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DIRECT TAXES

IRES - Depreciation - Tangible assets - Super-depreciation and hyper-depreciation - Hyper-depreciation - Subsidized assets - Territorial requirement of assets produced in the EU - Elimination -
What's new in DL 38/2026

Art. 7 of Decree-Law no. 38 of 27.3.2026 abolished the territorial requirement for the production of assets subject to hyper-depreciation pursuant to art. 1 , par. 427 - 436 of Law 199/2025.

Removal of the requirement of geographical origin of goods

By amending art. 1 co. 427 of Law 199/2025, art. 7 of Decree-Law 38/2026 provided for the elimination, with retroactive effect for investments made from 1.1.2026, of the provision that limited the benefit of hyper-depreciation only to purchases of goods produced in one of the Member States of the European Union or in States adhering to the Agreement on the European Economic Area.

Therefore, hyper-depreciation is recognized, from the outset, for subsidized assets regardless of the place of production.

However, the destination of the goods to production facilities located in Italy remains unchanged.

As stated in the Technical Report to Legislative Decree 38/2026, the provision intervenes on the discipline referred to in art. 1 par. 427 - 436 of Law no. 199 of 30.12.2025 (2026 Budget Law), providing for the facility in the form of so-called "hyper-depreciation", eliminating the constraint of the geographical origin of the assets subject to the investment, in order to make investments involving capital goods produced outside the countries of the European Union and the countries adhering to the Agreement on the European Economic Area eligible for the hyper-depreciation facilitation rules.

This facilitation provides for an increase in the deductible depreciation rates for:

- tangible and intangible assets contained in the lists in Annexes IV and V to the L. 199/2025;
- new tangible assets aimed at the self-production of energy from renewable sources.

Photovoltaic systems

The amendment made by art. 7 of Decree-Law 38/2026, according to the provisions of the law, concerns only paragraph 427, while no changes have been made to art. 1 paragraph 429 letter b), second sentence, of Law 199/2025, in the part in which it is provided that, with reference to the self-production and self-consumption of energy from solar sources, only systems with photovoltaic modules referred to in art. 12 are considered eligibleparagraph 1 letters b) and c) of Decree-Law no. 181 of 9.12.2023. These are:

- photovoltaic modules with cells, both produced in the Member States of the European Union, with an efficiency at the cell level of at least 23.5%;
- modules produced in the Member States of the European Union composed of bifacial silicon heterojunction or tandem cells produced in the European Union with a cell efficiency of at least 24%.

For these goods, the specific characteristics required as a result of the reference to Decree-Law 181/2023, including the territorial requirement of production in EU Member States, would therefore remain unchanged.

Measure of the subsidy and maximum investment ceiling

As for the measure of the facilitation, it should be noted that investments made from 1.1.2026 to 30.9.2028 are deductible, according to a staggered logic, with an increase equal to:

- 180% of the purchase cost for investments up to 2.5 million euros;
- 100% for investments between 2.5 and 10 million euros;
- 50% for investments between 10 and 20 million euros.

For investments exceeding the limit of €20 million, there is no increase in the deductibility of depreciation charges.

The Technical Report to DL 38/2026, clarifying an issue that had raised some doubts, stated that "*the*

aforementioned limits refer to the single year and not to the time frame of validity of the rule

considered as a whole".

Therefore, for the purposes of determining the applicable surcharge, the total investments are taken into account

carried out in a single year, therefore for each of the years 2026, 2027 and 2028.

Implementing provisions

The amendment envisaged to L. 199/2025 should make it possible to issue the implementing decree, which is the responsibility of the Ministries of Enterprise and Made in Italy and the Economy.

art. 1 co. 427 L. 30.12.2025 n. 199
art. 1 co. 429 L. 30.12.2025 n. 199
art. 7 DL 27.3.2026 n. 38

Il Quotidiano del Commercialista del 1.4.2026 - **"Hyper-depreciation with ceiling applicable for each year"** - *Alberti*

Eutekne Guides - *Direct Taxes* - **"Hyper-Depreciation"** - *Alberti P.*

Il Quotidiano del Commercialista of 28.3.2026 - **"Hyper-depreciation without territorial limits for the purchase of assets"** - *Alberti*

DIRECT TAXES

IRES - General rules on business income - Accrual - Correction of accounting errors - Simplified correction procedure - New features of Legislative Decree 192/2025 - Error committed by a company subsequently incorporated (answer to the Revenue Agency 31.3.2026 no. 89)

The answer to the ruling of the Revenue Agency 31.3.2026 no. 89 provided clarifications on how to obtain tax recognition of the correction of accounting errors in cases where the error is made by a company that is subsequently incorporated and is corrected by the absorbing company.

What's new in Legislative Decree 192/2025

The tax discipline of the correction of accounting errors has been significantly modified by Legislative Decree 18.12.2025 no. 192 (the so-called "Legislative Decree correcting the rules for the implementation of the tax reform"), with effect from the corrections recorded in the financial statements relating to the financial years beginning on or after 1.1.2025.

In particular, the scope of application of the so-called "simplified correction procedure", which determines the tax recognition, both for IRES and IRAP purposes, of the income components charged to the financial statements in the year in which the correction is made, has been severely limited, without the need to submit the supplementary return with reference to the tax period in which the error was made.

From an objective point of view, it has been established that the simplified procedure applies only to cases identifiable as "non-material" accounting errors on the basis of the indications of the accounting standards and, in particular, of the OIC document 29.

Person entitled to correction

The Italian Revenue Agency pointed out that, as a result of the provisions of Article 2504-bis , paragraph 1 of the Italian Civil Code and Article 172 , paragraph 4 of the Consolidated Income Tax Act with reference to the effects of the merger, where a company has made an accounting error in a financial year (in this case, in 2024) and is subsequently incorporated, the absorbing company must be considered entitled to correct the error (in this case, the error had been identified and corrected in 2025, after the date from which the accounting and tax effects of the merger expired), since the merged company is legally extinguished and "replaced" in the ownership of the active and passive legal relationships, including procedural ones, by the surviving company.

Methods of tax recognition of the correction

In the present case, the accounting error, qualified as "material" according to the indications of document OIC 29 (§ 46), had consisted in the failure to recognize in the 2024 financial statements an expense pertaining to the 2024 financial year.

The absorbing company had, therefore, corrected the error in the 2025 financial statements, by means of a

negative adjustment of the opening balance of equity, in accordance with the provisions of document OIC 29 (§ 48).

The answer to ruling 89/2026 recalled that the correction made through a negative adjustment of the opening balance of shareholders' equity fulfils the principle of prior allocation to the income statement pursuant to art. 109 par. 4 of the TUIR (answer to the ruling of the Revenue Agency 21.9.2018 no. 12).

In addition, in the case brought to the attention of the Revenue Agency, the new (and more restrictive) tax discipline of the correction of accounting errors introduced (for IRES purposes, in Article 83, paragraph 1-ter of the Consolidated Income Tax Act and, for IRAP purposes, in Article 5 , paragraph 5-bis of Legislative Decree 446/97) by Legislative Decree no. 192/2025.

Therefore, with reference to the case at hand (in which the error is expressly qualified as "material"), the conditions for the application of the simplified correction procedure do not exist.

The answer to ruling 89/2026 concluded that the surviving company will only be able to correct the error by submitting, in the name and on behalf of the merged company, a supplementary return (in this case, in favour of the taxpayer, consisting of the error in the non-recognition of a cost in the financial statements) relating to the tax period in which the error was made (2024), in application of Article 2, paragraph 8 of Presidential Decree 322/98, within the terms of forfeiture of the power of assessment (in line with the provisions of the Revenue Agency Circular 24.9.2013 no. 31, § 4).

If the conditions are met, any excess tax paid may be used in the return referring to the tax period in which the error is corrected (in this case, 2025) pursuant to Article 2, paragraph 8-bis of Presidential Decree 322/98.

This method of correction (and use of the excess tax paid) is applicable for both IRES and IRAP purposes.

Sanctioning regime

If the infidelity of the return submitted for IRES and IRAP purposes is exclusively a consequence of the accounting error represented, "*only the submission of a supplementary return entirely in favor of the taxpayer is not subject to any sanction*" (res. Revenue Agency 24.12.2020 n. 82, taken up, among others, by the answers to ruling 18.10.2022 no. 518 and 28.11.2023 n. 469).

Otherwise, the sanction referred to in Article 1, paragraph 4 of Legislative Decree 471/97 will be applicable.

It is understood that, as indicated by res. Agenzia delle Entrate 82/2020, if the supplementary return is submitted to correct errors or omissions both in favor and against the taxpayer and the final result of the same is in any case represented by a greater credit, in application of art. 8 of Legislative Decree 471/97, on the other hand, the administrative penalty from 250.00 to 2,000.00 euros is due.

This is without prejudice to the application of the reductions provided for by art. 13 of Legislative Decree 472/97 (active repentance) upon the occurrence of the relevant conditions.

art. 5 co. 5 bis Legislative Decree no. 446 of 15.12.1997

art. 83 co. 1 ter DPR 22.12.1986 n. 917

Answer to the Revenue Agency ruling 31.3.2026 no. 89

Il Quotidiano del Commercialista of 1.4.2026 - **"The correction of the accounting error is up to the surviving company"** -
Latorraca

Il Sole - 24 Ore of 1.4.2026, p. 36 - **"Supplementary declaration to correct the relevant accounting error"** - *Germani A.*

Italia Oggi of 1.4.2026, p. 27 - **"Correction, out with the Tax Authorities"** - *Stancati G. -*

Manguso G. Guide Eutekne - Direct Taxes - **"Correction of accounting errors"** - *Cissello A.,*

Latorraca S.

DIRECT TAXES

Common provisions - Controlled foreign company legislation - Optional regime with 15% levy - Implementing provisions (provv. Revenue Agency 31.3.2026 no. 106520)

With reference to the provisions of art. 167 par. 4-ter of the TUIR on the subject of the optional CFC regime, provv. Revenue Agency 31.3.2026 n. 106520 replaces the previous provision 30.4.2024 no. 213637.

Optional regime for the verification of the level of effective taxation

Pursuant to paragraphs 4-ter and 4-quarter of art. 167 of the Consolidated Income Tax Act, as an alternative to the provisions of paragraph 4 letter a) regarding the calculation of the level of effective taxation, the controlling entities, with reference to the non-resident controlled entities referred to in paragraphs 2 and 3, may correspond, "*in compliance with art. 7 and 8 of Directive 2016/1164/EU",* an amount equal to 15% of the net accounting profit for the year calculated without taking into account the taxes that contributed to determining that value, the write-down of assets and the provisions for risks.

In essence, it is an optional regime that provides for a simplification for the purpose of determining the effective taxation of the foreign controlled entity both on the side of the tax base and on the side of the

of the tax rate. In addition, the option in question makes it possible to avoid the imputation of the foreign subsidiary's income for transparency.

According to the wording of paragraph 4-ter of art. 167 of the TUIR introduced by Decree-Law 84/2025, the amount in question:

- it is always calculated taking into account the net accounting profit for the year in proportion to the share of the profits held, directly or indirectly, by the controlling entity, determined in accordance with the procedures governed by the same Article 167 of the Consolidated Income Tax Act;
- it is explicitly considered non-deductible from income taxes and IRAP;
- it integrates the condition required by letter a) of paragraph 4 of art. 167 of the TUIR (appropriate effective taxation), also for the purposes of taxing dividends received by shareholders.

New notion of option

Compared to the previous measure, the notion of "option" is different: while, in fact, art. 1 no. 4 of the "old" provision defined the same as the right to apply a substitute tax of 15%, "*regardless of the verification of the level of effective foreign taxation of the subsidiary for the purposes of the CFC rules",* art. 1 no. 5 of the new provision qualifies the option as the right to *"adopt a simplified method of calculating the effective taxation of the subsidiary*", with the payment of an amount equal to 15% of the accounting profit.

The option for the simplification in question is applicable by the controlling entity to all subsidiaries that jointly meet the following conditions:

- they achieve more than one third of the income classifiable as "*passive income*", according to the categories provided for by letter b) of paragraph 4 of art. 167 of the TUIR;
- prepare financial statements subject to audit and certification by professional operators authorised to do so in the foreign country in which they are located, the results of which are used by the auditor of the resident parent company for the purposes of judging the annual or consolidated financial statements.

This option can be exercised by the "last level" controlling entity within the FC framework of the INCOME form and is effective from the tax period subject to the declaration.

Profits of subsidiaries

With reference to the profits of the subsidiaries for which the option has been exercised, the regime of profits distributed by the subsidiary is completely revised. In fact:

- the previous implementing provisions highlighted, in art. 6, that the net accounting profit subject to the substitute tax was excluded from the income of the parent company at the time of distribution (with the consequent exclusion of the credit for the taxes paid by the subsidiary);
- Art. 7 of the Ordinance no. 106520/2026, on the other hand, establishes that the distributed profit is in the nature of non-privileged profit and is therefore taxed in accordance with art. 47 and 89 of the TUIR (in the most common case of parent corporations, within the limit of 5% of the relevant amount), from which the credit for foreign taxes is due, albeit within the limits provided for by art. 165 par. 10 of the TUIR.

Tracking tax values

Through the option of monitoring tax values, it is possible to report the so-called "*tax attributes*" (tax losses, ROL surpluses, etc.) already accounted for by the non-resident entity for future use in reduction of the income produced by the same entity in the event of application of the CFC regime *pursuant to*Article 167 of the TUIR.

Compared to provision no. 213637/2024, the new provision coordinates the monitoring of tax values and the exercise of the option in a different way: in fact, the provision according to which the obligation to track tax values for the controlling entity that has exercised the option is eliminated. On the other hand, it is confirmed that, where the controlling entity has not traced the tax values during the validity of the option, the same may

opt again for monitoring when the option is revoked or terminated: in this case, foreign tax losses accrued

prior to the exercise of the option are not considered, assuming, as starting values, values equal to zero.

art. 167 co. 4 ter DPR 22.12.1986 n. 917
Revenue Agency Provision 31.3.2026 no. 106520

Il Quotidiano del Commercialista of 2.4.2026 - **"Option for the withdrawal of 15% with taxable dividends"** - *Odetto – Sanna*

Il Sole - 24 Ore of 2.4.2026, p. 33 - **"The option whitens CFC with 15% on accounting profit"** - *Gaiani L.*

Italia Oggi of 2.4.2026, p. 22 - **"CFCs with optional regime"** - *Stancati G. - Manguso G.*

Eutekne Guides - Direct Taxes - **"Controlled foreign companies - Determination of income and distribution of profits"** - *Course L. - Sanna S.*

Eutekne Guides - Direct Taxes - **"Controlled foreign companies - Conditions of access"** - *Corso L. - Sanna S.*

LOCAL TAXES

IRAP - Determination of the taxable base - Common provisions - Cost of permanent employees employed abroad without a permanent establishment - Deductibility - Conditions (answer to the ruling of the Revenue Agency 1.4.2026 no. 95)

With the answer to ruling 1.4.2026 no. 95, the Revenue Agency has provided some clarifications regarding the deductibility, for IRAP purposes, of costs relating to the employees of a corporation, hired in Italy with a permanent contract and employed abroad without the support of offices or permanent establishments.

Deduction of the total cost of permanent employees

Article 11 , paragraph 4-octies of Legislative Decree 446/97 provides for the deductibility from the IRAP taxable base of the total cost of employees hired with a permanent contract. The benefit is due to the subjects who determine the value of net production pursuant to art. 5 to 9 of Legislative Decree 446/97, namely:

- partnerships and corporations, including banks, other financial companies and insurance companies (from 2022, individual entrepreneurs are excluded *by law* from IRAP);
- associated firms and professional associations (from 2022 individual professionals are excluded *by law* by IRAP);
- to agricultural producers, where still subject to IRAP.

For non-commercial entities and Public Administrations, the exclusion from the use of the deduction in question applies only to permanent employees employed in institutional activities, whose production value is calculated using the so-called remuneration method.

The deduction, on the other hand, applies with reference to permanent employees employed (even promiscuously) in any commercial activity carried out by the non-commercial entity or the Public Administration, whose IRAP taxable base is determined according to the rules of Article 5 of Legislative Decree 446/97 (see the FNC-CNDCEC document 20.11.2020, § 1.8, on the basis of what is stated in the instructions to the IRAP declaration, from circ. Revenue Agency 14.4.2009 n. 16, § 1 and 3.4.2013 n. 8, § 1.1, with specific reference to the deduction of IRAP from IRPEF/IRES, provided for by the combined provisions of art. 2 co. 1 of Legislative Decree 201/2011, conv. L. 214/2011 - the so-called "analytical" deduction - and 6 co. 1 of Legislative Decree 185/2008, conv. L. 2/2009 - so-called "lump-sum" deduction).

Value of net production outside the territory of the State

Pursuant to Article 12, paragraph 1 of Legislative Decree 446/97, in the case of taxable persons resident in the territory of the State who also carry out production activities abroad, the share of the value of production attributable to them is deducted from the taxable base according to the criteria for the distribution of the taxable base among the various Regions.

On the basis of what is specified by the C.M. 16.7.98 n. 188 (answer 3 on IRAP) and 12.11.98 n. 263 (§ 2.1), for resident companies and commercial entities, the exercise of production activities abroad exists only in the presence of a permanent establishment. This approach derives from Article 12, paragraph 2 of Legislative Decree 446/97, which attributes to the taxable base of non-resident companies only the value of production achieved in Italy through this permanent establishment.

Therefore, the possible establishment abroad, for example, of a mere representative office, by a company resident in Italy, in the opinion of the Tax Authorities, does not confer the right to exclude from the taxable

base the portion of the value of production abstractly attributable to employees or collaborators who may be assigned to that office. Moreover, the ministerial interpretation is not reflected in the regulatory provision, which requires only the exercise of production activities abroad, without any reference to the presence of a permanent establishment. It would therefore have been possible, according to Assonime circular no. 97 of 24.11.98, to arrive at a different interpretation, such as to consider relevant, for the purposes of tax relief, the simple presence abroad, on a continuous basis, of employees or collaborators, assigned to any fixed establishment, even if it does not constitute a permanent establishment.

Case subject to ruling

In the case under ruling, the applicant company offers its customers a series of IT services

making use of staff hired in Italy with a permanent contract and permanently employed

abroad, but without the support of any permanent establishment outside Italy.

On the basis of the ministerial guidance set out above, in the Agency's opinion, the entire value of net production is taxable in Italy. This results in the deductibility of the total cost of employees hired in Italy with a permanent contract and employed abroad without a permanent establishment, always in compliance with the principle of "civil-accounting" inherence applicable for IRAP purposes.

The approach of the Tax Authorities appears to be in line with that expressed, in the case mirroring the one in question, by Circ. 19.11. 2007 no. 61 (§ 1.2), which had excluded the possibility of benefiting from the deductions for the reduction of the tax wedge referred to in the repealed art. 11 par. 1 nos. 2, 3 and 4 of Legislative Decree 446/97 (now merged into the general one referred to in art. 11 par. 4-octies of Legislative Decree 446/97) with reference to employees assigned to foreign "production facilities": "*in this case, in fact, the deductions themselves must be understood as implicitly absorbed in the prior exclusion from the taxable base of all the value of production realized outside the territory of the State; this, regardless of the relevant parameter for the various taxable persons for the purpose of determining the share of value of production carried out abroad*".

art. 11 co. 4 octies Legislative Decree 15.12.1997 n.
446 Answer to the Revenue Agency ruling 1.4.2026
n. 95

Il Quotidiano del Commercialista of 2.4.2026 - **"Full IRAP deduction for personnel employed abroad without O.S."** - *Fornero*

Il Sole - 24 Ore of 2.4.2026, p. 34 - **"Personnel beyond the border, the IRAP deductible cost"** - *Ranocchi G.P. - Pegorin L.*

Eutekne Guides - Irap - **"IRAP deductions - Permanent employees"** - *Fornero L.*

DEFINITION OF TAX RELATIONSHIPS

Two-year arrangement with creditors (Legislative Decree 13/2024) - Causes of exclusion and termination - Clarifications (answers to the ruling of the Revenue Agency 30.3.2026 no. 87, 1.4.2026 no. 98 and 2.4.2026 Nos. 100 and 103)

The Revenue Agency, with some answers to the question, has provided clarifications on various cases of termination of the two-year arrangement with creditors.

Exceeding the threshold of 150,000.00 euros

With the answer to ruling 30.3.2026 no. 87, the Revenue Agency clarified that the causes of termination of the arrangement with creditors for taxpayers under the flat-rate regime referred to in art. 32 of Legislative Decree 13/2024 maintain their effectiveness even if, during the composition period (2024), the flat-rate regime was disapplied by voluntary choice, following the exercise of the option for the ordinary regime in simplified accounting.

More specifically, the cause of termination of the CPB for exceeding the threshold of € 150,000.00 in revenues or fees, i.e. the revenue limit referred to in art. 1 paragraph 71 second sentence of Law 190/2014 increased by 50%, continues to be applicable.

Therefore, if during the composition period, revenues or fees exceeding the limit of 150,000.00 euros have been received, the cause of termination of the 2024 arrangement with creditors is realized.

Blocking of the activity of the sole customer

With the answer to ruling 1.4.2026 no. 98, the Revenue Agency clarified that, among the cases of termination of the CPB referred to in art. 19 par. 2 of Legislative Decree 13/2024, the blocking of construction activity, resulting from judicial measures, at the construction site of the real estate agent's sole client may also be included, provided that the block of activity is caused by the impossibility of accessing the construction site by the client construction company.

The termination of the CPB in the case under ruling is therefore not automatic, occurring only with the demonstration of the causal link between the blocking of construction activity and:

- the impossibility of access to the construction site by the sole client;
- the reduction of actual income or net production value by more than 30% compared to the agreed income.

To this end, it is also necessary to verify in practice that the real estate agent has carried out the activity, in the two-year period subject to composition and in the previous year (i.e., in 2023, 2024 and 2025), exclusively on behalf of a single client.

Participation in a professional association or partnership between professionals

With the answer to ruling 2.4.2026 no. 100, the Revenue Agency clarified that membership of the CPB for professionals participating in associated firms and STP/STA is allowed even when the two-year periods of effectiveness of the agreement do not coincide, it being understood that in the same period both the association and the associate must apply the CPB.

The mere misalignment of the two-year membership periods (between the firm and partners) does not in fact constitute a cause for exclusion from the CPB.

In the case under ruling, an associated professional firm formed by two partners has joined the CPB 2025-2026; the majority shareholder joined the CPB 2025-2026, while the minority shareholder did not join the CPB and withdrew from the company as of 1.1.2025.

As of the same date, a new partner took over the professional firm, with CPB in place for the two-year period 2024-2025.

The Revenue Agency clarifies that, having joined the CPB both the firm, the majority shareholder, and the new minority shareholder, the mere misalignment of the two-year membership periods (between the firm and the partners) does not constitute a cause for exclusion from the CPB; any non-renewal, for the following two-year period (2026-2027), by the minority shareholder who has joined the CPB for the two-year period 2024-2025, will in any case constitute cause for termination of the CPB for the year 2026.

Extraordinary transactions of individual entrepreneurs

With the answer to ruling 2.4.2026 no. 103, the Revenue Agency clarified that the purchase of a company operating in the electronic data processing sector by a commercial agent who has joined the CPB 2025-2026 does not entail the termination of the CPB, as art. 11 co. 1 lett. b-ter) of Legislative Decree 13/2024 does not apply in this case.

In fact, the cause of termination in question does not apply to individual entrepreneurs, making express reference to "companies and entities" and not, in general, to the entrepreneur or "legal entity" that has adhered to the composition.

art. 11 Legislative Decree no. 13 of 12.2.2024

art. 21 Legislative Decree no. 13 of 12.2.2024

Answer to the Revenue Agency ruling 2.4.2026 no. 100

The Accountant's Daily of 3.4.2026 - **"CPB for professional association and members even if the periods do not coincide"** - *Girinelli - Rivetti*

Il Sole - 24 Ore of 3.4.2026, p. 25 - **"Studies, the change in the running of the associate does not put an end to the two-year arrangement"** - *Gavelli G.*

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

SOCIAL SECURITY

INPS deferral and deferral interest rate - Installments of INAIL debts - Redetermination - News of Decree-Law 38/2026 (INPS circ. 2.4.2026 no. 39)

Article 14, paragraph 1 of Legislative Decree no. 38 of 27.3.2026 intervenes on the interest rate in the event of deferral and deferral for the regularization of contribution debts in installments.

The objective of the rule is to encourage the spontaneous fulfilment of contribution obligations and to improve the recovery rate of social security credits through a facilitated instalment plan.

INPS subsequently intervened with circ. 2.4.2026 no. 39, providing some operational indications.

Deferral and deferral interest rate

Article 13, paragraph 1 of Legislative Decree no. 402 of 29.7.81 (conv. L. 26.9.81 no. 537) establishes that the deferral and deferral interest for the regularization in installments of debts for contributions and accessories due by law by employers

to the bodies managing forms of compulsory social security and assistance is equal to the rate of interest income

provided for by the interbank agreements for cases of more favourable treatment, increased by five points, and will be determined by a specific interministerial decree.

The tax decree intervenes precisely on this increase, which is also subject to further changes in past years. Specifically, the aforementioned increase was:

- raised from 5 to 8.50 points by art. 1 paragraph 7 of Legislative Decree 688/85;
- raised from 8.50 to 12 points by art. 2 co. 12 of DL 338/89;
- determined in six points by art. 3 co. 4 of Legislative Decree 318/96;
- determined in 2 points by art. 14 co. 1 of Decree-Law 38/2026.

Effective date

The new increase will take effect from 28.3.2026.

As specified in the Technical Report to Decree-Law 38/2026, the new subsidized installment plan is applicable only to new applications and, therefore, the amortization plans issued on the basis of previous rates are not modified.

Effects on INPS deferrals and deferrals

The new increase of two points concerns the interest of deferral and deferral of INPS contributions.

The deferral interest for the regularization in installments of debts for INPS contributions and civil penalties had been set at 8.15% per annum starting from 11.6.2025; in cases of authorization to postpone the deadline for payment of contributions, the rate of 8.15% was applied starting from the contribution relating to the month of May 2025 (INPS circ. 10.6.2025 no. 100).

The rate of 8.15% was determined by increasing the interest rate on the Eurosystem's main refinancing operations by 6 percentage points, which is 2.15% as of 11.6.2025.

Taking into account an interest rate on the main refinancing operations of the Eurosystem of 2.15%, and a surcharge of 2 percentage points, the deferral interest for the settlement in instalments of debts for INPS contributions and civil penalties is, therefore, from 28.3.2026, 4.15% (INPS Circ. 39/2026).

In addition, INPS specified that:

- amortization schedules already issued and notified on the basis of the previously valid interest rate will not be subject to any change;
- In cases of authorization to postpone the deadline for payment of contributions, the new rate of 4.15% per annum applies starting from the contribution for the month of March 2026.

Effects on instalments of payables for INAIL premiums

The new increase of two points would also concern the interest for the installments of debts for insurance and ancillary premiums related to INAIL.

As for the deferral interest for the regularization of INPS debts in installments, the interest rate for the payment in installments of debts for INAIL insurance premiums had also been set at 8.15% per year starting from 11.6.2025.

The rate of 8.15% was determined by increasing the interest rate on the Eurosystem's main refinancing operations by 6 percentage points, which is 2.15% as of 11.6.2025.

Also in this case, therefore, given an interest rate on the main refinancing operations of the Eurosystem of 2.15%, and a surcharge of 2 points, the interest rate for the payment in instalments of debts for INAIL insurance premiums would therefore be 4.15% from 28.3.2026.

art. 13 DL 29.7.1981 n. 402
art. 14 co. 1 DL 27.3.2026 n. 38
INPS Circular No. 100 of 10.6.2025
INAIL Circular 10.6.2025 no. 34

Il Quotidiano del Commercialista of 2.4.2026 - **"The interest rate for deferral and deferral of INPS contributions is lighter"** - *Silvestro*

Eutekne Guides - Social Security - **"INPS Contributions - Contribution Deferral"** - *D'Amato F.*

Eutekne Guides - Social Security - **"INPS Contributions - Deferral of Contributions"** - *D'Amato F.*

SOCIAL SECURITY

Social shock absorbers - ISCRO and DIS-COLL allowance - Requirement for registration with the Separate Management - Formalization (INPS message 31.3.2026 no. 1129)

With the message 31.3.2026 n. 1129, INPS intervened with regard to the DIS-COLL allowances for coordinated and continuous collaborators and ISCRO for freelancers enrolled in the separate management referred to in art. 2 paragraph 26 of Law 335/95, specifying that the failure to formalize the registration with this management does not preclude the payment of the allowances, provided that the obligation to pay contributions has been fulfilled.

ISCRO Allowance

Art. 1 par. 142 to 155 of Law 213/2023 (2024 Budget Law) has made the discipline of the ISCRO allowance, introduced on an experimental basis for the three-year period 2021-2023, structural.

The measure in question:

- it represents a social shock absorber to protect freelancers subject, by reason of the activity carried out, to the payment of social security contributions to the INPS separate management;
- it does not concern professionals who pay contributions to professional funds. The allowance in question:
- it is equal to 25%, on a six-monthly basis, of the average self-employment income declared by the worker in the 2 years prior to the year prior to the submission of the application;
- it is due from the first day following the date of submission of the application;
- it is paid by INPS for 6 months;
- does not involve the crediting of a notional contribution.

With circ. 84/2024, INPS itself specified that the recipients of ISCRO are freelancers (including participants in associated firms or in a simple company with income from self-employment) enrolled in the Separate Management in possession of the requirements provided for by law, including the regularity of contributions and the absence of registration with other compulsory social security forms.

In particular, with regard to the requirement of registration with the Separate Management, the Social Security Institute specified that the same must be formalized, pursuant to art. 2 par. 26 and 27 of Law no. 335/95, by the freelancer, not automatically achieving the declaration and contribution payment obligations made.

DIS-COLL Allowance

The DIS-COLL indemnity was introduced by art. 15 of Legislative Decree 22/2015 to provide economic support to coordinated and continuous collaborators who have involuntarily lost their employment.

Research fellows and PhD students with scholarships can also benefit from the measure.

For the purposes of access to the DIS-COLL, the aforementioned legal provision provides for exclusive registration with the Separate Management, as well as, among other requirements, the payment of one month's contribution in the period between 1 January of the calendar year preceding the event of termination of work and the aforementioned event.

On this point, already with circ. no. 115/2017, INPS clarified that for the purposes of accessing the DIS-COLL allowance, the requirement of exclusive registration with the Separate Management is considered satisfied in

the presence of both formal registration with the same Management and payment of the full contribution rate provided for the workers concerned who are not enrolled in another compulsory social security form.

INPS clarifications

With message no. 1129/2026, INPS points out that during the implementation of the introductory provisions of the ISCRO and DIS-COLL allowances and during the investigation of the applications submitted by potential beneficiaries, it emerged - despite the fulfilment of the contribution obligation - the failure to formalize the registration in the Separate Management by numerous professionals, coordinated and continuous collaborators/research fellows and PhD students, with the consequent rejection of the applications for access to the related measures.

However, with the message in question, the Social Security Institute clarifies that, without prejudice to the necessary formalization of the fulfillment of the registration with the Separate Management by the worker, as governed by art. 2 par. 26 and 27 of Law 335/95, for the purposes of access to the ISCRO and DIS-COLL allowances, the failure to formalize this fulfillment does not affect the payment of the benefit itself in the

in which the obligation to pay contributions to the Management itself has been fulfilled.

For the rest, what has already been regulated for the ISCRO and DIS-COLL allowances, respectively, by the aforementioned circ. no. 84/2024 and no. 115/2017 regarding the existence and permanence of the other requirements provided for by law both for the access phase and during the use of the service.

art. 2 co. 26 L. 8.8.1995 n. 335
INPS Message 31.3.2026 no. 1129

The Quotidiano del Commercialista of 1.4.2026 - **"For ISCRO and DIS-COLL the registration in the Separate Management must be formalized"** - *Mamone*

Italia Oggi of 1.4.2026, p. 30 - **"Iscro and Dis-Coll, for the allowance you just have to pay the contributions"** -

Redazione Guide Eutekne - Previdenza - **"Social shock absorbers - DIS-COLL"** - *Mamone L.*

Eutekne Guides - Social Security - **"ISCRO"** - *Mamone L.*

Read Highlights

TAX

REVENUE AGENCY PROVISION 17.11.2025 NO. 491453

TAX

ASSESSMENT - ASSESSMENT AND CONTROLS - Assignment of the tax code number to subjects other than natural persons - New methods of transmission of the AA5/6 form

This provision makes some changes to the previous provision of the Revenue Agency no. 189273 of 21.12.2009, in order to establish new methods for submitting the AA5/6 form, which can be used by subjects other than natural persons not obliged to submit the VAT start declaration (for example, entities and associations that do not carry out any activity relevant for VAT purposes) to request the assignment of the tax code number, as well as to communicate the merger, concentration, transformation or extinction.

Approval of the new instructions

Consequently, the new instructions for the submission of the AA5/6 form, applicable from 18.11.2025, are approved.

Submission in case of request for the tax code

In the event of a request for the assignment of the tax code number, the AA5/6 form can be submitted, alternatively:

- directly at any office of the Revenue Agency;
- by postal service by registered mail;

- by certified email;
- through a special web service in the reserved area of the Revenue Agency website.

Submission in the event of changes to data already communicated

In the event of changes to the data previously communicated, the AA5/6 form can be submitted electronically to the Revenue Agency:

- directly or through authorized intermediaries;
- in compliance with the technical specifications approved by this measure.

Change of legal representative

In the event that the data subject to change include those relating to the legal representative, the AA5/6 form can only be submitted in one of the following ways:

- directly at the office of the Revenue Agency in whose district the tax domicile is located

of the entity;

- by registered mail with return receipt or certified email, or through a special web service available in the reserved area of the Revenue Agency website, attaching a photocopy of an identification document of the representative, to be sent to the office of the Agency where the entity has its tax domicile.

The form must be accompanied by:

- documents proving the personal information of the entity and the new legal representative;
- a substitute declaration, made pursuant to art. 46 and 47 of Presidential Decree 445/2000, in which the signatory of the same certifies his or her status as representative in relation to the entity for which he or she makes the declaration.

Presentation in the event of extinction and extraordinary transactions

The AA5/6 form must be transmitted exclusively electronically in the event of notification of the extinction, merger, concentration and transformation of the entity.