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Concessions

[Concessions - Contribution for working mothers for the year 2026 \(so-called mothers' bonus\) - News of Law 199/2025 \(2026 Budget Law\) - Submission of applications - Opening of the service \(INPS message 20.10.2026 no. 3343\)](#)

INPS has provided the operating instructions for access to the new *2026 mothers' bonus* pursuant to [art. 1](#) co. 207 of Law 199/2025 with circ. 16.10.2026 no. [106](#), while with the subsequent message 20.10.2026 no. [3343](#) the Institute announced the opening of the service for the submission of applications.

Recipients

The *2026 mothers' bonus* concerns female workers:

- employees, with the exception of domestic work relationships (intermittent employment relationships and those for the purpose of administration also fall within the scope of application);
- registered with the autonomous compulsory social security schemes, including the occupational pension funds referred to in Legislative Decree no. [509/94](#) and Legislative Decree no. [103/96](#), and the separate management referred to in [art. 2](#) paragraph 26 of Law 335/95.

Holders of corporate offices and entrepreneurs not registered with the compulsory general insurance and its substitutive, exclusive and exempt forms are *excluded from* the bonus.

In addition, female workers with three or more children are not entitled to the bonus for the months in which there is, even partially, an open-ended employment relationship (the latter access the total contribution reduction pursuant to [Article 1](#), paragraph 180 of Law 213/2023 until 31.12.2026).

Number and age requirement for children

To access the *2026 mothers' bonus*, workers must be mothers:

- with two children, the youngest of whom is under 10 years of age;
- with three or more children, the youngest of whom is under 18 years of age.

The requirement relating to the number of children belonging to the employee's family unit must exist on 1.1.2026 or must be completed by 31.12.2026.

If the requirement is met, it is deemed to have been met for the entire year, with the exception of periods of suspension of parental responsibility, or until the second child reaches the age of 10 or the youngest child reaches the age of 18 in the case of three or more children.

If the requirement is perfected after 1.1.2026, the *2026 mothers' bonus* is due from the month in which the requirement is completed.

Income requirement

To access the *2026 mothers' bonus*, the sum of income from work, self-employed or employed, relevant for the purposes of calculating taxes for the year 2026 must be equal to or less than 40,000 euros per year.

Amount

The *2026 mothers' bonus* is equal to 60 euros per month (no longer 40 euros per month as in 2025) for each month or fraction of a month of validity of the employment relationship or self-employment activity, up to a maximum of 12 months' pay and a total amount of 720 euros.

Question

The service for submitting the application is available on the institutional website www.inps.it, following the path: "Supports, Subsidies and Allowances", "Explore Supports, Subsidies and Allowances", "For parents", "See all services", "New Mothers' Bonus 2026".

To fill out the application, it is necessary to access the "Access point to non-pension benefits". The application can also be submitted through the Multichannel Contact Center or the Patronage Institutes.

In the application, the worker must:

- declare under their own responsibility, pursuant to Presidential Decree [445/2000](#), compliance with the conditions provided for by the legislation;
- also indicate the payment method chosen between crediting accounts with IBAN or domiciliary transfer.

The application must be submitted by:

- 31.12.2026;
- or by 31.1.2026 if the requirement is completed in December 2026. Within the service it will be possible to:
- access the receipts and documentation produced by the system;
- monitor the processing status of the application;
- update the information relating to payment methods. At the end of the investigation, INPS will adopt the measure of:
- acceptance;
- partial acceptance limited to some of the monthly payments of the year requested in the application;
- rejection of the application.

Disbursement of the amount

The monthly payments due for the period from January to December 2026 will be paid in a single instalment in December 2026, at the same time as the monthly payment referring to the same month, if the investigation is defined in good time.

If the investigation cannot be concluded in time for payment in December, the sums due will be paid, as a result of the relevant definition, from January 2027.

Review

In the event of rejection of the application or partial acceptance, the worker may submit an electronic request for review.

art. 1 co. 207 L. 30.12.2025 n. 199

INPS Message 20.10.2026 no. 3343

INPS Circular 16.6.2026 no. 106

Il Quotidiano del Commercialista of 21.10.2026 - **"The service for applications for the 2026 mothers' bonus is open"** - Silvestro

Il Sole - 24 Ore of 21.10.2026, p. 36 - **"Green light for applications for the 2026 mothers' bonus"** - M.Pri.

Eutekne Guides - Social Security - **"INPS - Contribution for workers with children"** - Silvestro D.

Work

SUBORDINATE EMPLOYMENT

Individual dismissal - Unlawful dismissal in small businesses - Compensation pursuant to Article 8 of Law 604/66 - Partial constitutional illegitimacy (Constitutional Court 22.10.2026 no. 174)

With the Constitutional Court 22.10.2026 no. 174, the constitutional illegitimacy of art. 8 of Law 604/66 was declared limited to the words *"if employed by an employer employing more than fifteen workers"*.

Protections provided for by art. 8 of Law 604/66

Article 8 of Law 604/66 contains the rules applicable, in the event of unlawful dismissal, to workers hired before 7.3.2015 (date of entry into force of Legislative Decree no. 23/2015) by companies that do not reach the size limits referred to in art. 18 paragraph 8 of Law 300/70.

The rule provides that when it is ascertained that the conditions for dismissal for just cause or justified reason do not exist, the employer is required to rehire the employee within three days or, failing that, to compensate for the damage by paying him an indemnity of an amount between a minimum of 2.5 and a maximum of 6 months' salary of the last total salary in fact, having regard, for the purposes of determining the amount to be awarded, to factors such as:

- the number of employees employed;
- the size of the company;
- the length of service of the employee;
- the behavior and conditions of the parties.

In the last part of the rule, it was possible to increase the allowance up to 10 months' salary, for the employee with more than 10 years' seniority, and up to 14 months' salary, for the employee with more than 20 years' seniority, "if employed by an employer employing more than fifteen workers".

Partial constitutional illegitimacy

The Constitutional Court, with judgment no. [174/2026](#), declared the aforementioned rule unconstitutional limited to the words ", if employed by an employer employing more than fifteen workers".

The Constitutional Court pointed out that it is the aforementioned size requirement that hinders the exercise of the judge's discretion in determining the compensation within a wider range, with a maximum ceiling not of 6 months' pay but of 10 or 14 months' pay depending on the employee's seniority.

In order to raise the indemnity ceiling up to 10 or 14 months' salary, the rule required, in fact, both the aforementioned size requirement and the requirement related to the length of service, exceeding 10 or 20 years respectively.

Requirements for the increase: length of service and company size

As for the requirement of seniority of service, the ruling clarifies that the seniority of at least 10 years has now been acquired by workers hired before 7.3.2015, for whom the requirement of seniority of 20 years will also be progressively devoid of obstacle relevance, to obtain an increase of up to 14 months' salary.

As regards, on the other hand, the size requirement, it is stated that it is now irrelevant, given that since L. [108/90](#) the field of application of real protection has been redefined, with the amendment of [art. 18](#) of Law 300/70.

Therefore, by eliminating this condition, it is possible to extend in favor of all "old hires" in smaller companies the range within which the discretion of the judge may range.

Protections for all workers employed by small businesses

As a result of sentence no. [174/2026](#), the judge can therefore recognize workers hired before 7.3.2015 by small companies who have been unlawfully dismissed up to 10 months' salary, having already acquired a seniority of more than 10 years, reaching 14 months' salary with seniority of more than 20 years.

For those hired from 7.3.2015 in companies below the threshold, the applicable discipline is that referred to in [art. 9](#) of Legislative Decree 23/2015, which, as a result of the sentence of 21.7.2025 no. [118](#), no longer contains the limit of 6 months' pay. These workers, in the event of dismissal not supported by justified objective or subjective reason or just cause, can already benefit from half indemnity protection which can reach up to 18 months' salary.

art. 8 L. 15.7.1966 n. 604

The Accountant's Daily of 23.10.2026 - "**Higher compensation for unlawful dismissals for all employees of small businesses**" - Gianola

Il Sole - 24 Ore of 23.10.2026, p. 30 - "**Compensation for dismissals, the ceiling of 6 months' pay falls**" -

Zambelli A. Italia Oggi of 23.10.2026, p. 30 - "**Workers more protected in SMEs**" - Davide M.T.

Corte Cost. 22.10.2026 n. 174

The Accountant's Daily of 20.3.2026 - "**Compensation for unlawful dismissal must be graduated to the vice**" - Gianola

Trib. Livorno 12.2.2026

Il Quotidiano del Commercialista del 22.7.2025 - "**The discipline of dismissals in small businesses is unconstitutional**" - Andreozzi

Eutekne Guides - Labour - "**Individual dismissal - Unlawfulness of dismissal**" - Gianola G.

SOCIAL SECURITY

Cumulative pension benefits - Evaluation of foreign insurance periods - Verification of the requirement of the threshold amount for the old-age pension - Instructions (INPS circ. 20.10.2026 no. 107)

With Circular No. 107 of [20.10.2026](#), INPS summarised the criteria for assessing foreign insurance periods for the purposes of the right to a pension under the cumulation regime pursuant to [art. 1](#), paragraph 239 et seq. of Law 228/2012, to be paid under the international regime. It should be noted that the institution of cumulation referred to in L. [228/2012](#) allows the contribution credited to different social security institutions to

be added free of charge for the purposes of the right to ordinary old age, ordinary early retirement pension, disability pension and survivors' pension.

Verification of pension entitlement

Recalling what has already been indicated in Circular No. 60 of 16.3.2017, INPS specifies that, for the purposes of verifying the right to pension benefits under the cumulation regime to be paid under the international regime, insurance periods accrued abroad must also be considered.

Of particular note are insurance periods completed in the States of the European Union, the European Economic Area (EEA) and in Switzerland, the United Kingdom and in the States linked to Italy by bilateral social security agreements or conventions that provide for international aggregation.

On this occasion, the Social Security Institute specifies that foreign insurance periods, even if they have already given rise to a foreign pension, are relevant for the purposes of perfecting the right to a pension under the cumulative regime to be paid under the international regime.

Measurement of treatment

With reference to the amount of the pension under the cumulation regime to be paid under the international regime, INPS recalls that the relevant calculation is based on the insurance periods accrued in Italy in the social security administrations involved in the cumulation.

It is understood that foreign insurance periods, if placed before 1.1.96, are relevant for the determination of the system for calculating the *pro rata* of the pension under the cumulation regime determined by INPS.

In particular, if the accumulation under the international regime concerns insurance periods with several social security management companies falling within the scope of the conventional regime, in the calculation of the *pro rata* the foreign insurance periods are valued in the social security management that ensures the most favourable treatment.

Checking the threshold amount

With Circular no. 107/2026, INPS also provides specific clarifications regarding the verification of the requirement of the threshold amount for access to the old-age pension under the cumulation regime to be paid under the international regime.

It should be noted that, pursuant to art. 1 paragraph 241 of Law 228/2012, the old-age pension under the accumulation regime is obtained provided that the additional requirements, other than those of age and contribution seniority, provided for by the social security management to which the worker is last enrolled, are met.

On this point, INPS clarifies that, where the old-age pension under the cumulation regime is paid under the international regime, the amount of the pension and/or the foreign *pro rata* must also be considered for the purposes of verifying the threshold amount requirement.

Technically, the amount of the Italian pension in liquidation must be added to the amount of the pension and/or the foreign *pro rata* deriving from the contributions accrued in countries that apply EU regulations on social security or in non-EU countries linked to Italy by bilateral social security agreements or conventions that provide for international aggregation. The total pension treatment thus determined must not be less than the threshold amount.

On the merits, INPS clarifies that the requirement of the threshold amount can also be perfected subsequently, as a result of the payment of the pension and/or the foreign *pro rata*.

In such cases, the starting date of the retirement pension under the cumulative scheme to be paid under the international scheme is set at the first day of the month following the month in which this requirement is met.

Presentation of the pension under the international regime

INPS provides some indications regarding how to submit the application for a pension under the international regime, which may vary in relation to the applicant's residence.

In summary, the person residing in Italy, as a rule, submits the pension application through the electronic procedure and can choose the type of pension product.

On the other hand, the person residing in a country that applies EU regulations or bilateral social security agreements or conventions submits, as a rule, the application to the competent social security institution of the country of residence, in accordance with the procedures provided for by the legislation of that state.

The foreign institution will then send the connection forms to the competent INPS office to start the international flow.

art. 1 co. 239 L. 24.12.2012 n. 228

INPS Circular No. 60 of 16.3.2017

INPS Circular 20.10.2026 no. 107

Il Quotidiano del Commercialista of 22.10.2026 - "**The foreign pension does not hinder pension accumulation**" - Mamone

Italia Oggi of 22.10.2026, p. 28 - "**Pensions, abroad rewards**" - Cirioli

Guide Eutekne - Social Security - "**Pensions - Free cumulation**" -

Mamone L.

Judicial functions

CODE OF BUSINESS CRISIS AND INSOLVENCY (LEGISLATIVE DECREE 14/2019)

Debt restructuring plan - Tools for regulating the over-indebtedness crisis - Tax discipline
(Revenue Agency circ. 21.10.2026 no. 9 part II)

The Revenue Agency, with circular 21.10.2026 no. 9, Part II, on the tax profiles of the institutions of the Crisis Code referred to in Legislative Decree no. 14/2019 (CCII), provided clarifications on the discipline of over-indebtedness and discharge of debt.

The analysis concerns the instruments for regulating the over-indebtedness crisis, in particular the restructuring of consumer debts, family procedures, the minor arrangement and controlled liquidation, as well as the role of the crisis settlement body (OCC), a pivotal figure in the implementation of the procedures.

Role of the professional's attestation

For the purposes of over-indebtedness, the professional's certification on the feasibility of the plan, as well as on the veracity of the data and related information, is not indefectible, becoming necessary only in cases of particular patrimonial, tax or financial complexity, thus avoiding additional burdens for less complex cases in which the OCC verification and judicial control are sufficient. Failure to submit the certificate, in any case, does not constitute a condition of admissibility and, consequently, cannot affect the final judgment of the Offices.

Disclosure of the public creditor's debt

The Collection Agent and the Tax Offices, including those of local authorities, competent on the basis of the applicant's last tax domicile, must communicate the tax debt ascertained and any pending assessments within the terms of the law, so that the OCC can take them into account in the report and in the preparation of the proposal. The competent Provincial Directorate is, therefore, required to settle the taxes resulting from the declarations, to notify the notices of irregularities and notices of assessment, as well as to transmit to the OCC the overall quantification of the tax debt. For this purpose, sums entered in registers already delivered to the Collection Agent, or referring to assessment notices issued pursuant to [Article 29](#), paragraph 1 of Legislative Decree 78/2010 for which the collection has already been entrusted to the Agent, on the date of the OCC's request, must be excluded.

The Collection Agent must send the OCC a communication about the amount of the debt entered in the register, expired or suspended, or deriving from the assessment notices mentioned above. This communication includes the tax, interest and penalties, as well as interest on arrears pursuant to [Article 30](#) of Presidential Decree 602/73.

Before the overall representation of the debt, in any case, the Offices may provide the OCC with an estimate of the tax debt as resulting from the available archives, specifying that this amount may subsequently be updated.

The filing of the application also suspends the course of conventional or legal interest until the closure of the procedure. The same reporting obligations apply to the minor arrangement, with the specification that in this case the debt may also arise by way of VAT.

Forced approval of the plan

In the presence of disputes, the judge, if the conditions are met, can approve the plan through the so-called *cram down* which, for this procedure, has a "general" nature and is not aimed exclusively at the public tax or social security creditor.

Fulfilment of Plan Obligations

The Offices, in any case, monitor the execution of the approved plans, verifying the timely fulfilment of the obligations and payments envisaged and, if non-compliance is ascertained, they will proceed to report to the OCC for the relevant initiatives also for the purpose of revoking the approval.

Access to the arrangement with creditors and obstructive conditions

Among the acts of fraud that make the application for a minor arrangement inadmissible is the conduct of the debtor who has systematically privileged the regular fulfilment of obligations towards other creditors other than the Treasury, failing to pay the taxes due and accumulating a significant tax debt (App. Genoa 23.7.2025).

Acceptance of the proposal

For the purposes of adhering to the proposal, in relation to the taxes administered by the Revenue Agency, the vote is expressed by the Provincial Directorate with regard to the generality of the receivables claimed. The Collection Agent, on the other hand, expresses the vote limited to the collection charges due to him (Cass. nos. [35976/2022](#) and [13877/2023](#)).

If the Office does not decide to adhere to the proposal, the relative determination must be adequately and punctually motivated, by explaining the reasons underlying the dissent.

Tax, social security and contribution cram down

Article 80 of the CCII regulates the *tax, social security and contribution cram down*.

The circular highlights that the *tax cram down* is relevant exclusively for the purposes of calculating majorities, since the position of public creditors must be equated with that of any other dissenting creditor. It follows that the Revenue Agency, as well as social security and welfare institutions, can challenge not only the convenience of the proposal compared to the liquidation alternative, but also any other prerequisite for the admissibility of the procedure.

The institution of the *tax cram down* does not give the court a generalized power to overcome the dissent of the Tax Administration.

The *cram down* does not allow the judge to always and in any case overcome the non-adherence of the Tax Administration and the social security institutions, operating only when the institutions have remained inert or when the vote against the approval of the composition is objectively unjustified (App. Genoa 23.7.2025).

Therefore, where the debt exposure is almost entirely of a tax nature, the abuse of the instrument is revealed if the minor arrangement is bent to achieve a purpose that goes beyond the solution of over-indebtedness for the continuation of the professional activity and is used only for the elimination of the substantial debt accumulated towards the Revenue Agency (App. Venezia 10.10.2024).

The prevailing incidence of the tax debt is not, in itself, capable of constituting an abuse of the instrument of the minor arrangement.

Tax transaction

The definition of tax debts in the arrangement with creditors is governed by an autonomous discipline and, consequently, the tax settlement procedure pursuant to [Article 88](#) of the CCII (Cass. no. [14555/2026](#)) does not apply.

Although the submission of a tax settlement application is not mandatory in the minor arrangement, the proposal must nevertheless comply with the substantive rules on the treatment of tax and social security credits provided for by the same [Article 88](#).

Partial payment of tax debt

Although the partial payment of the tax credit and the degradation of the inadequate part to the unsecured rank, allocated in a special class, is admissible in the minor composition, the proposal cannot provide for a treatment in violation of the rules dictated for tax and social security credits by art. 88 par. 1, which impose the criterion of the so-called non-deteriorating treatment.

Otherwise, the proposal would be incompatible with the principles governing the protection of public credit and could be declared inadmissible.

art. 29 co. 1 DL 31.5.2010 n. 78

art. 30 DPR 29.9.1973 n. 602

art. 68 Legislative Decree 12.1.2019 n. 14

Legislative Decree 12.1.2019 n. 14

Revenue Agency Circular No. 9 of 21.10.2026

Il Quotidiano del Commercialista of 22.10.2026 - "**For over-indebtedness, professional certification necessary in complex cases**" - Nicotra

Il Sole - 24 Ore of 22.10.2026, p. 36 - "**Arrangement impossible if the debt is only tax**" - Andreani Italia

Oggi of 22.10.2026, p. 20 - "**The debtor now makes peace with the tax authorities**" - Pollio

Eutekne Guides - Insolvency Proceedings - "**Over-indebtedness (L. 3/2012 and CCII) - Restructuring of consumer debts (CCII)**" - Nicotra A. - Diana F.

Criminal law

COMMON CRIMES

Superbonus 110% - Constitution and assignment of fictitious credits - Aggravated fraud - Consummation - First assignment (Cass. SS. UU. 16.10.2026 nos. 36525 and 36526)

The United Criminal Sections of the Court of Cassation - with two "almost twin" judgments filed on 16.10.2026 - have defined some interpretative contrasts relating to the establishment and transfer to third parties of a tax credit linked to the 110% *superbonus* (judgments nos. 36525/2026 and 36526/2026).

Aggravated fraud

The first issue addressed concerns the regulatory framework of two types of unlawful conduct. The first is that of the establishment of a fictitious tax credit, through the submission of invoices for transactions that are wholly or partially non-existent and with an option, instead of the direct use of the deduction, for a contribution in the form of an advance discount from suppliers. The second is that of the assignment of this credit.

According to the United Sections, the crime of aggravated fraud is configured in these cases as provided for by art. 640 and 640-bis of the Criminal Code.

A different approach considered, on the other hand, that the less serious crime of undue receipt of public funds governed by art. 316-ter of the Criminal Code could be integrated (cf. Cass. 46354/2024).

In the ample motivations, the dating debate on the distinction between these two crimes is retraced (Cass. SS. UU. n. 16568/2007, n. 7537/2011, n. 11969/2025), and then dwells on the fact that - in the case of the *superbonus* - the client, in order to benefit from the tax break, does not limit himself to transmitting to the Administration a mere self-certification and invoices relating to the work carried out, but must certify through the simultaneous filing of multiple asseverations by qualified third party professionals that the works have actually been carried out; that they comply with the project and the technical requirements imposed by the provisions of law and regulations; that the materials used have the characteristics required to achieve the required energy improvement; as well as the existence of all the conditions that give the right to benefit from the tax deduction.

This documentary compendium is an integral part of the procedure. The Administration is entitled to rely on it precisely because the above certifications come from (or rather, should come) from third-party, technically qualified professionals. The falsehood does not therefore end with the applicant's mendacious statement. It affects the documentary system set up by law to demonstrate the existence of the prerequisites for the benefit. The presentation of invoices for non-existent transactions and false certifications or asseverations therefore creates an artificial representation of reality: it makes it appear that non-existent works have been carried out, or carried out for amounts other than the actual ones, and simulates the possession of the technical and economic requirements to which the law subordinates the benefit. Such conduct thus has an autonomous "deceptive" capacity that does not disappear because the procedure is telematic and largely automated.

Consumable moment

The second principle enunciated by the United Sections (in particular by judgment no. 36526, but also taken up by no. 36525) concerns a more problematic and controversial aspect, which does not seem to be able to be exhausted with the enunciation of the judges of legitimacy.

It is, in fact, stated that this aggravated fraud is consummated with the completion of the first assignment, through the communication of the option to the Tax Administration and the acceptance of the credit by the supplier or the transferee through the Credit Assignment Platform of the Revenue Agency, since the subsequent use of the credit in compensation, its collection or further assignment is not necessary.

In this regard, some rulings had held that the crime was perfected with the collection or compensation of the tax credit (Cass. no. 23402/2024). A second orientation identified the consummation moment in the first

assignment of the credit (Cass. no. [40015/2024](#)). Finally, a third orientation had anticipated the consummation to the creation of the tax credit (Cass. no. [45868/2024](#)).

A fundamental question arises here with regard to the distinction between a consummated crime and an attempted crime:

asks what is the actual event of damage suffered by the public administration if the fictitious credit is not actually used.

According to the United Sections, the mere creation of the credit for the original beneficiary is not sufficient, since the credit has not yet entered the patrimonial sphere of the subject to whom the option is intended and all the effects of its assignment have not yet been produced. Nor, however, would it be necessary to wait for the subsequent use of the credit in compensation. The relevant moment would be the intermediate one, in which the first assignment is completed through the acceptance of the credit by the supplier or the assignee. With this acceptance, the fictitious credit becomes fiscally expendable, thus realizing, at the same time, the unfair profit.

art. 316 ter c.p.

art. 640 bis c.p.

art. 640 c.p.

Il Quotidiano del Commercialista of 17.10.2026 - **"With the first assignment of the fictitious credit of the superbonus, the aggravated fraud is realized"** - Artusi - Zanetti

Il Sole - 24 Ore of 17.10.2026, p. 24 - **"Superbonus scam without compensation"** - Blacks G.

Cass. SS. UU. pen. 16.10.2026 n. 36525

Cass. SS. UU. pen. 16.10.2026 n. 36526

Read Highlights

TAX

REVENUE AGENCY PROVISION 6.7.2026 NO. 200904

TAX

TAX LAW IN GENERAL - SIMPLIFICATIONS - Collaborative compliance - Tax control framework (TCF) - Mapping and management of tax risks

This provision approves further specific instructions regarding the mapping of tax risks deriving from the accounting standards applied by the taxpayer, in implementation of art. 4 paragraph 1-quarter of Legislative Decree no. 128 of 5.8.2015.

The approval is intended to supplement and update the guidelines for the preparation of an effective system for detecting, measuring, managing and controlling tax risk, containing:

- in the Revenue Agency provision 10.1.2025 no. 5320;
- in the Revenue Agency provision 7.8.2025 no. 321934;
- in the Revenue Agency provision 28.1.2026 no. 33973.

The cases analysed in the documents attached to this measure are as follows:

- accounting and tax treatment of cryptocurrencies;
- accounting and tax treatment of the right of exclusive use of an infrastructure.

Scope

The guidelines are addressed to companies that intend to adhere to the collaborative compliance regime - governed by art. 3 - 7 of Legislative Decree 128/2015, as supplemented and amended by Legislative Decree 30.12.2023 no. 221 and Legislative Decree 5.8.2024 no. 108 - which allows for constant dialogue with the Revenue Agency for the prevention and resolution of tax disputes, at a time prior to the submission of the declaration.

The regime is aimed at taxpayers, who achieve a certain volume of business or revenues, equipped with an "effective integrated system for the detection, measurement, management and control of tax risks, including

in terms of the mapping of those deriving from the accounting principles applied by the taxpayer, inserted in the context of the corporate governance and internal control system" (Tax control framework or TCF).

Cryptocurrencies

On the basis of the provisions of this provision, cryptocurrencies must be classified on the

basis of the destination criterion, considering, for this purpose, the will of the company management and the actual ability of the company to hold cryptocurrencies for an extended period of time.

Therefore:

- where cryptocurrencies are intended to remain in the company's assets on a lasting basis, they are classified as intangible assets. This classification determines their recognition at purchase cost. Cryptocurrencies must not be subject to depreciation, but must be written down to their recoverable value (in this case, equal to fair value net of selling costs) where lower than book value;
- Where cryptocurrencies are intended for sale during the normal operations of the company, they are classified in inventories, being intangible assets purchased for resale without undergoing significant transformations. This classification determines that they are valued at the lower of the purchase cost and the realisable value inferred from the market, which, in this case, is represented by the fair value, net of selling costs.

From a tax point of view, as a result of the provisions of art. 110 co. 3-bis of the TUIR and art. 1 co. 132 of the Law no. 197 of 29.12.2022 (2023 Budget Law), the positive and negative components resulting from the valuation of crypto-assets are fiscally irrelevant (for IRES and IRAP purposes) both if they are classified as intangible assets and if they are classified as inventories.

Exclusive right of use of an infrastructure

Where, as in the case examined in the decision, the right of exclusive use of an infrastructure, on the basis of the contractual analysis, is assimilated to a lease contract (Article 1571 of the Italian Civil Code), the consideration (in this case identified as a whole and on a lump sum basis with reference to the entire duration of the contract and paid on the date of signing the contract) must be recognised in deferred income, while the portion pertaining to the year must be accounted for in item "B.8 - Costs for the use of third-party assets" in the Income Statement.

From a tax point of view:

- if the case in question can be qualified as an operating lease, the accounting allocation of the consideration over the duration of the lease is relevant for tax purposes on the basis of the principle of derivation (Article 83 of the Consolidated Income Tax Act);
- if the case in question qualifies as a financial lease, the consideration must be subject to the discipline referred to in art. 102 par. 7 of the TUIR. Consequently, the initial maxicanone must be divided, in compliance with the accrual principle, for the duration of the contract or, if shorter than the minimum period provided for by art. 102 par. 7 of the TUIR, for the duration of the latter.