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info@bgsm.it – www.bgsm.it
Via F. Ferrucci, 57 – 59100 Prato (PO) – Tel. 0574/575795

Tax

DIRECT TAXES

General provisions - Deductible charges - Building interventions - Condominium - Renovation of the building stock and energy requalification carried out on common parts of residential buildings - Communications to the Tax Registry of data (provv. Revenue Agency 10.2.2026 no. 50559)

By 16.3.2026, condominium administrators must electronically transmit to the Revenue Agency the communication of the expenses incurred during the year 2025 relating to the "building" interventions carried out on the common parts of condominium buildings, so that they flow into the pre-filled tax return of the individual condominiums (art. 2 of Ministerial Decree 1.12.2016 and art. 16-bis co. 4 and 5 of Decree-Law 124/2019).

To this end, with the provision of 10.2.2026 no. 50559 , the Revenue Agency has updated the technical specifications for sending this communication.

Intended use of the real estate unit located in the condominium

This update is reasoned, among other things, in the provision, starting from the year 2025, of a double rate in relation to the IRPEF deduction for renovation of the building heritage pursuant to art. 16-bis of the TUIR, the IRPEF/IRES deduction for seismic risk reduction pursuant to art. 16 of Decree-Law 63/2013 and the IRPEF/IRES deduction for energy requalification pursuant to art. 14 of Decree-Law 63/2013.

Even if they relate to interventions on the common parts of the condominium building, for these deductions the following rate applies:

- "increased" (by 50% for 2025 and 2026 or by 36% for 2027) for condominiums who at the same time hold the right of ownership or the real right of enjoyment of the real estate unit at the beginning of the works and use the real estate unit as a main residence at the end of the works;
- "ordinary" (36% for 2025 and 2026 or 30% for 2027) in other cases.

The communication route (to be transmitted electronically) has therefore been implemented in order to allow condominium administrators to indicate the information relating to the requirement of the main residence of the real estate unit. This information is transmitted by the condominium administrator to the Tax Registry:

- only if the condominium owner has communicated it to the administrator by 31 December of the year of reference for the expenditure;
- and in any case optionally for the 2025 tax period.

Replacement of the emergency generator set with the latest generation of gas emergency generators

The communication route for expenses relating to condominium interventions has also been modified by inserting the reference to the replacement of the existing emergency generator with the latest generation gas emergency generators. For this intervention, the IRPEF deduction pursuant to Article 16-bis , paragraph 3-bis of the TUIR continues to compete in any case to the extent of 50% for expenses incurred from 1.1.2025, regardless of the requirement of the main residence.

65% Superbonus for expenses incurred in 2025

A further element of updating the route for the communication of expenses relating to condominium interventions concerns the modification of the rate for the *superbonus* pursuant to Article 119 of Decree-Law 34/2020.

In particular, for expenses incurred in 2025, the *superbonus* is due:

- in the ordinary way, to the extent of 65% of the eligible expenses incurred;
- to the extent of 110%, for the interventions referred to in art. 119 co. 8-ter of Decree-Law 34/2020, i.e. for reconstruction interventions carried out on uninhabitable buildings in the Municipalities affected by seismic events that occurred as of 1.4.2009 where the state of emergency was declared or for the interventions carried out by the subjects referred to in letter d-bis) of art. 119 paragraph 9 of Legislative Decree 34/2020 (NPOs, voluntary organisations, social promotion associations) for which the conditions of the following paragraph 10-bis are met at the same time (i.e. they must be NPOs, ODVs and APS that carry out activities of provision of social, health and welfare services, whose members of the board of directors do not receive any remuneration or office allowance and provided that object of the interventions are

properties falling within the cadastral categories B/1, B/2 or D/4 owned by such subjects in full or bare ownership or in usufruct, or held on free loan for use).

Green bonus - Exclusion for expenses incurred from 2025

The reference to the so-called "green bonus*" pursuant to* Article 1, paragraphs 12 - 15 of Law 205/2017, which no longer applies to expenses incurred from 1.1.2025, has been eliminated from the route for the communication of expenses relating to condominium interventions.

Communication for "minimum" condominiums

With regard to the "minimum condominiums" (composed of a number not exceeding eight condominiums, and therefore not obliged to appoint a condominium administrator pursuant to art. 1129 of the Italian Civil Code), the Revenue Agency, with the FAQ of 21.2.2025, clarified that:

- if the minimum condominium has appointed an administrator, he is required to communicate the expenses relating to the interventions on the common parts of the condominium;
- if, on the other hand, the administrator has not been appointed, the condominiums of the minimum condominium are exempt from the obligation to transmit the condominium data to the Tax Registry.

Communication to the Tax Registry - Exemption in the event of an option of transfer or discount for all condominiums

It is understood that the condominium administrator is exempt from the obligation to report in the event that, with reference to the expenses incurred in 2025, for all the interventions on the common parts, all the condominiums, instead of the direct use of the deduction, have opted for the assignment of the credit or the discount on the consideration pursuant to Article 121 of Decree-Law 34/2020, as provided for by provv. Revenue Agency 21.2.2024 n. 53174 (in this regard, it should be noted that for expenses incurred in 2025, the option for the assignment of the credit or the discount on the consideration can only be exercised with reference to interventions facilitated with the *superbonus*, pursuant to art. 121 co. 7-bis of Decree-Law 34/2020).

On the other hand, if even for a single intervention, at least one condominium owner has decided to take advantage of the deduction by using it directly in the tax return, the administrator is required to transmit the data referring to all the interventions carried out in the previous year on the common parts, including those for which the option for the assignment of the credit or the discount on the consideration pursuant to Article 121 of Decree-Law 34/2020 has been exercised.

Revenue Agency Provision 10.2.2026 no. 50559

Il Quotidiano del Commercialista of 11.2.2026 - **"The technical specifications for sending data relating to condominium interventions have been updated"** - *Editorial staff*

Il Sole - 24 Ore of 11.2.2026, p. 32 - **"Administrators, faculty to indicate the main residence"** - *Latour Guide*

Eutekne - Direct Taxes - **"Condominium"** - *Zeni A.*

Eutekne Guides - Assessment and sanctions - **"Condominium administrators"** - *Magro L., Zeni A.*

DIRECT TAXES

General provisions - Deductible charges - Building interventions - Sismabonus "purchases" - Deeds stipulated in 2024 - Part of expenses incurred in 2025 - Payment of expenses up to 96,000 euros for full discount - Exercise of options (answers to the Revenue Agency ruling 10.2.2026 no. 30 and 11.2.2026 no. 31)

In the replies to the ruling of the Revenue Agency 10.2.2026 no. 30 and 11.2.2026 n. 31 clarifications have been provided regarding the so-called "Tax Code". *sismabonus* "purchases", referred to in art. 16 co. 1-septies of Legislative Decree 63/2013.

Alternative nature of the "interventions" seismic bonus and the "purchases" seismic bonus

In its response 30/2026, the Italian Revenue Agency reiterates that the *seismic bonus* deduction "interventions" (referred to in paragraph 1-bis of Article 16 of Decree-Law 63/2013) and the *seismic bonus* deduction "purchases" (referred to in the following paragraph 1-septies of the same Article 16) are alternatives.

This alternative is to be understood absolutely, in the sense that:

- if the real estate construction or renovation company, which has demolished and rebuilt the entire building, benefits from the *sismabonus* referred to in paragraph 1-bis of art. 16 of Decree-Law 63/2013 on

the expenses incurred to carry out the intervention, this circumstance precludes the possibility that even one of the purchasers of the individual real estate units located in the building can benefit from the *seismic bonus* referred to in paragraph 1-septies of theart. 16 of Legislative Decree 63/2013 on the expenses incurred to purchase the real estate unit;

- if even one of the purchasers of the individual real estate units located in the building has benefited from the "*seismic bonus* purchases" referred to in paragraph 1-septies of art. 16 of Decree-Law 63/2013 on the expenses incurred to purchase the real estate unit, this circumstance precludes the possibility that the construction company or real estate renovation, which demolished and rebuilt the entire building, benefits from the *seismic bonus* referred to in paragraph 1-bis of art. 16 of Legislative Decree 63/2013 on a part of the expenses incurred to carry out the intervention proportional to the "building weight" (volumetric or superficial) of the real estate units purchased without *the "purchases" seismic bonus* on the total of the real estate units in which the building is portioned.

Expenses incurred from 1.1.2025 - Option not exercisable

Pursuant to Article 121 of Decree-Law 34/2020, the options for the transfer or discount on the consideration of expenses that entitle you to the generality of "construction" deductions, including the so-called "*sismabonus* purchases", referred to in Article 16, paragraph 1-septies of Decree-Law 63/2013, are only possible for expenses incurred from 2020 to 2024 (provided that it is not included in the "block of options" introduced by Article 2 of Decree-Law 11/2023 as of 17.2.2023 and extended by subsequent regulatory provisions).

Consequently, as confirmed by the answer to ruling 30/2026 (but also by the answer 31/2026), for buyers of properties with the requirements to benefit from the "*sismabonus* purchases" who entered into the deed of sale in the year 2025 and who incurred the related expenses in 2025, it is not possible to opt for transfer/discount on the consideration.

Deeds carried out in 2024 with expenditure paid partly in 2024 and partly in 2025

In the answer to ruling 11.2.2026 no. 31, the Revenue Agency dealt with the deeds of real estate units that were stipulated at the end of 2024, in relation to which buyers could benefit from the *seismic bonus* purchases referred to in paragraph 1-septies of art. 16 of Decree-Law 63/2013, with the provision for payment of the price only partly at the time of stipulation and partly during 2025.

Given that the possibility of opting for the discount on the consideration on the invoice and the assignment to third parties of the tax credit corresponding to the deduction due, referred to in art. 121 of Decree-Law 34/2020, concerns only the expenses incurred until 31.12.2024 in the event that the purchasers of the individual real estate units can benefit from the "*sismabonus* purchases" and given that the deduction rates (75% or 85% for expenses incurred until 2024) have been reduced as of 1.1.2025 (for expenses incurred in 2025 and 2026 they are set at 36% or 50% for main residences), by the end of the year 2024 real estate sales have been brought forward allowing buyers to pay part of the purchase price, more or less significant, during 2025.

Given that the IRPEF/IRES deduction "*sismabonus* purchases", referred to in the aforementioned paragraph 1-septies, can be used upon completion of the "prerequisite" intervention, which, for the specific *bonus*, consists of the demolition of the entire building and its reconstruction with transition to a lower seismic risk class than the seismic risk class of the pre-existing building (answer to the Revenue Agency ruling 16.1.2020 no. 5 and res. Revenue Agency 15.12.2022 n. 77), answer 31/2026 reiterates a general principle that concerns all "construction" *bonuses*, namely that, for non-business income holders who follow the cash principle, for the purposes of allocating expenses, reference must be made to those incurred and actually paid.

In fact, as also recalled by the Tax Administration, when the buyer of the real estate unit is a natural person, the aspect of the payment of deductible expenses in 2024 is essential in order to be able to consider them incurred in that year. However, given that, for the purposes of the *seismic bonus* purchases, the deductible expense cannot exceed the maximum ceiling of €96,000.00, in order to benefit from the "full" invoice discount (of €81,600.00 if the deduction is due at a rate of 85% or €72,000.00 at a rate of 75%) it is necessary to have paid in full the part of the expense that contributes to reaching the limit of €96,000.00 (€14,400.00 in the case of an 85% deduction or €24,000.00 with a 75% rate).

If, on the other hand, as in the case at hand subject to analysis in the answer to ruling 31/2026, the purchaser of the real estate unit has paid by the end of 2024 an amount of less than €14,400.00 (if 85% is due) or €24,000.00 (if 75% is due), the full discount (equal to €72,000.00 or €81,600.00) cannot be indicated on the invoice, but a "discount on the consideration" proportional to the expense incurred by the buyer had to be highlighted.

art. 16 co. 1 septies DL 4.6.2013 n. 63
Answer to the Revenue Agency ruling 11.2.2026 n. 31

Answer to the Revenue Agency 10.2.2026 n. 30

Eutekne Guides - Direct Taxes - **"Anti-seismic interventions - Purchase of real estate from companies (so-called "sismabonus purchases")"** - *Zeni A.*

Il Quotidiano del Commercialista of 12.2.2026 - **"Sismabonus purchases 2024 "integral" with payment up to the ceiling of 96,000 euros"** - *Zeni*

Il Quotidiano del Commercialista of 11.2.2026 - **"Absolute alternative between sismabonus purchases and sismabonus interventions"** - *Zanetti - Zeni*

Il Quotidiano del Commercialista of 30.1.2025 - **"For the 2024 purchase earthquake bonus, the payment of the full price at the deed is not required"** - *Zanetti - Zeni*

INDIRECT TAXES

VAT - General provisions - Deduction - Turn-of-year invoices - Deduction of VAT for the transferee or principal - Time limits (Trib. EU, 11.2.2026, case T-689/24)

In its judgment of 11.2.2026 in Case T-689/24, the General Court of the European Union stated that the deduction of VAT must be allowed during the period in which the right arose, even in the event that the transferee or principal came into possession of the purchase invoice in the following year, within the deadline for submitting the return.

The ruling is extremely important and has an innovative character compared to the provisions of domestic legislation and the consolidated orientation of practice (above all, see the Revenue Agency circular no. 1/2018).

Exercise of the deduction

The Courts of the European Union first recall, in their judgment, the general principles governing the exercise of the deduction. In a nutshell, according to Directive 2006/112/EC:

- "*The chargeable event of the tax occurs and the tax becomes chargeable at the time when the supply of goods or services is carried out*" (art. 63);
- The right to deduct "*arises when the deductible tax becomes chargeable*" (art. 167);
- without prejudice to the principle of inherence, the taxable person has the right to deduct the VAT due or paid "*in respect of the goods which are or will be supplied to him and in respect of the services which are or will be supplied to him by another taxable person*" (art. 168);
- In order to exercise the right, it is necessary to "*be in possession of an invoice*" drawn up in accordance with the provisions of the Directive (art. 178).

Location of the Revenue Agency

The Revenue Agency, in compliance with the principles mentioned above, interpreting what was stated by the Court of Justice in the judgment relating to case C-152/02, clarified that the *starting point* for exercising the right must be identified with regard to the moment in which "the double condition" occurs for the transferee or principal (circ. no. 1/2018):

- the fact that the tax is chargeable (substantive requirement);
- possession of a valid invoice drawn up in accordance with the provisions of art. 21 of Presidential Decree 633/72 (formal requirement).

On the basis of this orientation, against the purchase of an asset on 30.12.2025, the transferee (in the event subject to the monthly settlement) who had received the relevant invoice on 2.1.2026, could deduct the tax only from the periodic settlement relating to the month of January or, at the latest by 30.4.2027, the deadline for submitting the VAT return for 2026, year in which, in addition to the substantive requirement (the chargeability of the tax, already present from 2025) there was also the formal requirement of possession of the invoice.

Position of the EU General Court

The General Court of the European Union, ruling in relation to Polish legislation, similar to the Italian one, stated that the principles contained in Case C-152/02 must be interpreted differently. In that case, reference was made to the situation in which the taxable person did not have "*an invoice or such document at the time when he exercised his right to deduct VAT"* (Case T-689/24 , paragraph 35).

The case is different if, at the time of submission of the annual VAT return relating to the year in which the right of deduction arose, the transferee or principal is in possession of the invoice.

Postponing the exercise of that right to the period of receipt would mean that the transferee or principal, a taxable person, would be burdened, albeit only temporarily, with VAT on the purchase, contrary to the provisions of the principles of neutrality and proportionality governing the tax.

While acknowledging the importance of the formal conditions, the General Court recalls that, according to settled case-law, the above-mentioned principles of neutrality and proportionality "*require that the deduction of input VAT be recognised if the substantive requirements are met, even if certain formal requirements have been met disregarded by taxable persons*".

Nor can it be said that the legislation and the current interpretation are useful in preventing output VAT from being deducted before it is declared as inputs, given that, if the taxable person does indeed have the document at the time of submission of the return, the tax authority is put in a position to carry out the necessary checks.

Returning, therefore, to the example above, based on the interpretation provided by the EU General Court, the receipt of the purchase invoice on 2.1.2026 would still allow the tax to be deducted with reference to 2025, contrary to the rules defined on the basis of the consolidated orientation of practice, as well as art. 1 of Presidential Decree 100/98, which prohibits the "retro-imputation" of VAT for invoices "at the turn of the year".

"Retroactivity" of the deduction in the tax delegation

The enabling law of tax reform provides that "*in relation to goods and services purchased or imported for which the tax becomes chargeable in the year preceding that in which the invoice is received, the right to deduct may be exercised at the latest with the declaration relating to the year in which the invoice is received*" (Article 7 of Law 111/2023).

Recalling what is reported in the Explanatory Report to the enabling law, the implementation of the rule would make it possible to overcome the provision according to which the document received in the period following the one in which the tax became payable, cannot be "retro-imputed" to the previous period. Consequently, the detailed rules for exercising the deduction are consistent with what was stated by the EU Courts in the judgment in Case T-689/24.

Il Quotidiano del Commercialista of 12.2.2026 - **"The EU Court admits the retroactivity of invoices at the turn of the year"** - *Bilancini - La Grutta* Trib. EU 11.2.2026 n. T-689/24

Eutekne Guides - VAT and indirect taxes - **"VAT deduction"** - *Greco E. - La Grutta S.*

SUBSTITUTE TAXES

Enfranchisement of funds and reserves in tax suspension - Effective date of the effects and declaration obligations (answers to the Revenue Agency ruling 9.2.2026 no. 23 and 10.2.2026 no. 27)

According to the answer to ruling 10.2.2026 no. 27:

- the release of the reserves of a limited liability company existing as of 31.12.2024, carried out pursuant to art. 14 of Legislative Decree 192/2024, retroacts in terms of effects to the same date;
- the transaction must, consequently, be incorporated into the statement of shareholders' equity of the REDDITI SC 2025 form, in which the option is exercised;
- if the option for tax transparency referred to in art. 116 of the TUIR is exercised from 2025, the reserves are considered already franked (as the effects take effect from 31.12.2024) and, therefore, are taxed in the hands of the shareholders at the time of their distribution with a withholding tax of 26%.

Retroactive effect and statement of equity of the RS framework

According to the Revenue Agency, the release of reserves retroacts at the end of the tax period in relation to which the transaction is deemed to have been carried out. For companies with a financial year coinciding with the calendar year, therefore:

- the transaction is deemed to have been carried out in 2024, as it is reported in the statement of the RQ framework of the INCOME SC 2025 form, referring to that year;
- it is retroactive to 31.12.2024, the date from which the constraint of tax suspension of reserves is deemed to have been removed.

As a consequence of this approach, it is necessary to indicate, in the statement of shareholders' equity contained in the RS section of the same INCOME SC 2025 form, the reduction of the *basket* of tax-deferred reserves and the increase in the *basket* of profit reserves (or capital reserves, if the reserves had such a

nature before the suspension constraint is affixed).

Option for tax transparency

In the case under ruling, the limited liability company opted for the tax transparency regime governed by art. 116 of the TUIR with effect from 2025.

Retroacting, however, the effects of the benefit not to 1.1.2025, but to 31.12.2024:

- the transaction does not have the consequence of increasing the fiscally recognized cost of the participation of shareholders, as is ordinarily the case for shareholders of partnerships and "transparent" limited liability companies;
- since as of 1.1.2025 the reserves have already migrated from *the basket* of those in suspension to the *basket* of those of profits, there is no effect on the cost of shareholder participation; the reserves, on the contrary, are subject, in the event of distribution, to the 26% withholding tax provided for by Article 27 of Presidential Decree 600/73.

Completion of the transaction

The Revenue Agency has confirmed that the enfranchisement is completed with the indication of the reserves and the related substitute tax in the table of the RQ framework of the return (in this sense, moreover, Article 4 paragraph 1 of the Ministerial Decree of 27.6.2025 expressly provides); this applies even if the return is "late", i.e. submitted within 90 days of the ordinary deadline.

Any non-compliance represented by the insufficient or late payment of the substitute tax is not likely to affect the validity of the enfranchisement, as they can be regularized with repentance (or leading to the registration of the amounts due, if the company does not make use of the repentance).

According to the Revenue Agency, moreover, the failure to fill in the statement of shareholders' equity in the declarations submitted for the years prior to 2024 is not an obstacle to the completion of the transaction.

Companies that have freed the merger deficit

In a different document (answer to ruling 9.2.2026 no. 23), the Revenue Agency confirmed that the merger deficit charged to goodwill and subsequently franked with the substitute tax provided for by art. 172 par. 10-bis of the TUIR (at the time in 12%-14%-16% brackets) allows the tax recognition of the higher values of the assets without, however, generating reserves in the liabilities subject to the state of tax suspension.

Consequently, due to the absence of the prerequisites, the substitute tax of 10% is not due for the release of the reserves referred to in art. 14 of Legislative Decree 192/2024. Even after the substitute taxation for the tax recognition of the deficit, in fact, the equity items maintain their original regime, since there is no prerequisite for taxation in the hands of the company at the time of their distribution.

art. 116 DPR 22.12.1986 n. 917
art. 14 Legislative Decree no. 192 of 13.12.2024
Ministerial Decree 27.6.2025 Ministry of Economy and Finance Answer to the Revenue Agency ruling 10.2.2026 no. 27

Il Quotidiano del Commercialista of 11.2.2026 - **"The release of reserves retroacts to 31 December 2024"** - *Odetto*

Il Sole - 24 Ore of 11.2.2026, p. 31 - **"Liberation of reserves in repentable suspension"** - *Germani*

Italia Oggi of 11.2.2026, p. 28 - **"Reserves in suspension, immediate distribution possible"** - *Stancati - Manguso*

SUBSTITUTE TAXES

Flat-rate regime pursuant to Law 190/2014 - Limit of revenues and fees of 85,000 euros - Sums returned - Effects (answer to the Revenue Agency ruling 10.2.2026 no. 26)

With the answer to ruling 10.2.2026 no. 26, the Revenue Agency clarified that the fees received or the revenues achieved by the professional or entrepreneur under the flat-rate regime contribute to the achievement of the threshold of 85,000.00 euros even if these sums were paid by mistake and subsequently returned to the client. In particular, the aforementioned limit includes, in the absence of indications to the contrary, "*any remuneration received or revenue obtained by the professional/entrepreneur, including those that are subsequently returned to the customer/customer (because, for example, in whole or in part, originally not due to error in their quantification)*".

Collection and return of sums not due in different periods

The case under ruling concerned a doctor under the flat-rate regime who during 2024, due to an error in contractual classification by the provincial health authority, had received compensation greater than those actually due; the taxpayer detected the inconsistency in January 2025, providing for the return of the sums paid in excess.

The total amount of compensation paid by the Provincial Health Authority (consisting of both the sums actually due and the higher sums not due returned in 2025), indicated in the CU 2025, exceeded the threshold of 85,000.00 euros, with the consequent exit from the flat-rate regime for the year 2025. In this regard, it should be noted that, for the fees paid to doctors affiliated with the National Health Service, who apply the flat-rate regime referred to in L. 190/2014, the obligation to issue the Single Certification remains (answer to the ruling of the Revenue Agency 13.5.2025 no. 132).

The taxpayer then turned to the Revenue Agency, asking for confirmation on the possibility of continuing to apply the flat-rate regime also in 2025, considering that the fees actually received in 2024, after the return of the sums not due during 2025, were below the threshold for disapplication of the regime.

However, the Agency's conclusion is not positive and seems to leave no room for exceptions. According to the answer to the question, the limit of 85,000.00 euros includes, in the absence of indications to the contrary, "any remuneration received or revenue obtained by the professional/entrepreneur, including those that are subsequently returned to the principal/client (because, for example, in whole or in part, originally not due by error in their quantification)".

Consequently, in the present case, the collection of fees in excess of that due, resulting in the threshold of 85,000.00 euros being exceeded for 2024, entails the exit from the flat-rate regime starting from the following year (i.e. 2025), regardless of the return of part of the fees during the following year due to the error made by a third party. Once the exit from the flat-rate regime has been stopped, the doctor has no choice but to ask for a refund of the higher substitute tax paid and not due for 2024.

Collection and return of sums not due in the same period

The conclusion reached by the Revenue Agency is considered to be contextualized with respect to the specific case under ruling, in which the collection of fees and the return of the excess part due took place in different tax periods.

One might wonder whether the same conclusion would have been reached in the event that the error had been corrected in 2024 with the consequent and corresponding return of the sums not due again in 2024; in this case, both the CU 2025 and the INCOME form would have reported the fees actually due, below the threshold of 85,000.00 euros, with possible permanence in the flat-rate regime also in 2025. After all, it would be the same situation that occurs when a different professional issues an electronic invoice for a fee higher than that contractually established and, in the same year, issues a credit note for the excess amount; The amount not due, paid by the client and returned to the same by the professional, should not be considered as a fee collected for the purposes of remaining in the flat-rate regime. For these purposes, only the amount actually "remaining" in the hands of the professional following the completion of the error correction procedure should be considered.

art. 1 co. 54 L. 23.12.2014 n. 190

Answer to the Revenue Agency ruling 10.2.2026 no. 26

Il Quotidiano del Commercialista of 11.2.2026 - **"For flat-rate taxpayers, exceeding the threshold of 85,000 euros is not retractable"** - *Girinelli - Rivetti*

Il Sole - 24 Ore, p. 31 - **"Lump sums outside the regime for sums not due"** - *Caputo*

Eutekne Guides - Direct Taxes - **"Accounting and Tax Regimes - Flat-rate regime for the self-employed (L. 190/2014)"** - *Rivetti P.*

DEFINITION OF TAX RELATIONSHIPS

Two-year arrangement with creditors (Legislative Decree 13/2024) - Bonus regime - Exemption from the compliance visa - Tax periods concerned (answer to the Revenue Agency ruling 11.2.2026 no. 36)

With the answer to ruling 11.2.2026 no. 36, the Revenue Agency, with regard to the exemption from the compliance visa for the purpose of using IRPEF/IRES credits up to the limit of 50,000.00 euros in offsetting, clarified that the ISA bonus regime applies to taxpayers who have joined the CPB, regardless of the tax

reliability score, exclusively for the tax periods subject to the agreement.

For the years not covered by the CPB, the general rules referred to in art. 9-bis of Legislative Decree 50/2017 apply, which make the use of the bonus benefits subject to the achievement of an ISA score determined year by year by the Revenue Agency.

Membership of the CPB 2024-2025 and offsetting of credits 2023

In the present case, a taxpayer adhered to the CPB 2024-2025 by submitting the INCOME 2024 form (ISA grade for 2023 equal to 8.58), without affixing the stamp of conformity to this declaration. In December 2024, the same entity submitted an F24 to use an IRES credit relating to the 2023 tax period as compensation; however, the payment model was discarded at the end of the check, due to the absence of the compliance visa, which was necessary as the amount of the credit was greater than €20,000.00 and the taxpayer had not reached the ISA score necessary for exemption from the compliance visa up to €50,000.00 for the 2023 tax period (the credit that could be offset without a visa could reach up to €50,000.00 only with an ISA score of at least 9).

Applicability of the bonus scheme

The Revenue Agency, with the answer to ruling 36/2026, confirms the correctness of the outcome of the check that led to the rejection of the F24 form.

In fact, by express regulatory provision, in the case of adherence to the CPB, the ISA bonus regime is applicable, regardless of the ISA score, "*for the tax periods subject to the agreement*" (Article 19, paragraph 3 of Legislative Decree 13/2024).

Therefore, by joining the CPB 2024-2025, the exemption from the obligation to affix the stamp of conformity for the offsetting of credits up to € 50,000.00 (for credits relating to direct taxes and IRAP) applies exclusively with reference to the tax returns submitted for the tax periods subject to the arrangement (INCOME 2025 and 2026 forms) from which the credits emerge.

Regularization

The credit relating to the 2023 tax period could have been used in offsetting, alternatively:

- subject to the affixing of the stamp of conformity on the INCOME 2024 form, by submitting a supplementary return in favour; the submission of the supplementary return in favour is subject to the (revisable) penalty referred to in Article 8, paragraph 1 of Legislative Decree 471/97 (from 250.00 to 2,000.00 euros), since it is - according to the Revenue Agency - a case in which the declaration lacks the elements prescribed for the performance of the controls;
- from the 10th day following the submission of the INCOME 2025 form, in order to "regenerate" the credit; In this case, considering that 2024 is a tax period subject to an agreement, the compliance stamp must be affixed only in the event that the threshold of 50,000.00 euros is exceeded.

Obligation to submit the annual return

The exemption from the affixing of the conformity stamp does not extend to the obligation to submit the annual return in advance, for the purpose of offsetting credits of an amount exceeding 5,000.00 euros, provided for by Article 17 of Legislative Decree 241/97; this fulfilment is in fact also necessary in the case of adherence to the CPB.

art. 19 para. 3 Legislative Decree 12.2.2024 n. 13
Answer to the Revenue Agency ruling 11.2.2026 no. 36

Il Quotidiano del Commercialista of 12.2.2026 - **"In the CPB, the ISA bonus regime concerns only the years of the agreed two-year period"** - *Girinelli - Rivetti*

Il Sole - 24 Ore of 12.2.2026, p. 36 - **"The exemption for the compliance visa applies from adherence to the concordat"** *-Gavelli G.*

Eutekne Guides - Assessment and sanctions - **"Two-year arrangement with creditors"** - *Girinelli A., Rivetti P.*

TAX BENEFITS

Tax credit for disadvantaged areas - Tax credit for investments in the single SEZ of Southern Italy - Subsidized investments - Property built by leasing under construction - Admissibility (answer to the Revenue Agency ruling 11.2.2026 no. 32)

The Revenue Agency, with the answer to ruling 11.2.2026 no. 32, stated that the tax credit for investments in the single SEZ of Southern Italy pursuant to Article 16 of Decree-Law 124/2023 is also due for the real estate component created through a leasing contract under construction, without prejudice to the other conditions provided.

Eligible investments

It being understood that in relation to investments concerning the purchase of land and the acquisition, construction or expansion of instrumental properties, pursuant to art. 16 co. 2 of Decree-Law 124/2023 and art. 3 co. 5 of Ministerial Decree 17.5.2024, the value of the land and buildings eligible for the subsidy cannot exceed 50% of the total value of the subsidized investment, a doubt had arisen about the eligibility for the Single SEZ tax credit of an investment in a property made through a leasing contract under construction.

As a preliminary point, the Revenue Agency pointed out that the answer does not require any assessment of the existence of the requirements and conditions for the application of the facilitative discipline of the Single SEZ tax credit (such as, for example, the configurability of an "initial investment project" in compliance with the EU regulations), for which any power of control by the Tax Administration remains in any case.

In general, pursuant to art. 16 par. 2 of Decree-Law 124/2023 and art. 3 par. 1 of Ministerial Decree 17.5.2024, the notion of investment eligible for the purposes of the Single SEZ tax credit includes the purchase, including through financial lease contracts, of new machinery, plants and various equipment intended for existing production facilities or that are being implanted in the territory, as well as the purchase of land and the acquisition, construction or expansion of properties instrumental to investments.

Leased properties

With regard to real estate, according to the subsidized provision, the investment is eligible for the subsidy in cases of acquisition, construction or expansion of real estate instrumental to the investment.

By virtue of the well-established principle of tendential equivalence between the acquisition of ownership and that carried out through a *leasing* contract, according to the Revenue Agency, in general, real estate acquired through a financial lease is also eligible (see circ. no. 34/2016, in relation to the previous tax credit for investments in the South referred to in art. 1 par. 98 - 108 of Law 208/2015).

This approach does not exclude, therefore, in principle, that the real estate component of an investment eligible for the purposes of the Single SEZ tax credit can be carried out using the form of *leasing* under construction, without prejudice to compliance with all the other conditions required by national and EU legislation to benefit from the credit in question (such as, for example, those set out in Article 16 paragraph 2 of Decree-Law 124/2023 and Article 14 of EU Commission Regulation No. 651/2014).

Time of investment for properties with leasing under construction

The Revenue Agency then dwells on the fact that, among the conditions required by the national legislation, for the purposes of identifying the "moment" in which the investments (such as the real estate represented) are considered to have been made and the value of the assets eligible for credit purposes, it is necessary to take into account the provisions of art. 109 par. 1 and 2 and 110 of the TUIR, regardless of the accounting principles adopted (see art. 3 par. 4 of the Ministerial Decree of 17.5.2024).

The Revenue Agency therefore points out that, according to the provisions of art. 109 par. 1 and 2 of the TUIR, the charges deriving from pre-lease payments in the context of a *leasing* under construction assume tax relevance towards the user of the real estate from the moment of delivery of the same. Therefore, only from that moment can the requirement of making the investment for the purposes of the tax credit be considered satisfied.

It is therefore up to the taxpayer to identify, in practice, the tax period pertaining to the charges relating to the aforementioned rents, according to the criteria indicated by art. 109 par. 1 and 2 of the TUIR (regardless of the accounting principles actually adopted), in order to identify the moment in which, in the case represented, the investment in question is considered to have been made.

art. 16 co. 2 DL 19.9.2023 n. 124

art. 3 co. 5 Decree of the Presidency of the Council of Ministers - Minister for European Affairs, the South, Cohesion Policies and the PNRR 17.5.2024

Answer to the Revenue Agency ruling 11.2.2026 no. 32

Il Quotidiano del Commercialista of 12.2.2026 - **"Single SEZ bonus also for the property built with leasing under construction"** - *Alberti*

Eutekne Guides - Direct Taxes - **"Bonus investments in the single SEZ of Southern Italy"** - *Alberti P.*

Work

SOCIAL SECURITY

IVS contributions for artisans and traders - Contribution for the year 2026 - Instructions (INPS circ. 9.2.2026 no. 14)

With Circ. 9.2.2026 no. 14, INPS has provided instructions for the calculation and payment of the contributions due for 2026 by members of the Artisan and Merchant Managements, indicating the rates and income amounts to be used.

Contribution rates

With reference to the measure of the contribution rates applied this year, the basic value of 24% provided for pursuant to art. 24 paragraph 22 of Decree-Law 201/2011, which from 2012 provided for a progressive increase, is confirmed.

On this point, INPS recalls that the 24% rate will apply as early as 2025 also with reference to coadjuvants/coadjutors aged no more than 21, previously beneficiaries of a reduced contribution (ultimately equal to 23.70%).

The 24% rate is then subject to specific increases or reductions. In particular, for those registered with the Merchant Management only, the additional rate pursuant to Article 5 of Legislative Decree 207/96, provided for the purposes of compensation for the definitive cessation of commercial activity, must be added, the amount of which, as of 1.1.2022, is equal to 0.48%, for a total of 24.48%. For those enrolled in the Artisans Management, on the other hand, the measure of the rate applied remains unchanged at 24%.

Reductions and additional contributions

The circular in question confirms the application, also for the year 2026, of the provisions pursuant to Article 59 , paragraph 15 of Law 449/97, which provide for a 50% reduction in the contributions due by artisans and business owners over 65 years of age, already retired from INPS management.

In addition, it should be noted that art. 1 co. 186 of Law 207/2024 (2025 Budget Law) has provided for a 50% contribution reduction in favor of workers who have enrolled in 2025 for the first time in one of the Artisan and Merchant Managements, and who receive business income, even under the flat-rate regime.

Finally, the additional contribution for maternity benefits referred to in art. 49 of Law 488/99 is confirmed, set at 0.62 euros per month.

Income values

On the other hand, with regard to the income values to be used this year for the calculation of the contribution to the Artisan and Merchant Managements, INPS highlights how, following the 1.4% increase in the ISTAT consumer price index referring to the two-year period 2024/2025, the amounts concerning the minimum and maximum income are up compared to last year.

In particular, the minimum income to be taken into account for the purposes of calculating the IVS contribution due by artisans and traders is equal to 18,808.00 euros (they were 18,555.00 euros last year), while the income ceiling amounts to 93,707.00 euros (92,413.00 euros in 2025) for those who enrolled before 1.1.96, or 122,295.00 euros (they were 120,607 euros last year) for those who enrolled later.

On the other hand, with regard to the IVS contribution exceeding the minimum, INPS informs that the contribution is due on income produced in 2026 for the portion exceeding the aforementioned minimum of 18,808.00 euros, with the application of the rates up to the limit of the first pensionable annual salary bracket which, again for this year, is equal to 56,224.00 euros per year (they were 55,448.00 euros in 2025), while for incomes above this threshold

the increase in the rate of 1% referred to in art. 3-ter of Decree-Law 384/92 always applies.

Taking into account the rates and income values indicated, the contribution calculated on the minimum income for 2026 is equal to:

- €4,521.36 per year (€376.78 per month) for members of the Artisans' Management;
- €4,611.64 per year (€384.31 per month) for commercial operators.

Terms and methods of payment

Contributions must be paid using the F24 unified payment forms, at the deadlines that

follow:

- 18.5.2026, 20.8.2026, 16.11.2026, on 16.2.2027, for the payment of the 4 instalments of the contributions due on the minimum income;
- within the deadlines for the payment of personal income taxes with reference to the contributions due on the portion of income exceeding the minimum, by way of the balance 2025, first advance payment 2026 and

second down payment 2026.

Finally, INPS reminds that the data and amounts useful for the payment of the contribution due by artisans and traders are published in the Social Security Drawer, in the section "Data of the mod. F24", which can be accessed by the taxpayer or his delegate.

Through this option it is also possible to view and print, in PDF format, the form to be used to make the payment.

art. 24 co. 2 DL 6.12.2011 n. 201

INPS Circular 9.2.2026 no. 14

Il Quotidiano del Commercialista del 10.2.2026 - **"Growing income ceiling and minimum for artisans and traders"** - *Mamone*

Il Sole - 24 Ore of 10.2.2026, p. 42 - **"Artisans and traders, first installment of contributions by 18 May"** - *Prioschi M.*

Italia Oggi of 10.2.2026, p. 30 - **"Self-employed, dearest contributions"** - *Cirioli D.*

Eutekne Guides - Social Security - **"Contribution for artisans and traders"** - *Quintavalle R.*

Real estate

LEASES

Tax aspects - Flat coupon - Flat coupon on commercial real estate - New features of Law 145/2018 (2019 Budget Law) - Contracts extended in 2019 - Subsequent extension - Exclusion of the flat coupon (answer to the Revenue Agency ruling 11.2.2026 no. 34)

With the answer to ruling 11.2.2026 no. 34, the Revenue Agency returns to deal with the dry coupon on commercial leases, as introduced by art. 1 co. 59 of Law 145/2018.

Regulation of the flat rate tax on commercial leases

It should be noted that art. 1 co. 59 of Law no. 145 of 30.12.2018 had introduced the possibility of accessing the 21% flat coupon, under certain conditions, for lease contracts:

- relating to buildings classified in cadastral category C/1 (shops or workshops) and their appurtenances;
- of surface area up to 600 square meters (without including appurtenances in the calculation);
- stipulated in 2019;
- between subjects who on 15.10.2018 did not already have a contract in place for the same property, but interrupted early.

This is a particular regulation, which has remained unique in the panorama of the dry coupon, as the measure has not been re-proposed and has therefore remained limited only to commercial lease contracts entered into in 2019.

Temporary requirement

Among the various indispensable conditions for accessing the special regime, there was a time requirement

stringent: the lease must have been stipulated in 2019.

In this regard, however, the Revenue Agency, in the past, had already clarified that:

- with reference to contracts entered into in 2019, the option did not necessarily have to be expressed at the first registration, but could also be expressed at the expiry of the years following the first, as well as at the time of contractual extension (see the Revenue Agency answers 12.6.2020 no. 184 and 22.6.2020 n. 190);
- In the absence of a transitional regulation, the option could also be allowed to contracts, entered into previously, but extended in 2019, given that "*the extension, for the purposes of the provision in question,*

considers as if it were a lease contract entered into during 2019" (answer to the Revenue Agency ruling 22.7.2019 no. 297).

Extension of the commercial lease

The issue of the dry coupon on shops or workshops is back in the news, probably on the occasion of the

Contract extension: lease contracts for buildings used for industrial, commercial and craft activities of tourist interest (such as travel and tourism agencies, sports and recreational facilities, tourist companies and other tourism promotion bodies and the like) as well as for the habitual and professional exercise of any self-employment activity normally have a duration of 6+6 years.

For this reason, the contracts, stipulated in 2019, which were able to access the dry coupon thanks to the special rule provided for by the 2019 budget law, have reached their first extension in 2025.

For such contracts, there is no doubt about the possibility of expressing the option again (or expressing it for the first time) at the time of the first extension of the contract.

The present case

The case examined in answer no. 34/2026, however, referred to a different situation, as it did not concern a contract entered into in 2019, but a lease agreement, concerning a commercial premises classified C/1, entered into in 2013. At its first expiry (in 2019) this contract had been extended for a further 6 years and, at that time, the owner had been able to take advantage of the novelty introduced by the 2019 Budget Law, opting for the dry coupon on the commercial lease thanks to the opening position expressed by the Revenue Agency in the aforementioned answer no. 297/2019.

In 2025, therefore, the contract (stipulated in 2013 and extended in 2019 with an option for the dry coupon pursuant to Article 1 , paragraph 59 of Law 145/2018) has reached a new deadline and the taxpayer turns to the Revenue Agency to find out if he can continue to apply the flat tax, expressing the option again when extending it for a further 6 years.

Coupon on the second extension - Exclusion

In answer no. 34/2026, the Revenue Agency responds negatively to the taxpayer's question, noting that the possibility of opting for the dry coupon on commercial leases, when extending the contract, is limited:

- contracts entered into *from scratch* in 2019;
- contracts extended in 2019.

Outside of these cases, the temporal effects of the special discipline, introduced by art. 1 co. 59 of Law 145/2018, have been exhausted and the optional regime is no longer in force.

Extension in 2025

On the basis of the indications given by the Revenue Agency in answer no. 34/2026, therefore, it is possible to say that, in 2025, the option for the flat coupon can validly express:

- at the time of the first extension, only commercial lease contracts entered into in 2019;
- and not, on the other hand, those, stipulated before 2019, for which the flat tax has already been used by expressing the option at the time of extension in 2019.

art. 1 co. 59 L. 30.12.2018 n. 145

art. 3 Legislative Decree no. 23 of 14.3.2011

Answer to the Revenue Agency ruling 11.2.2026 no. 34

Il Quotidiano del Commercialista of 12.2.2026 - **"No dry coupon for the second extension of the C/1 contract stipulated before 2019"** - *Mauro*

Read Highlights

TAX

REVENUE AGENCY PROVISION 15.1.2026 NO. 15707

TAX

ASSESSMENT - DECLARATIONS - CERTIFICATION OF WITHHOLDING AGENTS - SINGLE CERTIFICATION - MODEL 2026 - Approval - Certification of capital gains

This measure:
- approves the new 2026 Single Certification, relating to the 2025 tax period, to be transmitted electronically to the Revenue Agency and to be delivered to the taxpayer-replaced, pursuant to art. 4 of the Presidential Decree
22.7.98 . 322;
- establishes the procedures for certifying transactions that generate capital gains, by the intermediaries involved in them, pursuant to art. 10 of Legislative Decree 21.11.97 n. 461.

Approval of the 2026 Single Certification

The "Single Certification 2026" concerns:
- employment income, equated and assimilated, referred to in art. 49 and 50 of the TUIR, paid in 2025 and subject to ordinary taxation, separate taxation, withholding tax or substitute tax;
- the income from self-employment referred to in art. 53 of the TUIR (e.g. professional fees, copyright or inventor's rights, etc.), paid in 2025;
- commissions, however denominated, for services, including occasional ones, relating to commission, agency, mediation, commercial representation and business procurement relationships, paid in 2025, subject to the withholding tax referred to in art. 25-bis of Presidential Decree 600/73;
- commissions deriving from door-to-door sales referred to in art. 19 of Legislative Decree no. 114 of 31.3.98, subject to withholding tax;
- the fees paid by the condominium in 2025 for services relating to procurement contracts, subject to the withholding tax of art. 25-ter of Presidential Decree 600/73;
- the fees paid for leases of real estate for residential use with a duration not exceeding 30 days (so-called "short-term leases"), stipulated from 1.6.2017, referred to in art. 4 of Legislative Decree 50/2017 (conv. L. 96/2017);
- certain miscellaneous income pursuant to art. 67 of the TUIR (e.g. compensation for occasional self-employment activities and for amateur activities of choirs and bands, etc.), paid in 2025;
- the compensation paid in 2025 to sports workers;
- indemnities paid for the termination of agency relationships, for the termination of notarial functions and for the termination of sporting activity when the employment relationship is of an autonomous nature;
- the total amount of fees paid in 2025 as a result of garnishment procedures, pursuant to art. 21 co. 15 of Law no. 449 of 27.12.97;
- the total amount of the sums disbursed as a result of expropriation procedures, referred to in art. 11 of the Law no. 413 of 30.12.91;
- the related withholdings made;
- tax deductions made;
- social security and welfare contributions due to INPS and other bodies;
- INAIL insurance data.

The 2026 Single Certification consists of:
- an "ordinary" form, to be transmitted electronically to the Revenue Agency by 16.3.2026, or
- by 30.4.2026 if it concerns exclusively self-employment income falling within the exercise of the usual art or profession or commissions, or by 2.11.2026 (deadline for submitting the 770/2026 form, taking into account that 31.10.2026 falls on a Saturday), if it contains only exempt income or income that cannot be declared through the pre-filled declaration;

- a "synthetic" form, to be delivered to the taxpayer by 16.3.2026.

The 2026 Single Certification, limited to social security and welfare data relating to INPS, must be also issued by employers who are not withholding agents, if they were required to fill in the 01/M form or the DAP/12 form (for managers of industrial companies).

If the withholding agent has already issued the substitute with the certification relating to the income paid in 2025, before the approval of the 2026 Single Certification, for example the 2025 Single Certification following the termination of the employment relationship last year, he must issue:

- the new 2026 Single Certification, including the data already certified, replacing the certification already issued;
- by the aforementioned deadline of 16.3.2026.

Exemption from certification for compensation paid to "flat-rate taxpayers" and "minimum taxpayers"

As a result of art. 3 of Legislative Decree no. 1 of 8.1.2024 (so-called "Fulfilment" Legislative Decree), which inserted paragraph 6-septies in art. 4 of Presidential Decree 322/98, the subjects who pay remuneration, however denominated, to taxpayers who adopt the flat-rate regime (pursuant to art. 1 par. 54 - 89 of Law 190/2014) or the advantageous regime (pursuant to art. 27

of Legislative Decree 98/2011, so-called "minimum taxpayers"), are exempt from issuing the 2026 Single Certification to

recipient and its transmission to the Revenue Agency. The novelty is linked to the fact that, from 1.1.2024, all taxpayers who benefit from the aforementioned preferential tax regimes are obliged to issue invoices in electronic format.

According to the provisions of the instructions to the 2026 Single Certification, however, the following are not included in the exemption regime:

- allowances, such as maternity allowances, not subject to withholding tax;
- the remuneration paid by the Health Authorities to general practitioners, to doctors of continuity of care with a fixed-term employment relationship and to paediatricians of free choice, affiliated with the National Health Service, with the issuance of the appropriate "payslips" pursuant to art. 2 of Ministerial Decree 31.10.74, as electronic invoicing does not apply.

Communication of the "telematic office" for the receipt of the adjustment data of the 730 forms

Together with the 2026 Single Certifications, withholding agents must also notify the Revenue Agency of the "telematic headquarters" (their own or that of an appointed intermediary):

- for the receipt from the Agency itself of communications relating to the adjustments deriving from the settlement of the 730 forms (730-4 forms);
- by filling in the "CT table" of the "ordinary" form.

The CT form must be completed by withholding agents who have not yet communicated the aforementioned "telematic office" and who transmit at least one certification of employment income or assimilated with the compilation of tax data.

Instead, the appropriate "CSO" form must be used (approved, most recently, with provv. Revenue Agency 12.3.2019 no. 58168) in the period from 9 April to 31 January of the following year, in which the electronic transmission of the Single Certifications with the "CT framework" is no longer allowed (cf. FAQ Agenzia delle Entrate 22.5.2024).

The instructions to the 2026 Single Certification establish that withholding agents who intend to change the data already communicated (e.g. change of the Entratel headquarters, indication of the intermediary or change of the same), must continue to use the aforementioned "CSO" form.

Capital gain under declaration regime - Certification by intermediaries

Pursuant to art. 10 of Legislative Decree no. 461 of 21.11.97, notaries, professional intermediaries, issuing companies and entities, which in any case intervene, also as counterparties, in the sales and other transactions that may generate different income of a financial nature (so-called "capital gain"), referred to in art. 67 par. 1 letters from c) to c-sexies) of the TUIR, are obliged to issue the relevant certification to the parties.

The certification obligation does not apply if the taxpayer has opted for the "administered savings" or "managed savings" regime, pursuant to art. 6 and 7 of Legislative Decree 461/97.

The certification must be issued by the intermediary by the aforementioned deadline of 16.3.2026 and must bear the indication:

- the taxpayer's personal details and tax code;
- of the nature, object and date of the transaction;
- the quantity of financial assets subject to the transaction;
- any fees, differentials and premiums.