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To all
clients

Circular
No. 25/2023

Bolzano, 18 May 2023

Subject: Various notices

Below we would like to inform you briefly of a number of important developments of recent weeks:

Offsetting of the tax credits on gas and electricity for the 2nd quarter of 2023:
As already notified, the tax credits for electricity and gas have been extended, albeit at a reduced level, to the 2nd quarter of 2023 as well. By an order dated 10 May 2023, the Italian Revenue Agency has now also published the payment codes for offsetting the credits in form F24:
7015: tax credit of 20% in favour of electricity-intensive businesses („imprese einergivore“) for consumption in the 2nd quarter of 2023;
7016: tax credit of 10% in favour of non-electricity-intensive businesses („imprese non energivore“) for consumption in the 2nd quarter of 2023;
7017: tax credit of 20% in favour of gas-intensive businesses („imprese gasivore“) for consumption in the 2nd quarter of 2023;
7018: tax credit of 20% in favour of non-gas-intensive businesses („imprese non gasivore“) for consumption in the 2nd quarter of 2023.
Under the law as it currently stands, the offsetting must take place by 31 December 2023 at the latest, failing which the credit lapses.

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In this connection, it should also be pointed out that requests may still be submitted to gas and electricity suppliers up to 30 May 2023 for the necessary calculations for the 1st quarter of 2023; where the request is submitted within that deadline, the suppliers are required to reply within 60 days of the end of the quarter.

Payment of stamp duty on electronic invoices:

As a reminder: by the so-called simplification decree of June 2022 (Law Decree No. 73/2022), the threshold for the quarterly payment of stamp duty was raised from 250 euro to 5.000 euro. This increase applies to the stamp duty due as from 2023 and now takes effect for the first time for the first quarter of 2023, with a due date of 31 May 2023. The new rules and the due dates may now be summarised as follows:

- If the duty due for the first quarter of 2023 exceeds 5.000 euro, it must be paid on 31 May 2023 using tax code 2521;
- if the duty due for the first quarter is equal to or less than 5.000 euro, the duty may be paid by the deadline for the 2nd quarter;
- if the duty due for the second quarter as well (code 2522, due date 30 September) or the sum for the first and the second quarter is equal to or less than 5.000 euro, the duty may be deferred until 30 November (the due date for the 3rd quarter) and must then be paid in any event;
- for the stamp duty for the third quarter (code 2523, due date 30 November) and the fourth quarter (code 2524, due date 28 February of the following year), by contrast, no minimum amounts are provided for; the duty due must be paid in any event, irrespective of the amount owed.

Construction – SOA certifications and tax deductions:

The SOA certification for tax deductions is required from the executing undertakings for all recovery works where the individual contract exceeds the amount of 516.000 euro. In a recently published circular (No. 10/E of 20 April 2023), the Revenue Agency explains the various aspects of this requirement introduced in May of last year. Among other things, the transitional provision in time is clarified: for contracts concluded as from 21 May 2022, the certification is not required for expenditure incurred up to 31 December 2022; for expenditure incurred up to 30 June 2023, it is sufficient to have at least commissioned a certification body to obtain the certification by 30 June 2023; for expenditure incurred as from 1 July 2023, the certification is

required in any event. It should be recalled that the above-mentioned threshold of 516.000 euro does not relate to the construction site as a whole, but to the individual works contract.

Construction – spreading of tax deductions over 10 years

By Law Decree No. 11/2023, businesses which have acquired tax credits with a spreading period of 4 to 5 years (as a rule the Superbonus or the bonus for the removal of architectural barriers) by way of assignments of receivables or of discounts on the invoice were given the possibility of extending the corresponding offsetting period for those credits to 10 years. This change was necessary, since the onward sale of the credits to banks and insurance companies is becoming increasingly difficult and also more costly. In order to make use of the extended period, a specific notification is required, and a dedicated portal was activated for this purpose on 2 May 2023.

In detail, the spreading concerns the tax credits for the Superbonus notified by 31 October 2022 which have not yet been used, and in addition the credits notified by 31 March 2023 for the Superbonus as well as for the tax credit for architectural barriers and for earthquake safety, in so far as these too have not yet been used. Essentially, these are the credits for the years 2022 and 2023. As from 3 July 2023, the application may also be filed through third parties, essentially through tax advisors. Important: once a new spreading has been chosen it can no longer be changed; accordingly, it is advisable to weigh matters up carefully. It is, however, also possible to wait until the end of the year.

Incidentally: taxpayers who are themselves entitled to the credit (as a rule, therefore, the parties commissioning the works) do not have access to this special procedure. They may exercise any option exclusively in their tax return. But there too the following applies: once a spreading option has been exercised it evidently cannot be changed!

Note: should your business have acquired tax credits and wish to extend the offsetting period, please contact our office for a precise calculation.

Privatisation and sole traders:

Sole proprietorships may privatise (only) properties used for business purposes (e.g. a workshop building) which they held as at the reference date of 31 October 2022. The privatisation takes legal effect as of 1 January 2023. The substitute tax amounts to 8%, to be calculated on the difference between the cadastral value and the tax-recognised value. The deadline for the privatisation described is 31 May 2023. The privatisation or withdrawal constitutes a taxable transaction for VAT purposes (Art. 2 para. 2 no. 5 of the VAT Act), but only if the acquisition was also taxable. Excluded are therefore acquisitions made from a private

individual, or those taken over by the sole trader from his private sphere, or those carried out at a time when VAT did not yet exist (acquisitions before 1973). The first instalment of the substitute tax is not payable until 30 November 2023.
Should you be considering such a privatisation, please contact us in the coming days.

Settlement of tax collection notices – extension of the deadline to 30 June 2023

By our Circular No. 21/2023 we informed you of the various extensions of deadlines in connection with the so-called tax settlement (pace fiscale). At that time, the due date for the settlement of tax collection notices had not been extended. The relevant application would have had to be filed by 30 April 2023. In the meantime, by Law Decree No. 51/2023 of 10 May 2023, this deadline has also been extended, namely to 30 June 2023. The tax collection agency then has until 30 September 2023 to notify the amounts due, and payments must be made as from 31 October 2023.

Benefits in kind of up to 3.000 euro for employees

For 2023 as well, remuneration in kind (fringe benefits) may be granted to employees tax-free up to an amount of 3.000 euro, but only where they have dependent children; otherwise the general cap of 258,23 euro applies, as provided by Law Decree No. 48/2023. Up to that amount, electricity, gas and water bills may also be reimbursed to employees. It is odd that regard is had neither to the number of children nor to the level of income. The employee need only notify the employer of the tax code of one dependent child.

We remain at your disposal for any further information.

Yours sincerely
Josef Vieider