correctly recognized is not negative. These provisions also apply to banks and other financial institutions and companies

Topic	Description
	and insurance undertakings.

Topic	Description
	Effective date The new provisions apply to corrections of accounting errors detected in the financial statements for financial years beginning on or after 1.1.2025.
Enhanced derivation principle - Scope - Micro enterprises	It is established that the principle of enhanced derivation (which implies the tax relevance of the criteria of qualification, temporal allocation and classification adopted in the financial statements) applies, in addition to micro enterprises that choose to prepare the financial statements in ordinary form, also to those that choose to prepare the financial statements in abbreviated form. ***Investment Institutions and Financial Holding Firms*** The application of the enhanced derivation principle is also confirmed for investment institutions and financial holding companies (as defined by Article 2 of Directive 2013/34/EU), to which the simplifications provided for micro-enterprises do not apply, even if they fall within the relevant size limits, as well as some simplifications provided for the condensed financial statements. ***Effective date*** The amendment applies from the tax period following the one in progress on 31.12.2024 (therefore from the 2025 tax period for "solar" subjects).
Realignment of book and tax values - Extraordinary transactions	It is established that the regime for the realignment of the divergences between book and tax values that emerge in the event of a change in accounting standards applies, in addition to extraordinary tax-neutral transactions (mergers, demergers, contributions of companies) carried out between entities that adopt different accounting standards and between entities that have different financial statement disclosure obligations, also to extraordinary tax-neutral transactions carried out"*among the subjects who adopt the same accounting standards*". Therefore, the scope of the realignment also includes cases in which, following a reorganization operation, a change is made, albeit maintaining the same *set* of accounting rules, to the criteria for qualification, classification and time allocation adopted in the financial statements, before the moment of effectiveness of the transaction itself. ***Effective date*** The amendment applies from the tax period following the one in progress on 31.12.2024 (therefore from the 2025 tax period for "solar" subjects).
Contribution of equity investments under controlled realisation	A rule of authentic interpretation of paragraph 2-ter of art. 177 of the Consolidated Income Tax Act on the transfer of "qualified" shareholdings held in "*holding*" companies benefiting from the controlled realisation regime is introduced. Since this is a rule of authentic interpretation, it also has effect for contributions made from 31.12.2024, as paragraph 2-ter of art. 177 of the TUIR was introduced by Legislative Decree 192/2024. ***Contribution of "qualified" shareholdings*** Article 177, paragraph 2-bis of the Consolidated Income Tax Act allows the application of the controlled realisation regime referred to in Article 177, paragraph 2 of the Consolidated Income Tax Act even when the transferee company does not acquire, integrate or increase de jure control pursuant to Article 2359, paragraph 1, no. 1 of the Italian Civil Code, provided that: • the contribution relates to "qualified" shareholdings; • the transferee is a "single-member" or "family" company.

Topic	Description
	Qualification test with the prevalence criterion According to Article 177, paragraph 2-ter of the Consolidated Income Tax Act, once the significant shareholdings held directly or indirectly by the holding company have been identified, for the purposes of applying the controlled realisation regime, the percentages indicated by Article 177, paragraph 2-bis of the Consolidated Income Tax Act must exist for the shareholdings whose total book value is greater than half of the total book value of the significant shareholdings. Article 177, paragraph 2-ter of the Consolidated Income Tax Act also provides that, for the purposes of determining the percentages represented by the shareholdings and quantifying their book value, any multiplication produced by the shareholding chain is taken into account. ***Rule of authentic interpretation introduced by the corrective decree*** Legislative Decree 192/2025 provides that the reference to the book value of the investment must be interpreted as the value of the book equity. With a rule of authentic interpretation, therefore, it is established that the condition that requires the "prevalence" of investee companies that exceed the thresholds of qualified shareholdings exists where the total value of the accounting equity, calculated taking into account the possible multiplication of the shareholding chain, represents more than half of the total value of the accounting equity of the investee companies subject to verification.
Demergers by spin-off and fiscal neutrality	Some provisions are introduced on the subject of demergers by spin-off pursuant to art. 2506.1 of the Italian Civil Code, with reference to: • the application of tax neutrality also for pre-existing companies pursuant to the new paragraph 15-ter.1 of art. 173 of the TUIR; • transactions concerning permanent establishments (or parts thereof) of non-resident companies through the repeal of letter g) of paragraph 15-ter, the contents of which, integrated, are transferred to the new paragraph 15-ter.2 of art. 173 of the Consolidated Income Tax Act. ***Pre-existing beneficiaries*** The first novelty is represented by the provision that the discipline of demergers by spin-off in fiscal neutrality also applies to demergers with pre-existing beneficiaries, without prejudice to the application of the limitations referred to in paragraph 10 of art. 173 of the TUIR. ***Spin-off concerning permanent establishments of non-resident companies*** In the case of a spin-off concerning permanent establishments of non-resident companies by a demerger resident in the European Union or in the European Economic Area, the new rule expressly states that the assignment to the demerger of the shareholdings in the beneficiary does not entail any taxation, even if such shareholdings do not remain connected to an Italian permanent establishment of the demerged company. Therefore, the full fiscal neutrality of the transaction is guaranteed even in the absence of an Italian permanent establishment to which the shareholdings of the non-resident demerger refer. ***Effective date*** The above provisions apply to demergers carried out from the tax period in progress on the date of entry into force of Legislative Decree 192/2024 (tax period 2024 for "solar" entities) and also have effect for previous tax periods where the relevant declarations have been drawn up in accordance with them.

4 NEWS IN THE FIELD OF INTERNATIONAL TAXATION

Topic	Description
Suspension of the Conventions with Russia and Belarus	It is provided that, if a foreign jurisdiction unilaterally suspends the application of one or more provisions of a double taxation convention in force with Italy, the application of the same provisions in the Italian legal system is suspended, as a countermeasure, with equal effect. ***Elimination of double taxation during the suspension period*** During the suspension period, and in any case no later than the 2028 tax period, double taxation is eliminated through the credit for taxes paid abroad pursuant to art. 165 of the TUIR. ***Application of withholding taxes in the "internal" measure*** Until the end of the suspension of the Convention by the other party, the withholding taxes provided for by Italian law on income paid to persons resident in the foreign jurisdiction by which the double taxation agreement is suspended remain applicable. Penalties and interest shall not apply. ***Relations with the Russian Federation and Belarus*** The issue directly affects relations with the Russian Federation and Belarus, which have unilaterally suspended their respective Conventions signed with Italy. In application of the new rule, income flows out of Italy are subject to withholding tax at the full rates, and not at the conventional rates. Given that the new rule is effective from the moment the suspension has been carried out by the foreign counterparty (starting from the decree of 8.8.2023, in the case of Russia): • in order to recover the taxes paid in excess on foreign-source income, it should be possible for residents in Italy to submit supplementary returns with reference to the tax periods for which the deadlines for submitting the "ordinary" return have expired; • conversely, residents who have paid income from Italian sources by applying the conventional rate are required to pay the difference (as specified above, without penalties and interest).

5 NEW FEATURES IN THE FIELD OF ASSESSMENT

Topic	Description
Coordination of the provisions concerning evidentiary rulings	The rules governing the evidentiary ruling referred to in art. 11 co. 1 letter e) of Law 212/2000. ***Regulatory coordination changes in the provisions of the TUIR*** In the context of the provisions of the TUIR that provide for the possibility of submitting the so-called evidentiary ruling, the "old" reference to art. 11 paragraph 1 letter b) of Law 212/2000 (now containing the discipline of the so-called qualifying ruling) is updated with letter e) of the same article, into which the discipline of the evidentiary ruling has merged, as a result of the amendments made by art. 1 of Legislative Decree no. 219 of 30.12.2023. The provisions that allow the submission of an evidentiary ruling, for entitled subjects, with reference to which the regulatory reference is replaced, include: • Article 47-bis, paragraph 3 of the Consolidated Income Tax Act, concerning income produced in States or territories with privileged taxation; • Article 110, paragraph 9-ter of the Consolidated Income Tax Act, concerning the non-application of the rules on *black-listed* costs; • Article 113, paragraph 5 of the Consolidated Income Tax Act, concerning the ruling that financial intermediaries who carry out debt collection interventions may submit for the disapplication of the *participation exempion* (*pex*) regime;

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art. 124 paragraph 5 of the Consolidated Income Tax Act, concerning the continuation of the consolidated tax regime in the event of a merger of a company or entity with others not belonging to the consolidated tax;
art. 132 par. 3 of the TUIR, concerning the verification of the requirements for the effectiveness of the option for the determination of the single worldwide tax base for the group of non-resident companies.

Other regulatory coordination changes
The reference to art. 11 paragraph 1 letter e) of Law 212/2000, instead of the "old" article 11 paragraph 1 letter b), is also updated in the context of the discipline:

shell companies referred to in art. 30 co. 4-bis of Law 724/94;
of the VAT Group by amending Article 70-ter, paragraph 5 of Presidential Decree 633/72.

Subjective limitations
In art. 11, paragraph 2 of Law 212/2000, an exception is introduced to the subjective limitations on the submission of the evidentiary ruling referred to in art. 11 co. 1 letter e) of Law 212/2000.
In particular, it is clarified that in the context of the VAT Group regulations referred to in art. 70-ter of Presidential Decree 633/72, the subjective limitations valid for all other cases do not apply, in which the evidentiary ruling is reserved for:

subjects who adhere to the regime referred to in art. 3 et seq. of Legislative Decree 128/2015 (collaborative compliance);
subjects who submit the requests for ruling referred to in art. 2 of Legislative Decree 147/2015 (ruling on new investments).

Regulatory coordination for the regime of new residents
The reference to art. 11 co. 1 letter b) of Law 212/2000 contained in art. 24-bis of the TUIR (regime of new residents) with reference to the specific ruling introduced for this facilitation, now brought by art. 11 co. 1 letter f) of Law 212/2000.
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<tr><td>Collaborative fulfillment</td><td>
Taxpayers who have applied to join the collaborative compliance regime in the 2024 and 2025 tax periods are eligible for the regime even in the absence of certification of the integrated system for the detection, measurement, management and control of tax risk referred to in art. 4 par. 1-bis of Legislative Decree 128/2015.
The certification must be produced by the deadline of 30.9.2026.
Failure to submit the certification within this deadline constitutes grounds for exclusion from the cooperative compliance regime for non-compliance with the commitments undertaken.
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<tr><td>Adversarial</td><td>For the purposes of the prior cross-examination referred to in art. 6-bis of Law 212/2000, it is clarified that the term of 60 days, starting from the notification of the draft deed, is single and comprehensive, i.e. it applies both to submit any counter-arguments and to the request for access to the documents in the administrative file.</td></tr>
<tr><td>Mandatory self-protection</td><td>The possibility of mandatory self-protection pursuant to art. 10-quarter of Law 212/2000 is extended to sanctioning acts, as well as to taxation acts.</td></tr>
<tr><td>Legal advice</td><td>
"Private entities" are no longer allowed to request legal advice pursuant to art. 10-octies of Law 212/2000.
It is understood that the institution can be used:

trade unions and trade associations and professional associations;
only to identify the correct tax treatment referred to problems of a general nature.

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<tr><td>Simplified consultation</td><td>The rules on simplified consultation pursuant to art. 10-nonies of Law 212/2000 are amended, which provides for access to a special database of documentation of tax practice (e.g. circulars, resolutions, replies to rulings) by individuals and partnerships in simplified accounting.</td></tr>
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	In particular, it is established that: • the request for a ruling is inadmissible if the database does not inform the taxpayer of the possibility of submitting the application; • the subject may submit an application if he or she demonstrates that the practice document referred to in the answer obtained by consulting the database does not provide an unequivocal solution to the question; • the operating rules of the simplified consultation service will be defined by a decree of the Minister of Economy and Finance.
Contribution for the submission of requests for rulings	Paragraph 3 of art. 11 of Law 212/2000, relating to the obligation to pay a fee for the submission of requests for rulings. In particular, it is established that: • the obligation to pay the contribution exists only "*in relation to particularly complex cases*"; • the amount of the contribution is parameterized "*according to the type of taxpayer, his turnover or revenues and the type of ruling submitted*"; • the amount of the contribution and the related payment methods will be identified by a regulation of the Minister of Economy and Finance.

6 NEW CUSTOMS AND EXCISE DUTIES

Topic	Description
Exclusion of confiscation in case of payment of customs duties	With reference to administrative penalties for duties and other border duties, it is provided that, except in cases of confiscation ordered by the judicial authority (and goods for which manufacture, possession, possession or marketing is prohibited), if the border duties due are paid, in addition to interest, penalties and management costs, Goods intended for administrative confiscation shall be returned to the offender In addition, the extinction of the offence prevents the confiscation of the goods, except in cases where the manufacture, possession, possession or marketing of the goods subject to the offence are prohibited. ***Effectiveness*** The provision in question applies not only with reference to violations committed after 20.12.2025 (date of entry into force of Legislative Decree 192/2025), but also to those committed under Legislative Decree 141/2024, provided that the related administrative proceedings are not definitively concluded on that date (Customs and Monopolies Agency Circular 23.12.2025 no. 35).
Excise duty news	***Excise duties on natural gas*** Also included among the subjects obliged to pay excise duty are those who purchase, for their own use, natural gas packaged in cylinders or other containers from national suppliers. With reference to excise duties on natural gas, the distinction between "domestic uses" and "non-domestic uses" is introduced. ***Excise duties on electricity*** Electricity produced by generators powered by biomass or from gases obtained from biomass is excluded from excise duty only if the energy is consumed for its own use. ***News on tax warehouses*** The exemption from the obligation to provide security, for persons exercising a tax warehouse, is also extended to the central storage body, to ensure the maintenance of national stocks of petroleum products.