DL 27.3.2026 n. 38 (so-called "Tax Decree") - Main changes made during conversion into Law no. 88 of 22.5.2026

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1 INTRODUCTION

With Legislative Decree 27.3.2026 no. 38, published in the *Official Gazette no.* 72 of 27.3.2026 and entered into force on 28.3.2026, numerous urgent provisions on tax and economic matters (so-called "Tax Decree") have been provided.

Legislative Decree no. 38 of 27.3.2026 was converted into Law no. 88 of 22.5.2026, published in the *Official Gazette.* 22.5.2026 no. 117 and entered into force on 23.5.2026, providingfor numerous innovations compared to the original text.

The main changes made during the conversion of Decree-Law 38/2026
into law are analysed below.

2 AMENDMENTS TO THE TWO-YEAR ARRANGEMENT WITH CREDITORS (CPB)

When Decree-Law 38/2026 was converted into law, some changes were introduced to the rules on the two-year arrangement with creditors (CPB).

2.1 INCLUSION OF HYPER-DEPRECIATION AMONG CPB CHANGES

Article 7, paragraph 3-bis of the converted Decree-Law 38/2026 includes, among the values not to be considered for the purposes of formulating the CPB proposal, the increase in the depreciation rates and financial lease payments due pursuant to Article 1, paragraph 427 - 436 of Law No. 199 of 30.12.2025 (so-called "hyper-depreciation"). The item must also be considered for the determination of adjusted CPB income during the periods in which the arrangement is effective.

Since the tax relief applies to investments made from 1.1.2026 to 30.9.2028, the change will take effect, for "solar" subjects, starting from the 2026 tax period, with the submission of the 2027 INCOME form, without prejudice to the satisfaction of the reporting obligations provided for by the Ministerial Decree implementing the "hyper-depreciation" soon to be issued.

2.2 LIMITATIONS ON THE ESTIMATION OF PROPOSED VALUES FOR SUBJECTS WITH LOW ISA SCORES

With art. 7-bis, paragraph 1 of the converted Decree-Law 38/2026, further limits were introduced on the amount of the CPB proposal in favour of less reliable entities based on the ISA score obtained in the tax period prior to those to which the proposal refers.

For these taxpayers, the increases are contained in the measure:

- 30%, with an ISA score equal to or greater than 6 but less than 8;
- of 35%, with an ISA score equal to or greater than 1 but less than 6.

These estimation mechanisms are already applicable with regard to the 2026-2027 CPB.

2.3 APPLICATION SOFTWARE PUBLICATION DEADLINE FOR 2026

The proposal of values based on the two-year arrangement with creditors is formulated through the
ISA application software "Your ISA 2026 CPB".

Article 7-bis, paragraph 2 of the converted Decree-Law 38/2026 postpones the deadline for the release of the application software for 2026 from 15.4.2026 to 15.5.2026 (*software* released on 13.5.2026 and updated on 20.5.2026).

2.4 DEADLINE FOR JOINING THE CPB 2026-2027

Article 7-bis, paragraph 3 of Decree-Law 38/2026, converted, provides that the taxpayer may adhere to the CPB 2026-2027 proposal:

- by 31.10.2026;
- or, for subjects whose tax period does not coincide with the calendar year, by the last day of the tenth month following the month in which the tax period ends.

In this way, the deadline for joining the CPB coincides with that for submitting the INCOME 2026 form. Given that the deadline of 31.10.2026 falls on a Saturday, the deadline for submitting the 2026 INCOME forms is postponed to 2.11.2026. The postponement to the first following non-holiday day should also apply to adherence to the two-year arrangement with creditors, but on this point an express confirmation from the Revenue Agency would be preferable.

3 "SCRAPPING-QUINQUIES" OF THE ROLES - EXTENSION TO THE ROLES OF THE REGIONS AND LOCAL AUTHORITIES

Art. 10-quinquies of Decree-Law 38/2026, inserted at the time of conversion into law, provided for the extension of the so-called "scrapping-quinquies" of the roles, referred to in art. 1 co. 82 - 101 of Law 199/2025 (2026 Budget Law), to the charges of local authorities entrusted to collection agents.

3.1 SCOPE OF APPLICATION

The facilitated definition concerns debts, tax and non-tax, entrusted to collection agents from 1.1.2000 to 31.12.2023 by the Regions and local authorities.

Debts deriving from convictions by the Court of Auditors are excluded.

Non-tax administrative penalties

For non-tax administrative penalties, including those of the Highway Code, the facilitated definition eliminates only interest and ancillary charges (surcharges, interest on late payments and premium), while the main penalty remains fully due.

3.2 ADHERENCE TO THE SCRAPPING BY THE CREDITOR INSTITUTION

Local authorities, in order to adhere to the scrapping, must approve a special board resolution of a regulatory nature, accompanied by the opinion of the auditing body.

By 15.6.2026, the collection agent shall publish on its website the technical procedures by which creditor institutions can communicate their adhesion.

By 30.6.2026, creditor institutions must:

- publish the measure of adherence to the scrapping, on its institutional website;
- communicate it to the collection agent.

Starting from 15.9.2026, the collection agent will make available to debtors, in the reserved area of its institutional website, the data necessary to identify the definable loads.

3.3 SUBMISSION OF THE APPLICATION BY THE DEBTOR

The procedure for admission to scrapping begins with the debtor's application, to be sent electronically from 16.9.2026 to 31.10.2026, in the manner that will be made available by the collection agent. By 31.10.2026, the application can be integrated.

3.4 NOTIFICATION OF AMOUNTS DUE

By 31.12.2026, the debtor who has submitted the scrapping application will receive from the collection agent the communication of the amounts due and the payment plan.

3.5 PAYMENT OF AMOUNTS

The payment of the sums due for scrapping must take place:

- in a single instalment by 31.1.2027;
- or in a deferred manner in 54 bimonthly installments of the same amount (with a minimum amount of 100.00 euros), expiring on 31.1, 31.3, 31.5, 31.7, 30.9 and 30.11 of each year starting from 2027 and until 2035.

In the case of payment by instalments, interest is applied at the rate of 3% per annum starting from 1.2.2027.

4 CHANGES TO THE CONTRIBUTION FOR SELF-PRODUCTION PLANTS OF ENERGY AND CERTIFICATIONS LINKED TO THE TAX CREDIT TRANSITION 5.0

When Decree-Law 38/2026 was converted into law, art. 8 par. 3-bis, which had been introduced by Decree-Law 42/2026, was amended, which regulates a special contribution linked to the transition 5.0 tax credit.

The contribution is recognized:

- to the companies that have submitted the communications referred to in art. 38 par. 10, first sentence, of Decree-Law 19/2024 and who have received from the GSE the communication that the investment is technically eligible pursuant to Ministerial Decree 24.7.2024, as well as the exhaustion of available resources;
- in proportion to the expenses, resulting from the reports, incurred for investments in plants aimed at the self-production of electricity from renewable sources for self-consumption, including expenses for systems for the storage of the energy produced, in compliance with the principle of do not cause significant harm to the environment (DNSH), as well as the expenses incurred for certifications relating to accounting documentation and for those necessary for the demonstration of the reduction of energy consumption and compliance with the DNSH principle, issued by authorized parties.

This contribution may not exceed, for each application, the amount of the tax credit requested with the aforementioned communications for the same expenses.

However, the contribution is within the maximum expenditure limit of 57.7 million euros for the year 2026, 80 million euros for the year 2027 and 60 million euros for the year 2028.

Tax irrelevance of the contribution

When Decree-Law 38/2026 was converted into law, it was expressly provided that the contribution:

- it does not contribute to the formation of income, nor of the IRAP taxable base;
- is not relevant for the purposes of determining the *pro rata* deductibility of interest expenses and general expenses, pursuant to art. 61 and 109 par. 5 of the TUIR.

Implementing measure

The Ministry of Enterprise and *Made in Italy* provides for the disbursement of these contributions, on the basis of the information provided by the GSE in relation to the expenses incurred, according to the procedures that will be identified with its own subsequent decree.

The provisions relating to the contribution apply in any case in compliance with European rules on State aid.

5 TAX CREDIT FOR FUEL FOR AGRICULTURAL BUSINESSES

When Decree-Law 38/2026 was converted into law, art. 8-ter, which had been introduced by Decree-Law 42/2026, was amended, which, in order to mitigate the economic effects deriving from the persistence of the exceptional increase in the price of diesel and petrol, resulting from the recent international crises, grants agricultural businesses a tax credit, partially offsetting the higher costs actually incurred for the purchase of diesel and petrol for the supply of the means used for the exercise of agricultural activities (including the heating of greenhouses intended for the cultivation of horticultural plants).

The tax credit, as a result of the further amendments made by art. 2 co. 2 of Legislative Decree 22.5.2026 no. 89, is due to:

- up to 20% of the expenditure incurred for the purchase of fuel made in the months of March, April and May 2026, proven by the relevant purchase invoices, net of VAT;
- within the limit of 90 million euros for the year 2026.

Implementing measure

A subsequent decree of the Minister of Agriculture, Food Sovereignty and Forestry will define the criteria and methods for implementing the facilitation, with particular regard to the procedures for granting the tax credit, also for the purpose of compliance with the expenditure limit provided.

5.1 HOW TO USE

The tax credit can be used:

- by 31.12.2026;
- exclusively in compensation in the F24 form, pursuant to art. 17 of Legislative Decree 241/97.

Inapplicability of limits on offsets

The tax credit in question is not subject to:

- the annual limit for the use of tax credits, equal to € 250,000.00, referred to in art. 1 co. 53 of Law 244/2007;
- the general annual compensation limit in the F24 form, equal to 2 million euros, referred to in art. 34 of Law 388/2000;
- the prohibition of offsetting credits relating to state taxes, in the presence of debts for state taxes entered in the register for an amount exceeding 1,500.00 euros, pursuant to art. 31 of Legislative Decree 78/2010.

5.2 TAX IRRELEVANCE OF THE TAX RELIEF

The 2026 tax credit for agricultural fuel:

- it does not contribute to the formation of the company's income, nor of the IRAP taxable base;
- is not relevant for the purposes of determining the *pro rata* deductibility of interest expenses and general expenses, pursuant to art. 61 and 109 par. 5 of the TUIR.

5.3 CUMULATION WITH OTHER BENEFITS

The tax credit can be combined with other benefits that have the same costs as their object, provided that such cumulation, also taking into account the non-competition in the formation of income and the IRAP taxable base, does not lead to the cost incurred being exceeded.

5.4 STATE AID

The provisions in question apply in compliance with European State aid rules.

6 WITHHOLDING TAX ON TRAVEL AND TOURISM AGENCY COMMISSIONS - MODIFICATION OF THE SCOPE OF APPLICATION

Pursuant to art. 1 co. 142 of Law 199/2025, from 1.5.2026 the withholding tax provided for by art. 25-bis of Presidential Decree 600/73 (as amended by the same art. 1 co. 140 of Law 199/2025) must also be applied to the commissions received:

- travel and tourism agencies;
- agents, agents and sea and air brokers;
- by agents and commission agents of oil companies for the services rendered to them directly.

With regard to these commissions, until 30.4.2026 the exemption regime provided for by art. 25-bis co. 5 of Presidential Decree 600/73 has operated.

6.1 EXCLUSION OF THE WITHHOLDING TAX FOR TICKETING ACTIVITIES

By amending art. 25-bis, paragraph 5 of Presidential Decree 600/73, art. 6, paragraph 2-ter of Decree-Law 38/2026 (inserted at the time of conversion into Law 88/2026) restored the exemption regime for commissions received by travel and tourism agencies, albeit limited to fees, however denominated, received for the sale, issuance, booking or intermediation of travel documents relating to the transport of people.

In the absence of a specific effective date, the treatment of commissions for travel documents paid in the period between 1.1.2026 and 22.5.2026 (the day before the date of entry into force of Law 88/2026), to which the withholding tax should have been applied, will have to be clarified.

6.2 DIRECT RETENTION OF COMMISSIONS BY RECIPIENTS

If commissions, by regulatory provisions or contractual agreements, are directly withheld from the amount of the sums collected, travel and tourism agencies (limited to commissions other than fees, however denominated, received for the sale, issuance, booking or intermediation of travel documents relating to the transport of persons), agents, agents and sea and air brokers, as well as agents and commission agents of oil companies are required to remit to the customers the withholdings that are understood to have been made from 1.6.2026.

7 INCOME OF SEAFARERS EMBARKED ON SHIPS FLYING A FOREIGN FLAG - IRPEF EXEMPTION

Article 2-bis of Decree-Law 38/2026, inserted when it was converted into law, intervenes on the income of seafarers resident in Italy, embarked on ships flying a foreign flag, providing:

- exclusion from the taxable base for IRPEF purposes;
- the inapplicability of the regime referred to in art. 51 par. 8-bis of the TUIR, relating to the determination of taxable income through conventional remuneration.

7.1 EXCLUSION FROM THE PERSONAL INCOME TAX BASE

On the basis of the new letter d-quarter) of art. 3 paragraph 3 of the TUIR, income deriving from employment performed by seafarers resident in Italy, embarked for a period of more than 183 days over a period of 12 months on ships flying a foreign flag other than those referred to in art. 6-ter, paragraph 1 of Legislative Decree 457/97, noted in the list referred to in paragraph 2 above.

These are, in essence, ships other than those registered in the registers of the States of the European Union or the European Economic Area or flying the flag of States of the European Union or the European Economic Area:

- used exclusively for international commercial traffic in relation to maritime transport activities or similar activities referred to in art. 1 co. 1 of Legislative Decree 457/97;
- noted in the appropriate list kept at the Ministry of Infrastructure and Transport.

Relevance to other benefits

Such income excluded from the IRPEF taxable base must in any case be taken into consideration when the current provisions refer to the possession of income requirements for the recognition of entitlement or for the determination of deductions, deductions or benefits of any kind, including non-tax ones.

7.2 EXCLUSION FROM CONVENTIONAL REMUNERATION

Article 51, paragraph 8-bis of the Consolidated Income Tax Act is amended, providing for the exclusion, for employment income received by seafarers embarked on ships, of the advantageous tax regime consisting of the application of conventional wages instead of the actual income received.

The conventional wage regime therefore applies to employees who work abroad on a continuous basis and as the exclusive object of the relationship and stay in the foreign State for a period of more than 183 days over a period of 12 months, but with the exclusion of employment income received by seafarers embarked on ships.

7.3 REPEAL OF THE OLD EXEMPTION REGIME

Article 5, paragraph 5 of Law no. 88 of 16.3.2001 is repealed, which provided that:

- Article 51, paragraph 8-bis of the Consolidated Income Tax Act had to be interpreted as meaning that for Italian seafarers embarked on ships flying a foreign flag – for whom the calculation on the basis of conventional remuneration is not applicable (pursuant to Articles 4, paragraph 1 and 5, paragraph 3 of Decree-Law 317/87) – income deriving from the activity performed on such ships for a period exceeding 183 days over a period of 12 months;
- seafarers receiving the aforementioned income could not in any case be considered fiscally dependent and, if they requested subsidized social benefits from the Public Administration, they were still required to declare it to the office providing the benefit, for the purpose of assessing their economic situation.

8 REGATTA "AMERICA'S CUP - NAPLES 2027" - TAX BREAKS FOR ENTITIES AND INDIVIDUALS

With co. *4-novies* and 4-decies of art. 8 of Legislative Decree 38/2026, inserted at the time of conversion into law, tax breaks have been provided, both for entities and individuals, in relation to the "America's Cup - Naples 2027" regatta.

8.1 IRES AND IRAP EXEMPTION FOR LEGAL ENTITIES AND PERMANENT ESTABLISHMENTS

In consideration of the start of the thirty-eighth edition of the "America's Cup - Naples 2027", which took place in Cagliari from 21 to 24.5.2026, the IRES and IRAP exemption has been provided for legal entities:

- having their registered office in Italy;
- established in 2026 by the organizing body or participating teams;

- for activities carried out in accordance with institutional purposes in the period between 1.1.2026 and 31.12.2027;
- provided that such activities are directly and exclusively related to participation in the event.

Exemption for permanent establishments

The aforementioned provisions also apply, under the same conditions, to permanent establishments established in Italy in 2026, on the occasion of the event, by the organizing body or by the participating teams.

8.2 IRPEF EXEMPTION FOR INCOME FROM EMPLOYMENT AND SELF-EMPLOYMENT

In relation to the "America's Cup" regatta, exemptions for IRPEF purposes have also been provided.

8.2.1 Workers not resident in Italy

Employment income, income assimilated to them and self-employment income received in the years 2026 and 2027 by non-residents in Italy for services rendered to the organizing body or participating teams in relation to the performance of the thirty-eighth edition of the "America's Cup - Naples 2027" and directly related to their participation in the event, they do not contribute to forming taxable income for IRPEF purposes and are not subject to withholding taxes or taxes, nor to substitute taxes.

Therefore, the exemption is due regardless of the presentation of the documentation that would instead be required for access to the conventional exemption.

8.2.2 Workers residing in Italy

Employment income, income assimilated to it and self-employment income, received in the years 2026 and 2027 by individuals who move to Italy in the same period to carry out their activity and become tax resident in the territory of the State, contribute, for the same years, to the formation of the total income limited to 35% of their amount.

The benefit cannot be combined with:

- the tax relief relating to repatriated workers (art. 5 of Legislative Decree 209/2023);
- incentives for teachers and researchers (art. 44 of Legislative Decree 78/2010);
- substitute taxation for new residents (art. 24-bis of the TUIR).

9 SUPPORT FOR THE INTERNATIONALIZATION OF ITALIAN COMPANIES IMPACTED BY THE INCREASE IN ENERGY COSTS

When Decree-Law 38/2026 was converted into law, art. 8-quarter, which had been introduced by Decree-Law 42/2026, was amended, which provides for an incentive in favour of companies that have suffered a negative impact due to the increase in energy costs or a decrease in turnover or cash flows in relation to the conflict in the Persian Gulf area.

The measure, to be disbursed to companies that apply by 31.12.2026, consists of a non-repayable contribution of up to 20% (30% for SMEs) of the total intervention granted in favor of Italian companies operating on foreign markets, including outside the European Union, according to the rules on subsidized loans referred to in the so-called "394 Fund".

Implementing provisions

With one or more resolutions, the Facilitation Committee for the administration of the Fund has the possibility to establish the criteria for verifying the conditions of access to the incentive, as well as the terms and methods for applying the measure.

10 CRAFT ENTERPRISES - FACILITATIONS FOR ACCESS TO CREDIT - ESTABLISHMENT OF A SPECIAL FUND

Art. 8 co. *4-sexies* and 4-septies of Decree-Law 38/2026, inserted when converted into law, establish a special Fund *at the Ministry of Enterprise and* Made in Italy:

- for the promotion, development and growth of artisan businesses;
- aimed at granting facilities for access to credit under the *de minimis* regime, in the form of interest subsidies, in relation to investment programs or qualified business development projects proposed by the aforementioned companies;
- with a total financial allocation of 20 million euros for the year 2027 and 30 million euros for the year 2028.

Implementing decree

By decree of the Minister of Enterprise and *Made in Italy* , the implementing provisions of the discipline in question will be established, in particular:

- the methods of operation, intervention and management by the Fund;
- the criteria and methods of access to the benefits.

11 VAT TAXABLE BASE OF EXCHANGE TRANSACTIONS AND PAYMENTS IN PAYMENT - FURTHER AMENDMENTS

When it was converted into law, art. 1 of Decree-Law 38/2026, in relation to the criterion for determining the taxable amount for VAT exchanges and payments (art. 13 par. 2 lett. d) of Presidential Decree 633/72).

11.1 EXCEEDING THE NORMAL VALUE

Art. 1 par. 138 - 139 of Law 199/2025 (2026 Budget Law) had provided that, for the purposes in question, reference should no longer be made to the normal value of the goods and services that are the subject of each transaction, but to the total amount of all costs attributable to the goods and services.

The regulatory change applied to transactions carried out after the date of entry into force of the 2026 Budget Law (1.1.2026).

11.2 CRITERION BASED ON THE MONETARY VALUE DETERMINED BY THE CONTRACT

The criterion introduced by the 2026 Budget Law entailed, however, some critical issues of an operational nature linked, among other things, to the identification of the costs referable to the contractually envisaged transactions.

Therefore, the wording of art. 13 co. 2 letter d) of Presidential Decree 633/72 providing that, for exchange transactions and payments in payment, the consideration consists of the monetary value of the goods and services that are the subject of each of them, as determined by the contract. In addition, it is established that, in any case, this value cannot be less than the total amount of costs referable to the supplies made and the services rendered by each of the parties, determined at the time the aforementioned transactions are carried out.

11.3 EFFECTIVE DATE

The new wording of art. 13 co. 2 letter d) of Presidential Decree 633/72 applies to transactions carried out in execution of contracts entered into or renewed as of 1.1.2026.

11.4 SALVATION OF PREVIOUS BEHAVIORS

This is without prejudice to the conduct adopted:

- from 1.1.2026 to 23.5.2026 (date of entry into force of the law converting Decree-Law 38/2026), in accordance with the repealed art. 1 co. 138 of Law 199/2025;
- in accordance with the regulations in force from 31.12.2025 until 23.5.2026 (date of entry into force of the aforementioned conversion law), with regard to transactions carried out in execution of contracts entered into before 1.1.2026.

In any case, there are no refunds or changes to the tax already paid.

12 BLOCKING PAYMENTS BY PUBLIC ADMINISTRATIONS TO PROFESSIONALS - INTRODUCTION OF A QUANTITATIVE LIMIT

Article 2-ter of Legislative Decree 38/2026, inserted when converted into law, amends Article 48-bis, paragraph 1-ter of Presidential Decree 602/73, providing that the blocking of payments by Public Administrations to arts and professions for the professional activity carried out is activated only in the event that the payment notices not honored are of a total amount of at least 5,000.00 euros.

12.1 OPERATING MECHANISM

The specific discipline relating to the blocking of payments by Public Administrations for fees paid to arts and professions was introduced in art. 48-bis of Presidential Decree 602/73 by art. 1 co. 725 of Law 199/2025 (2026 Budget Law).

The provision provided that Public Administrations and companies with predominantly public participation, before making the payment of any amount to the arts and professions for the professional activity carried out, including in favour of persons admitted to legal aid, shall verify whether the same beneficiaries are in breach of the payment obligation, deriving from the notification of one or more payment notices of any amount.

If so, the relevant payment by the aforementioned administrations will go to:

- of the collection agent, up to the amount of the debt;
- of the professional, in the event that the sums to be paid exceed the amount of the debt.

With the amendment of the converted Decree-Law 38/2026, the aforementioned "block" of payments to the professional by the Public Administrations no longer operates in the event that the amount of the payment notices not honored is less than 5,000.00 euros in total.

12.2 EFFECTIVE DATE

Article 48-bis, paragraph 1-ter of Presidential Decree 602/73 applies from 15.6.2026.

The reference is to be understood as payments by Public Administrations that will be made from 15.6.2026, including payments of fees relating to previous professional services, if paid after 15.6.2026 (Ministry of Justice Circular 17.3.2026).

13 PAYMENTS RELATING TO THE "SCRAPPING-QUINQUIES" OF THE ROLLS - INTRODUCTION OF THE 5-DAY TOLERANCE

Article 10, paragraph 2-bis of Decree-Law 38/2026, inserted when it was converted into law, introduces a tolerance of 5 days for the payment in a single instalment or the last instalment of the sums due for the so-called "scrapping-quinquies" of the roles referred to in art. 1 co. 82 et seq. of Law 199/2025 (2026 Budget Law) is also applicable.

14 AMENDMENTS TO THE RULES ON THE PROVINCIAL REGISTRATION TAX

Article 10-bis of Legislative Decree 38/2026, inserted at the time of conversion into law, amends the rules on the provincial registration tax (IPT), contained in Article 56 of Legislative Decree 446/97.

The main changes include:

- the extension of the scope of application of the IPT also to the registration formalities provided for by art. 93-bis, paragraph 2 of Legislative Decree 285/92 (Highway Code), i.e. the formalities necessary for the circulation of vehicles registered in a foreign country and driven by residents in Italy;
- the provision according to which, for taxable persons who operate professionally in the vehicle rental sector with a registered office distinct from the place where the ordinary management of the activity of the legal person takes place as the main one, that the latter constitutes the place of business to be considered for the purposes of allocating the tax revenue. For legal entities with registered office abroad operating in the vehicle rental sector, having several secondary offices in Italy, the Province or metropolitan city to which the IPT is addressed is the one where the secondary office is located where the main ordinary management of the activity takes place;
- in the case of a resolution establishing or amending the IPT measures, the tariff increase no longer concerns registrations, but the formalities carried out and the acts formed since its commencement and, if it is resolved with reference to the same year in which the required notification is made to the competent provincial office of the public motor vehicle register and to the body that provides for the collection, it operates from the date of the notification itself;
- in the event of partial or non-payment, the tax is requested, under penalty of forfeiture, by 31 December of the fifth year following that in which the payment was or should have been made;
- the refund of the sums paid and not due of the IPT is requested by the taxable person within 5 years from the day of payment, or from the day on which the right to refund was ascertained (the refund must be made within 180 days from the date of submission of the application).

15 OBLIGATION TO ACCEPT NON-CASH PAYMENTS - CHANGES

Article 15-bis of Decree-Law 38/2026, inserted at the time of conversion into law, amends Art. 15 paragraph 4 of
Decree-Law 179/2012, on the obligation to accept electronic payments by persons who carry out activities of sale of products and provision of services, including professional ones.

In particular, the reference to "prepaid cards" is replaced by that "to electronic money" referred to in art. 1 par. 2 lett. h-ter) of Legislative Decree 385/93 (Consolidated Banking Act).

Pursuant to the aforementioned letter h-ter), "electronic money" means the monetary value stored electronically, including magnetic storage, represented by a credit against the issuer that is issued to carry out payment transactions as defined in art. 1 paragraph 1 letter c) of Legislative Decree 11/2010 (i.e., the activity, carried out by the payer or the beneficiary, of paying, transferring or withdrawing funds, regardless of any underlying obligations between payer and beneficiary), and which is accepted by natural and legal persons other than the issuer.

The following do not constitute electronic money:

- the monetary value stored on the instruments provided for by art. 2 co. 2 letter m) of Legislative Decree 11/2010;
- the monetary value used for the payment transactions provided for by art. 2 co. 2 letter n) of Legislative Decree 11/2010.