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THE WEEK IN BRIEF

News

TAX

DIRECT TAXES - IRES - Other provisions

LOCAL TAXES - IRAP - Determination of the taxable base - Carrying out business activities

BENEFITS

TAX BENEFITS

WORK

SOCIAL SECURITY - Maternity and parental leave

CRIMINAL LAW

CRIMINAL TAX - New criminal tax system (Legislative Decree 74/2000) - Relations between the criminal and administrative systems

Read Highlights

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Tax

DIRECT TAXES

IRES - Other provisions - Provisions for expenses other than those expressly provided for - Use of the provision - Deductibility - Transfer of the provision - Taxability of the contingency - Exclusion (AIDC rule of conduct no. 236/2026)

The AIDC rule of conduct 16.4.2026 no. 236 analysed the accounting and tax treatment to be applied in the event of the use of provisions for risks and charges.

Accounting and tax treatment of provisions

According to the indications of the OIC document 31:

- Provisions for risks represent liabilities of a determined nature and probable existence, the values of which are estimated. These are, therefore, contingent liabilities related to situations that already exist at the balance sheet date, but characterized by a state of uncertainty whose outcome depends on the occurrence or non-occurrence of one or more events in the future;
- Provisions for charges represent liabilities of a determined nature and certain existence, estimated in the amount or date of occurrence, connected with obligations already assumed at the balance sheet date, but which will have a numerical manifestation in subsequent years.

From a tax point of view, art. 107 par. 4 of the TUIR establishes that deductions are not allowed for provisions other than those expressly indicated by art. 105 and 107 of the TUIR (e.g. provisions for expenses deriving from transactions and prize competitions).

If, therefore, provisions that are not included in the aforementioned regulatory provisions are accounted for, it is necessary to make the relevant increase in the tax return.

Use of the fund

OIC document 31 establishes that the use of provisions for risks and charges is carried out directly, i.e. only for those expenses and liabilities for which the fund was originally established (§ 43).

When costs are incurred, if they are fully covered by the appropriate provision, the provision is used directly without recognising any component in the income statement (§ 44).

Where the provision is not sufficient to cover the amount of expenses actually incurred, the negative difference is recognised in the income statement items in line with the original provision (§ 45).

According to AIDC 236/2026, the provision for risks and charges formed with provisions not deducted pursuant to Article 107, paragraph 4 of the TUIR, at the time of its use - if carried out directly in accordance with the provisions of document OIC 31, i.e. without transfer to the Income Statement - gives the right to a corresponding decrease in the taxable amount, when the requirements for the deductibility of the underlying negative component are met.

Also in this circumstance, in fact, the execution of the original provision would verify the prior allocation of the negative income component to the income statement pursuant to art. 109 par. 4 of the TUIR.

Bottom Storno

According to OIC document 31, where the provision for risks and charges is partially or totally in excess, its value must be reduced (§ 46).

The reduction/elimination of the surplus provision is accounted for among the positive components of the income of the class having the same nature as the original provision (e.g. if the original provision was recognised as production costs, the surplus of the provision is recognised in item "A.5 - Other income and income") (§ 47).

In the opinion of the AIDC 236/2026 rule of conduct, if the provision for risks and charges formed with provisions not deducted is reduced or eliminated, because it is partially or totally in excess, with recognition in the income statement of a positive component of income, it entitles it to a corresponding decrease in variation, as it does not represent a taxable contingent asset pursuant to art.

88 par. 1 of the TUIR.

Where, in fact, this rule establishes that "*the (...) income from expenses, losses or charges deducted or liabilities*

recorded in the financial statements in previous years", must refer to liabilities generated by the allocation of tax-relevant charges.

Contribution of business

In the event of a tax-neutral transfer of a business (or business unit) pursuant to Article 176 of the Consolidated Income Tax Act, the transferee takes over the tax values of the individual assets and liabilities included in the business compendium, as they exist in the hands of the transferor on the effective date of the transfer.

According to AIDC 236/2026, therefore, with reference to the provisions for risks and charges included in the company compendium contributed and made up of provisions not deducted by the transferor at the time of their allocation to the income statement, the transferee has the right to make the decrease both against the direct use of the provision and against its reduction/elimination due to the surplus.

This conclusion also applies to provisions for risks and charges recorded *ab origine* by the transferee against contingent liabilities not expressed in the accounting records of the transferor (as in the case of provisions for risks and charges highlighted by the expert in the valuation report of the company subject to the transfer pursuant to Articles 2343 and 2465 of the Italian Civil Code).

In the opinion of the AIDC, given that, in this circumstance, the recognition of the fund by the transferee takes place through a decrease in equity, the prerequisite of the prior allocation of the negative component pursuant to art. 109 par. 4 of the TUIR is verified.

Furthermore, the genesis of this liability item did not result in the deduction of negative components for any party, neither the transferor nor the transferee.

art. 88 co. 1 DPR 22.12.1986 n. 917
AIDC Rule of Conduct 16.4.2026 No. 236 OIC Document No. 31/2024

The Accountant's Daily of 16.4.2026 - "**Use of non-deducted funds with decreasing variation**" - *Latorraca*

Il Sole - 24 Ore of 16.4.2026, p. 34 - "**Provisions for risks and charges, use gives the right to reduce the taxable amount**" - *Jacobacci - Landuzzi*

Italia Oggi of 16.4.2026, p. 23 - "**Taxed funds: the use is relevant for the transferee**" - *Stancati - Manguso Guide*

Eutekne - Direct Taxes - "**Provision for risks**" - *Latorraca S.*

LOCAL TAXES

IRAP - Determination of the taxable base - Carrying out business activities - Capital gains relating to the sale of instrumental properties - Relevance - Conditions (Cass. 20.3.2026 no. 6763)

The order of the Court of Cassation 20.3.2026 n. 6763 offers the opportunity to examine the treatment, for IRAP purposes, of capital gains and losses deriving from the sale of instrumental buildings.

Regulatory framework

Following the reform introduced at the time by L. 244/2007 (2008 Budget), in force since 2008, corporations and commercial entities determine the IRAP taxable base on the basis of the results of the financial statements. In a nutshell, taxable or deductible components are assumed as they result from the Income Statement, subject to certain exceptions provided for by Articles 5 and 11 of Legislative Decree 446/97. The same rules apply to commercial partnerships that have exercised the option for the calculation of IRAP on the basis of the financial statements (pursuant to Article 5-bis , paragraph 2 of Legislative Decree 446/97).

Capital gains and losses relating to the sale of instrumental buildings

The capital gains and losses in question contribute to the determination of the value of net production for the amount allocated in items A.5 or B.14 of the Income Statement. The only exception to this general rule is provided for in relation to properties whose book value differs from the tax value (for example, as a result of a devaluation), with reference to which the appropriate changes must be made when filing the IRAP return.

Moreover, before the elimination of the extraordinary area (items E.20 and E.21) of the Income Statement and, therefore, in the financial statements for the years up to 2015, the capital gains and losses deriving from the sale of assets instrumental assets could also be accounted for in the aforementioned items E.20 and E.21, in the event that the asset

was transferred as a result of production conversion, restructuring or production downsizing.

In order to avoid that these capital gains were considered irrelevant, the instructions to the IRAP declaration and the Revenue Agency circular 26.5.2009 no. 27 (§ 1.1) had specified that they contributed in any case to the formation of the value of net production.

In fact, in the regulatory framework in force until 2007, art. 11 par. 3 of Legislative Decree 446/97 (repealed by art. 1 par. 50 of Law 244/2007) provided for the relevance for IRAP purposes of capital gains and losses relating to capital goods not deriving from business transfer transactions.

According to the Agency, the apparent irrelevance of the aforementioned capital gains/losses as a consequence of the suppression of art. 11 co. 3 of Legislative Decree 446/97 by L. 244/2007 did not appear to be coherent:

- on the one hand, with art. 5 par. 3, second sentence, of Legislative Decree 446/97, according to which capital gains and losses deriving from the sale of real estate assets "*contribute in any case to the formation of the value of production*" (moreover, with the elimination of the extraordinary area of the Income Statement, this provision has also become redundant, since the principle of "direct take" is already sufficient to sanction its relevance, given their accounting in items A.5 or B.14);
- on the other hand, with the deductibility from the taxable base of the depreciation charges relating to capital goods.

In essence, according to the Tax Authorities, a system in which capital gains/losses deriving from the sale of real estate assets and not also those deriving from the sale of capital goods that ordinarily participate in the production process would be inconsistent. In addition, the income components that are accounted for when capital goods are realized are indirectly linked to costs that contributed to the formation of the IRAP taxable base in previous tax periods, through depreciation quotas.

Position of the Court of Cassation

On the regulatory and interpretative framework summarized above, the ruling in question intervened, according to which "*the clear literal datum*" of art. 5 par. 3, second sentence, of Legislative Decree 446/97 (which subjects to taxation only capital gains and losses relating to real estate assets) "*is in the sense (...) the exclusion from the tax base*" of capital gains and losses relating to instrumental properties.

Critical profiles

For the above, the conclusion of the Supreme Court seems difficult to justify from a systematic logical point of view, given that, as highlighted above, the need to expressly provide for the relevance of capital gains and losses relating to real estate assets (pursuant to Article 5, paragraph 3, second sentence, of Legislative Decree 446/97) was attributable to the fact that, in the absence of such a provision, until 2015, these income and expenses would have been excluded from the IRAP taxable income due to their classification in the extraordinary area of the Income Statement (a need that was eliminated precisely with the elimination of items E.20 and E.21).

Furthermore, in application of the aforementioned principle of "direct take", if the relevance of capital gains and losses relating to instrumental buildings had been denied, it should have been established with an exceptional rule.

This has happened with reference, for example:

- costs for coordinated and continuous collaborators (including those relating to directors of companies classified as such), classifiable in item B.7 of the Income Statement and, therefore, potentially relevant for the purpose of determining the value of net production, but made non-deductible by art. 5 par. 3 and 11 par. 1 letter b) no. 3 of Legislative Decree 446/97;
- losses on receivables, potentially relevant for IRAP purposes as they can be classified in item B.14 of the Income Statement, but made non-deductible by art. 5 par. 3, first sentence, of Legislative Decree 446/97.

In practice, over the years, specific provisions have been introduced in the IRAP regulations to establish exceptions to the principle of "direct take"; in the absence of these, this principle applies, which, with regard to capital gains and losses on capital goods, does not appear to be derogated from the rules currently in force.

To confirm the circumstance that the thought of the judges of legitimacy does not appear to be shared, see also what was incidentally stated by the Supreme Court itself in order no. 1296 of 20.1.2025, which states that "*capital gains relating to capital goods not deriving from business transfer transactions*" are attributable "*to the perimeter of the taxable base* [IRAP, ed.] *of the performing company*".

art. 5 co. 3 Legislative Decree 15.12.1997 n. 446

The Accountant's Daily of 17.4.2026 - **"Slip of the Supreme Court on IRAP of buildings**

instrumentals" - *Fornero*

Eutekne Guides - Irap - "**Capital gains - Business income**" - *Fornero L.*

Concessions

TAX BENEFITS

Regime for repatriates pursuant to Article 16 of Legislative Decree 147/2015 - Repatriates with a degree - Requirements (Cass. 15.4.2026 no. 9597)

The ordinance of 15.4.2026 no. 9597 of the Court of Cassation on the subject of repatriates in possession of a degree (art. 16 co. 2 of Legislative Decree 147/2015) expands the requirements for access to the facility by these subjects with an interpretative principle probably destined to be discussed.

Italian citizen not registered with AIRE

The case concerns an Italian citizen, never registered with AIRE, who had carried out employment activities in China from 1.6.2014 to 31.12.2016.

In 2017, the person returned to Italy as an employee of an Italian company without, however, applying the tax relief provided for by art. 16 of Legislative Decree 147/2015, since, according to the legislation in force at the time, the benefit was denied in the absence of registration with AIRE.

Subsequently, in the face of the introduction of the so-called "AIRE amnesty" (art. 16 par. 5-ter of Legislative Decree 147/2015) the taxpayer had, therefore, submitted an application for a refund of the taxes paid for the 2017 and 2018 tax periods, invoking the application of art. 16 co. 2 of Legislative Decree 147/2015, as he met the relevant requirements (EU citizenship, possession of a degree and work in China for 24 months with conventional residence for the same period).

Requirement of previous foreign residence

In confirming the refusal of reimbursement, the Court of Cassation recalls that art. 16 paragraph 1 of Legislative Decree 147/2015 in force at the time of the facts required, for facilitation purposes, a minimum period of previous foreign residence of 5 years and considers the classification of the person among the subjects referred to in paragraph 2, which facilitates citizens, unfounded, EU and non-EU nationals, who are in possession of a degree and have continuously carried out an activity of employment, self-employment or business outside Italy in the last 24 months or more (or have continuously carried out a study activity outside Italy in the last 24 months or more, obtaining a degree or a *post-graduate* specialization).

The Supreme Court seems to cast doubt on whether Italian citizens can be among the EU citizens entitled to the benefit provided for by paragraph 2, given that if so, the repeal, by way of interpretation, of the requirement of previous foreign residence provided for by art. 16 paragraph 1 letter a) of Legislative Decree 147/2015 would be determined.

Otherwise, according to the Supreme Court, the person (in this case, an Italian citizen), who returned from China, despite having a degree and the other requirements of paragraph 2, could not benefit from the tax relief since the requirement of five-year foreign residence is not met.

Contrary orientation of the Tax Administration

The restrictive interpretation provided by the Court of Cassation is contradicted by the now consolidated orientation of the Tax Authorities according to which it is undisputed that Italian citizens can benefit from the benefit referred to repatriates with a degree (see, among others, answer to the Revenue Agency ruling no. 217/2019 and Revenue Agency resolution 51/2018).

It should also be taken into consideration that, according to what is specified in circ. 17/2017, part II, § 3.2, the same Revenue Agency has admitted the possibility of accessing the two different benefits in the presence of differentiated requirements. In the aforementioned practice document, in fact, it was specified that the recipients of paragraph 2 of art. 16 of Legislative Decree 147/2015 are not required to meet the subjective requirements provided for the recipients of paragraph 1 of the same art. 16. In particular, it was then specified that, among others, it was not required not to have been fiscally resident in Italy in the five years prior to the transfer.

The approach according to which the use of the aforementioned paragraph 2 would be exclusively aimed at circumventing the requirement of previous five-year foreign residence would therefore be misleading.

Applicability of the so-called AIRE amnesty

The Court of Cassation does not address the issue related to the maintenance of civil registration in Italy and the consequent possibility of proving previous foreign residence on a contractual basis; Visa the recent

orientation of the Court itself (see, among others, Cass. no. 34655/2024) which recalled the prohibition of reimbursement placed within the so-called AIRE amnesty in the broader context of the reimbursements requested by persons who believed that they had not benefited from the benefits due in previous declarations, a position aimed at delimiting the scope of application of this prohibition would have been useful.

art. 16 Legislative Decree 14.9.2015 n. 147

Il Quotidiano del Commercialista of 16.4.2026 - **"Repatriates with a degree subsidized only if they reside abroad for five years"** - *Course*

Cass. 15.4.2026 No. 9597

Eutekne Guides - Direct Taxes - **"Regime of repatriates"** - *Course L.*

Work

SOCIAL SECURITY

Maternity and parental leave - Bonus for newborns - News of Law 207/2024 (2025 Budget Law) - Year 2026 - Release of the service for the submission of applications (INPS circ. 10.4.2026 no. 45 and INPS message 14.4.2026 no. 1268)

With Circ. 10.4.2026 no. 45, INPS summarized the discipline of the so-called "Tax Authority". *newborn bonus*, introduced by art. 1 co. 206 of Law no. 207 of 30.12.2024, and provided instructions for:

- the submission of applications for the year 2026;
- the application of the ISEE for specific family benefits and for inclusion.

The *newborn bonus* is equal to 1,000.00 euros and is paid, upon request, *on a one-off basis* by INPS for each child born or adopted from 1.1.2025.

With the subsequent INPS message 14.4.2026 no. 1268 the release of the service for the submission of the related applications was then communicated.

Admission requirements

For the purposes of accessing the *newborn bonus*, applicants must jointly meet the requirements indicated in art. 1 co. 206 of Law 207/2024 summarized in circ. no. 45/2026, which concern:

- citizenship;
- residence in Italy (which must exist from the date of the event to the date of submission of the application);
- the economic situation of the family unit (it is necessary to have a specific ISEE for family benefits and inclusion, neutralized by any amounts received by the members of the family unit for the single and universal allowance for dependent children (AUU) referred to in Legislative Decree 29.12.2021 no. 230, not exceeding 40,000.00 euros);
- the date of birth, adoption or pre-adoptive foster care (for 2026, the child must have been born, in pre-adoptive foster care or adopted in the period from 1.1.2026 to 31.12.2026).

Adoption or pre-adoptive foster care

For adoptions or pre-adoptive foster care, the contribution can only be requested for minor children.

For adoptions, in the presence of a pre-adoptive foster care measure, the date of entry of the child into the adoptive family unit is considered as the reference date by order of the Juvenile Court which orders the pre-adoptive foster care referred to in art. 22 co. 6 of Law 4.5.83 n. 184.

For international adoptions, the date of transcription of the adoption order in the civil status registers is considered as the reference date.

Deceased minors

The benefit is also recognized for minors who died before the submission of the application, provided that before the death a Single Substitute Declaration (DSU) was submitted for the calculation of the ISEE for benefits to minors in which the child to whom the event refers is present and this has been certified without

omissions and discrepancies.

Submission of applications

The *bonus* in question can be requested, alternatively, by one of the parents.

In the case of non-cohabiting parents, it can be requested by the parent who lives with the child (born, adopted or in pre-adoptive foster care), while for the parent who is incapable of acting or a minor, it can be requested by the parent of the latter who exercises parental responsibility or by the guardian, subject to the verification of the requirements for the parent of the newborn.

The application must be submitted, under penalty of forfeiture:

- within 120 days from the date of birth, the date of entry into the family of the child or the date of transcription of the adoption order in the civil status registers in the case of international adoption;
- within 120 days from the date of publication of message no. 1268/2026 for events that occurred before the opening of the service for the newborn *bonus* for the year 2026, therefore by 12.8.2026.

The application submission service is accessible through the following channels:

- the Institute's web portal, using their digital identity and the dedicated service;
- the related function available in the INPS mobile app;
- Contact Center Multicanale;
- Patronage institutions, using the services offered by them.

For the purposes of the admissibility of the application, the applicant must declare under his/her own responsibility, pursuant to Presidential Decree 28.12.2000 n. 445, the possession of the requirements required to access the measure.

At the time of application, the chosen payment method must be indicated by crediting account relationships with IBAN or domiciled transfer.

Delivery

The *bonus* is paid *on a one-off basis* by INPS based on the chronological order of arrival of the applications submitted and accepted, within the limits of the resources allocated in the year of submission of the application.

art. 1 co. 206 L. 30.12.2024 n. 207

INPS Circular No. 45 of 10.4.2026

Il Quotidiano del Commercialista del 11.4.2026 - **"Dictate the instructions for the 2026 newborn bonus"** - *Gianola*

Il Sole - 24 Ore of 11.4.2026, p. 26 - **"Baby bonus with specific ISEE"** - *Prioschi M.*

Eutekne Guides - Social Security - **"INPS - Baby Bonus"** - *Gianola G.*

Il Quotidiano del Commercialista of 25.7.2025 - **"The deadline for submitting applications for the newborn bonus has been extended"** - *Redazione*

Criminal law

TAX PENALTY

New criminal tax system (Legislative Decree 74/2000) - Relations between the criminal and administrative systems - Res judicata of criminal judgments in tax proceedings - New Article 21-bis of Legislative Decree 74/2000 - Constitutional legitimacy (Constitutional Court No. 50 of 13.4.2026)

Violations of tax legislation can have criminal relevance, so that it can often happen that a single person for the same facts must submit to both criminal and tax proceedings.

This situation is regulated by Article 21-bis of Legislative Decree 74/2000 which was introduced by Legislative Decree 14.6.2024 n. 87 and is applicable retroactively, which in the version in force provides as follows: "*The irrevocable judgment of acquittal because the fact does not exist or the defendant did not commit it, pronounced following a trial against the same person and on the same material facts subject to assessment in the tax trial, has, in this, the force of res judicata, in every state and degree, as regards the facts themselves*".

Before Legislative Decree 87/2024, the acquittal of the taxpayer/defendant did not have automatic tax effect but the assessment was left to the tax judge (Cass. 13.2.2017 no. 3759).

Article 21-bis of Legislative Decree 74/2000 came under the attention of the Constitutional Court after the C.G.T. II° Piemonte 10.3.2025 n. 64/3/25 and the C.G.T. I° Rome 16.6.2025 n. 1838/13/25 had highlighted a possible difference in treatment between the taxpayer and the tax authorities since the effect of the criminal judgment in tax proceedings occurs only in the event of acquittal of the taxpayer and not also in the case of case of conviction.

Ruling of the Constitutional Court

The Constitutional Court, with judgment no. 50 of 13.4.2026 , considered the questions of constitutional legitimacy raised manifestly unfounded, so that the rule is compatible with the Constitution and guarantees the taxpayer.

In particular, the ruling highlighted that there is no difference in treatment between taxpayers and the tax authorities because:

- the tax interest in criminal proceedings is protected and institutionally entrusted to the Public Prosecutor who is the holder of the criminal prosecution pursuant to Article 112 of the Constitution and is equipped with adequate procedural tools having the support of the judicial police and the Guardia di Finanza;
- the Revenue Agency supports and supports the Public Prosecutor through the mutual exchange of information for the purpose of identifying sources of evidence;
- the Revenue Agency can be a civil party in the criminal trial, being able to exercise the rights and faculties pursuant to Article 90 of the Code of Criminal Procedure with a request for compensation for any damage suffered as a result of tax evasion;
- Article 21-bis of Legislative Decree 74/2000 is in line with paragraph 5-bis of Article 7 of Legislative Decree 546/92, which provided for the obligation of the tax judge to annul the tax act in the event of insufficient evidence.

Res judicata of the criminal acquittal

According to the judgment of the Constitutional Court 13.4.2026 no. 50, the criminal acquittal sentence extends to the tax process:

- in the case of identity of the material facts and recourse to simple presumptions, as these can be used both in criminal proceedings pursuant to Article 192 of the Code of Criminal Procedure and in tax proceedings pursuant to Article 39, paragraph 1, letter d) of Presidential Decree 600/73, provided that they are serious, precise and consistent;
- where the tax assessment is based on the reconstruction of the *quantum* of the tax claim through the use of the very simple presumptions pursuant to Article 39, paragraph 2 of Presidential Decree 600/73 (pure inductive assessment). The so-called very simple presumptions (which may be non-serious, precise and consistent) affect only the determination of the taxable amount and not the proof of evasion.

In the case of the use of legal presumptions (such as bank presumptions or the presumption of taxability of foreign capital not indicated in the RW form), the extensive effect of the criminal res judicata operates if the taxpayer has offered evidence to the contrary in said proceedings.

Otherwise, the criminal res judicata does not extend to tax proceedings if:

- proof of guilt has not been reached beyond any reasonable doubt since legal presumptions cannot operate in criminal proceedings;
- in criminal proceedings, acquittal derives from the unusability of evidence for violation of the criminal procedural legislation alone, which could, instead, be valued by the Court of Tax Justice.

All-encompassing value of the res judicata

The Constitutional Court seems to have indirectly admitted the extension of the criminal res judicata in the tax process both for the purposes of tax and penalties.

In this way, a first address of the Supreme Court that emerged in the ruling of 14.2.2025 no. 3800.

art. 21 bis Legislative Decree no. 74 of 10.3.2000

art. 21 Legislative Decree no. 74 of 10.3.2000

Il Quotidiano del Commercialista of 14.4.2026 - **"The acquittal criminal judgment for lack of evidence applies in the tax field"** - *Amato*

Il Sole - 24 Ore of 14.4.2026, p. 29 - **"Criminal trial, the Constitutional Court saves the tax effects of acquittals"** - *Trovato*

Il Sole - 24 Ore of 14.4.2026, p. 29 - "**Criminal and tax judgment, evidential identity**" - *Ambrosi - Iorio Italia Oggi of 14.4.2026, p. 25* - "**The acquittal blocks the tax authorities**" - *Cerisano*
Corte Cost. 13.4.2026 n. 50
Eutekne Guides - Tax Litigation - "**Double Track**" - *Boano A. - Cissello*

Read Highlights

BENEFITS

L. 12.9.2025 N. 131

BENEFITS

Recognition and promotion of mountain areas - Tax and social security benefits

This law, which came into force on 20.9.2025, provides for numerous provisions for the recognition and promotion of mountain areas and their populations.

In particular, in order to encourage the performance of economic and work activities in mountain areas, numerous concessions have been provided in the form of tax credits and contribution exemptions.

Territorial scope

For the purposes of applying the provisions of this law, with specific Prime Ministerial Decrees:

- the criteria for the classification of the mountain municipalities that make up the mountain areas will be defined, based on the altimetric and slope parameters;
- the consequent list of mountain municipalities will be approved;
- within the aforementioned list, the municipalities targeted by the various support measures provided for by this law will be identified, on the basis of socio-economic parameters, which take into account the specificities and purposes of the aforementioned measures;
- one or more lists of mountain municipalities receiving the aforementioned support measures will consequently be approved.

Exclusions from the scope of application

The classification of mountain municipalities, provided for pursuant to and for the purposes of this law, does not apply for the purposes of:

- of the measures provided for under the Common Agricultural Policy (CAP) referred to in art. 38 et seq. of the Treaty on the Functioning of the European Union;
- of the IMU exemption for agricultural land located in mountain municipalities pursuant to art. 1 paragraph 758 letter d) of the

L. 160/2019.

In fact, these concessions continue to be regulated by the respective sector regulations.

Tax credit for young entrepreneurs who start their business in mountain municipalities

Art. Article 25 of this law provides for the recognition of a tax credit in favour of young people under 41 years of age who, as of 20.9.2025, undertake a new business activity in mountain municipalities (in the form of a sole proprietorship, company or cooperative).

The tax credit:

- it is due for the tax period during which the new activity is undertaken and for the two subsequent tax periods;
- it can only be used in compensation in the F24 form.

Tax credit for investments in ecosystem and environmental services

Art. Article 19 of this law introduces a tax credit in favour of agricultural and forestry entrepreneurs, forestry consortia and land associations, who are based and mainly carry out their activities in mountain

municipalities, in relation to investments "aimed at obtaining ecosystem and environmental services beneficial to the environment and climate", carried out from 1.1.2025 to 31.12.2027.

The tax credit:

- is due to 10% or 20% of the subsidized investments;
- it can only be used in compensation in the F24 form.

Tax credit on mortgage interest expenses for the purchase or renovation of the main residence

Art. 27 of this law recognizes a tax credit to natural persons under 41 years of age who, after 20.9.2025, take out a mortgage or land loan to purchase or renovate the main residence (not registered in categories A/1, A/8 and A/9) located in mountain municipalities.

The tax credit:

- it is commensurate with the amount of interest expense due on the loan;
- It must be used in the tax return.

Tax credit for health personnel who move to a mountain or neighboring municipality

Art. 6 of this law provides, starting from the year 2025, for the recognition of a tax credit in favor of health personnel who, in the mountain municipality where they provide the service or in a neighboring municipality, rent a residential property or purchase a residential property with mortgage or land financing.

The tax credit:

- it is commensurate with the annual rent of the property or the annual amount of the loan;
- It must be used in the tax return.

Tax credit for school staff who move to a mountain or neighboring municipality

Similarly, art. Article 7 of this law provides, as of 2025, for the recognition of a tax credit in favour of school staff who, in the mountain municipality where they provide the service or in a neighbouring municipality, rent a residential property or purchase a residential property with mortgage or land financing.

The tax credit in question:

- it is commensurate with the annual rent of the property or the annual amount of the loan;
- It must be used in the tax return.

Contribution exemption for smart working workers who move to a mountain municipality

Art. Article 26 of this law provides for an exemption from employers' contributions for permanent workers:

- under 41 years of age as of 20.9.2025;
- who carry out their work in agile mode pursuant to Law 81/2017 (so-called smart working);
- who transfer their main residence and permanent domicile to a mountain municipality with a population of less than 5,000 inhabitants.

The contribution exemption amount, equal to 100% for the years 2026 and 2027, is progressively reduced in the years 2028, 2029 and 2030.

One-off contribution for newborns residing in mountain municipalities

Art. Article 29 of this law provides for the recognition of a contribution for each child born or adopted and registered in the registry, after 20.9.2025, of one of the mountain municipalities with a population not exceeding 5,000 inhabitants.

Implementing measures

All the aforementioned tax and social security benefits must be implemented through the issuance of specific interministerial decrees.