THE WEEK IN BRIEF

News

DIRECT TAXES

IRES - Dividends and interest - Return of capital reserves to shareholders - Accounting and tax treatment (AIDC Conduct Rule 26.2.2025 No. 228)

The AIDC Conduct Rule 26.2.2025 No. 228 has provided clarifications regarding the tax treatment of income arising from the reimbursement of capital reserves to shareholders.
In summary, it confirms that the income, recorded in full in the Income Statement (in accordance with the reference accounting standard OIC 21), must be deducted in the tax return, with a corresponding reduction in the tax-recognized value of the participation.

Accounting Aspects

In the case of the distribution of capital reserves, OIC 21 (§ 58) provides for the recognition of income when the right to receive payment arises, based on the shareholders' resolution approving the distribution of profits for the financial year and/or reserves.
Specifically, this accounting standard establishes that such amounts should be recorded as financial income under the item "C15) Income from participations," regardless of the nature of the reserves being distributed.
For the distribution of capital reserves, the accounting technique requires that financial income from participations be recorded in the Income Statement (rather than reducing the carrying value of the participation recorded under assets in the Balance Sheet); this applies even when the

shareholders' resolution specifies the repayment of reserves formed by previous contributions from shareholders.

Tax Aspects

For income tax purposes, unless the presumption of distribution of profits or retained earnings under Article 47, paragraph 1 of the TUIR applies, amounts and assets received by shareholders as a distribution of reserves (or other funds) established with share premium reserves, subscription equalization interest, shareholder contributions without consideration or as capital contributions, and tax-exempt monetary revaluation reserves are not considered dividends.
In such cases, a corresponding reduction is made to the tax-recognized cost of the shares or quotas held, equal to the amounts or normal value of the assets received.

The distribution of capital reserves is relevant for tax purposes for the shareholder (as a capital gain on the participation) only when the repayment of contributions exceeds the tax value of the participation held.
Otherwise, the rule only provides for a corresponding reduction in the tax value of the participation.

Therefore, within the limits of the tax-recognized value of the participation, such income (fully recorded in the Income Statement under the appropriate item, according to the prescribed accounting technique) must be deducted in the REDDITI tax return when determining business income and excluded from taxation.

References

- Article 47, paragraph 5, Presidential Decree 22.12.1986 No. 917
- Article 86, paragraph 5-bis, Presidential Decree 22.12.1986 No. 917
- AIDC Conduct Rule 26.2.2025 No. 228
- **Il Quotidiano del Commercialista**, 27.2.2025 - "Deduction for income from reimbursement of capital reserves" - Bernardi - Sanna
- **Il Sole 24 Ore**, 27.2.2025, p. 39 - "Capital reserves, the refund does not contribute to shareholder income" - Cristofori G. - Landuzzi F.
- **Eutekne Guides - Direct Taxes** - "Reserves" - Sanna S.
- **Il Quotidiano del Commercialista**, 10.2.2021 - "Reimbursement of reserves exceeding the tax cost of the share fully taxed" - Odetto - Sanna

TAX ASSESSMENT

Declarations - Tax Withholding Statement - Form 770/2025 - Final approval of the form and related instructions - Main updates (Italian Revenue Agency Provision 24.2.2025 No. 75896)

With **Provision No. 75896 of 24.2.2025**, the Italian Revenue Agency has approved **Form 770/2025**, related to the **2024 tax year**, along with the **instructions for completion**. This form must be used to report data on **withholding taxes applied, related payments, any compensations made, the summary of credits, and other required information**.

Key Updates

Some of the main updates include:

- The **one-off allowance of €100.00** under **Article 2-bis of Decree-Law 113/2024** (so-called "Christmas Bonus");
- The **substitute tax for healthcare personnel** under **Article 7 of Decree-Law 73/2024**.

Submission Methods

Form 770/2025 must be submitted electronically **exclusively via telematic means** to the Italian Revenue Agency. It can be transmitted:

- **Directly by the withholding agent** using the **Entratel** or **Fisconline** telematic services;
- **Through authorized intermediaries** (e.g., chartered accountants, accounting experts, and labor consultants), who must submit both the tax returns they have prepared on behalf of the taxpayer and those prepared by the taxpayer for which they have taken on the commitment to file electronically;
- **Other designated entities** (for government administrations);
- **Companies belonging to the same corporate group**.

Data Transmission

The submission of **Form 770/2025** can be carried out in up to **three separate data flows**, which must collectively cover the following **five types of withholdings**:

- **"Employee" (Dipendente)**
- **"Self-employed" (Autonomo)**
- **"Capital" (Capitale)**
- **"Short-term rentals" (Locazioni brevi)**
- **"Other withholdings" (Altre ritenute)**

If the form is submitted in separate flows and includes the **"Self-employed" flow**, the **"Short-term rentals" flow must be merged** with the **"Self-employed" flow**. If no withholdings on self-employment income are present, **Form 770/2025** can be submitted either in a **single flow** or in **two flows**, where the first includes **"Short-term rentals"** and the second **"Employee"**. Additionally, the **"Other withholdings" flow must be transmitted along with one of the three main flows** (**"Employee," "Self-employed," or "Capital"**).

Submission Deadline

The deadline for submitting **Form 770/2025** to the Italian Revenue Agency is **October 31, 2025**.

Christmas Bonus

If the **one-off allowance of €100.00** under **Article 2-bis of Decree-Law 113/2024** (so-called "Christmas Bonus") was granted along with the **13th-month salary**, the **employer (withholding agent) accrues a tax credit**. This credit **can be recovered through compensation** under **Article 17 of Legislative Decree 241/97**, starting from the day after its payment in the payroll.

For the compensation, the following tax codes must be used:

- **"1703" for Form F24**
- **"174E" for Form F24EP**

(these codes were established by **Italian Revenue Agency Resolution 54/2024**).

This **credit must be reported in Form 770/2025**, specifically in **line SX1, column 7**, corresponding to the **amount indicated in field 723 of the CU statements submitted**.

Special Integrative Treatment
For the period from January 1, 2024, to June 30, 2024, Article 1, paragraphs 21-25 of Law 213/2023 reintroduced the special integrative treatment of 15% of gross wages paid for night work and overtime performed on public holidays, as per Legislative Decree 66/2003.

The credit accrued due to the payment of the special integrative treatment must be reported in the 770/2025 form, in box 6 of line SX1. The amount corresponds to the sum indicated in field 479 of the transmitted CU forms.

ST and SV Sections
Some changes also affect the ST section (related to withholding taxes applied, withholdings for tax assistance, substitute taxes levied, and related payments) and the SV section (concerning municipal IRPEF additional withholdings, including those for tax assistance, and related payments), in which the notes have been revised.

Additionally, in the first section of the ST framework, the 15% substitute tax applied to compensation for additional services provided by healthcare personnel must be indicated, as introduced by Article 7 of Decree-Law 73/2024. This tax applies to all compensation paid from June 8, 2024, onward (as per the Italian Revenue Agency's response to ruling request No. 264/2024).

Simplification of the 770 Form
The simplification introduced by Article 16 of Legislative Decree 1/2024, implemented by the Revenue Agency's Provision No. 25978/2025, does not apply to the 770/2025 form. Therefore, this form must still be submitted by withholding agents with up to five employees who, this year, choose to report additional data along with the F24 form using the new "WITHHOLDINGS/DEDUCTIONS SUMMARY."

The simplified procedures will apply starting from tax year 2025 withholding declarations, becoming effective with the 770/2026 form.

Definition of Tax Relationships

Two-Year Preventive Agreement 2024 – Benefits of Adherence – Exemption from Compliance Certification for Amounts Up to €70,000 Annually – Applicability from the 2025 VAT Return (Italian Revenue Agency FAQ 24.2.2025)

In response to a FAQ dated February 24, 2025, the Italian Revenue Agency clarified that the benefits deriving from adherence to the two-year preventive agreement, which mirror those

provided under the ISA reward regime as per Article 9-bis, paragraph 11 of Decree-Law 50/2017, apply, in the initial implementation phase, to the 2024 and 2025 tax periods. Consequently, the exemption from compliance certification for compensation or reimbursement of VAT credit, up to a limit of €70,000 per year, is already applicable from the 2025 VAT return, which must be submitted by April 30, 2025.

Reward Regime for Participants in the Two-Year Preventive Agreement

The benefits provided under Article 9-bis, paragraph 11 of Decree-Law 50/2017 have been extended to taxpayers adhering to the two-year preventive agreement under Article 19, paragraph 3 of Legislative Decree 13/2024. Unlike the ISA reward regime, these benefits apply regardless of the taxpayer's tax reliability score.

Participation in the two-year preventive agreement by ISA subjects (this reward regime does not apply to flat-rate taxpayers, regardless of whether they adhere to the agreement) grants the following advantages:

- Exemption from compliance certification for the compensation of tax credits up to €70,000 per year for VAT and up to €50,000 per year for direct taxes and IRAP;
- Exemption from compliance certification or guarantee provision for VAT refunds up to €70,000 per year;
- Exclusion from the non-operating company rules;
- Exclusion from assessments based on simple presumptions under Article 39, paragraph 1, letter d), second period of Presidential Decree 600/73, and Article 54, paragraph 2, second period of Presidential Decree 633/72;
- Advancement by one year of the statute of limitations for tax audits;
- Exclusion from the synthetic determination of total income under Article 38 of Presidential Decree 600/73, provided that the assessable total income does not exceed the declared income by more than two-thirds.

Benefits Applicable to the 2025 VAT Return

The Italian Revenue Agency clarifies that taxpayers can take advantage of the exemption from compliance certification on the VAT return starting from the first year of validity of the Two-Year Preventive Agreement (CPB), namely 2024. This is because adherence was finalized within that year, well before the deadline for submitting the corresponding VAT return.

As a result, in this case, there is no timing misalignment between the submission of the VAT return and the ISA model filings, which— for ISA taxpayers who have not joined the agreement— justifies the deferred application of these benefits, as the ISA score is not yet available at the time of VAT return submission.

Taxpayers who joined the Two-Year Preventive Agreement in 2024 can therefore benefit from the exemption from compliance certification for the VAT credit arising from the 2025 VAT return, considering the €70,000 limit.

References:

- Article 19, paragraph 3 of Legislative Decree No. 13, February 12, 2024
- Italian Revenue Agency FAQ, February 24, 2025

- *Il Quotidiano del Commercialista*, February 25, 2025 – *"The Benefits Linked to the CPB Take Effect Starting from the 2025 VAT Return"* – Girinelli
- *Il Sole 24 Ore*, February 25, 2025, p. 35 – *"Agreement: No Compliance Certification on VAT Credit Up to €70,000"* – Gavelli
- *Eutekne Guides – Tax Assessments and Sanctions – Two-Year Preventive Agreement* – Girinelli A., Rivetti P.

Tax Incentives

Tax Credit for Investments in Capital Goods – Transition 5.0 Tax Credit – Updates Introduced by Law 207/2024 (2025 Budget Law) – Clarifications (FAQ by the Ministry of Enterprises and Made in Italy – GSE, February 21, 2025, and February 24, 2025)

The Ministry of Enterprises and Made in Italy has published updated FAQs, initially on February 21, 2025, and subsequently on February 24, 2025, concerning the tax credit for investments under the Transition 5.0 program (Article 38 of Decree-Law 19/2024), considering the updates introduced by Article 1, paragraphs 427-429 of Law 207/2024 (2025 Budget Law).

Content of the Update

As indicated on the Ministry's website, the February 21, 2025, FAQ update specifically includes:

- The introduction of a new chapter, *"Simplified Procedure (paragraph 9-bis of Article 38)"*, with four new FAQs clarifying the application of the simplified procedure introduced by Law 207/2024;
- FAQ 2.17, addressing the management of sales contracts with retention of title;
- FAQ 2.18, concerning the validity of compliance certificates/sworn appraisals issued for Transition 4.0;
- FAQ 4.18, related to the verification of mandatory energy-saving requirements in the vending machine sector;
- A complete revision of the section on the compatibility of incentives;
- Modification of FAQ 10.1, updating the interpretation regarding the exception outlined in Article 5, paragraph 1, letter d) of Ministerial Decree 24.7.2024, concerning activities in which the production process generates a high amount of hazardous special waste, the long-term disposal of which could cause environmental damage.

The February 24, 2025, update exclusively concerns the modification of FAQ 4.19, specifically clarifying that, for the simplified procedure in calculating energy consumption reduction, there is no requirement to scrap the replaced obsolete equipment.

Additionally, some previous FAQs have been removed or modified due to new regulations (e.g., FAQ 5.1, which reports the updated incentive rate).

Calculation of Energy Savings in Case of Replacement of Obsolete Assets
The new provision introduced by paragraph 9-bis of Article 38 of Legislative Decree 19/2024, included in the 2025 Budget Law, stipulates that for the replacement of machinery that has exceeded its amortization period by over 24 months, the energy savings achieved are exempt from calculation. The parameters for the first reduction threshold of energy consumption apply, while still allowing the demonstration of a greater contribution to energy savings.

In this regard, the FAQs highlight that this new provision introduces an important procedural simplification: while maintaining the obligation for certification and the calculation of savings in equivalent TOE (tonnes of oil equivalent), certifiers can base their assessments on existing standardized documentation, such as European Regulations, industry standards, Best Available Technologies, or other recognized equivalent evidence. This approach eliminates the need for specific calculations on energy consumption reduction, significantly simplifying the evaluation process for accessing the benefit.
Regarding the requirements for the new asset to be considered as a "replacement of tangible assets with similar technological characteristics," the FAQs clarify that "similar technological characteristics" refer to the new asset's ability to carry out transformation processes or create value similar to the replaced asset, even using more advanced technologies. Given the presence of these similar technological characteristics, there are no constraints on size, power, or other technical features between the obsolete and replacement assets.
For example, the replacement of a 3-axis machining center with a 5-axis one, or the adoption of machinery with a larger work area, falls under the application of the aforementioned paragraph 9-bis. It is also specified that there is no obligation to scrap the replaced obsolete asset.
The verification of the condition that the replaced assets must be "fully amortized for at least 24 months by the date of submission of the communication to access the benefit" must be carried out based on the useful life of the asset relevant for accounting amortization purposes. It is further clarified that any accounting revaluations of the assets are not relevant for the condition in question.

Cumulability
Regarding cumulability, Article 1, paragraph 427, letter h) of Law 207/2024 provides that "the tax credit is cumulative with other incentives under EU programs and instruments, provided that the support does not cover the same cost portions of the individual investments in the innovation project."
The FAQs thus affirm that cumulation is allowed as long as it does not exceed the cost incurred, subject to the prohibitions on cumulation explicitly provided by the other incentives the company intends to benefit from (e.g., PNRR Agrisolare Park Measure - MEASURE M2C1 I2.2).
As an example, it is clarified that if an investment has already received an incentive with a 60% aid intensity, the 5.0 tax credit applies to the remaining 40% of the costs.

Tax Benefits
Super Deduction for New Hires - Analysis of the Incentive Scheme (Assonime Circular 27.2.2025 No. 3)
Assonime, in Circular 27.2.2025 No. 3, analyzed the scheme for the super deduction for new hires under Article 4 of Legislative Decree 216/2023, initially provided for only in 2024 but extended for 2025-2027 by Law 207/2024, considering the clarifications provided by the Revenue Agency in Circular 1/2025.

Relations with the Premium IRES
The Association notes that the 2025 Budget Law, in addition to extending the application period of the super deduction for new hires, took another step toward reforming the tax system by introducing, for the 2025 tax period only, a scheme that grants companies an immediate reduction in the IRES rate, subject to certain conditions, including an increase in employment according to specific minimum parameters and the making of qualified investments. Therefore, this incentive coexists with the Premium IRES for the 2025 tax period.

Pros and Cons of the Incentive

In general, Assonime considers the introduction of the super deduction for new hires, especially now that its application period has been extended, to be appropriate given the state of the economy and the domestic labor market. However, in addition to the fact that it is not permanent and is particularly complex in the presence of corporate groups, the incentive raises some concerns, given that it works on a “moving base” — as the employment increase must be verified year by year (2024, 2025, 2026, and 2027) with reference to the employment increase that emerges compared to the previous tax period (respectively, 2023, 2024, 2025, and 2026) — and the cost of newly hired employees is only subsidized in the year the employment increase is verified.

According to the Association, this not only determines eligibility for the benefit for the period 2024-2027 only if companies progressively increase their workforce year after year, but also leads to the somewhat unsystematic consequence of determining a lower benefit for a hire made at the end of a given incentivized tax period compared to the benefit that would apply if the hire occurred at the beginning of the subsequent incentivized period. In the latter case, the potentially eligible amount would be equal to the cost of the newly hired personnel for the entire year N, while for a hire made, for example, in December of year N-1, the eligible amount would only cover the cost incurred for that single month, assuming all other conditions remain the same.
Furthermore, it is noted that the increase negatively impacts the deductibility of interest expenses because it reduces the tax ROL (result from ordinary operations) as per Article 96 of the TUIR (Consolidated Income Tax Act).

Conditions for the Benefit

Regarding the conditions to access the benefit, it is noted that even in the presence of employment growth and overall employment increase, the benefit does not apply without new hires. For example, consider a company with 500 permanent employees at the start of 2023, which hires an additional 1,000 permanent employees in the middle of the same year (thus achieving an average employment value of 1,000 for 2023). If nothing changes in 2024 (and the workforce at the end of 2024 remains at 1,500), there would be an employment increase of 500 (1,500-1,000), but no benefit would be granted for 2024 due to the lack of new hires in that period.
Moreover, even with new hires, the benefit does not apply in the absence of an employment increase or overall employment increase. This is the case, for example, for a company with 1,500 permanent employees at the start of 2023, which lays off 1,000 employees in the middle of the same year (thus achieving an average employment value of 1,000 for 2023). If the company hires 300 permanent employees in 2024 (resulting in a workforce of 800 at the end of 2024), there would be an employment decrease and an overall employment decrease of -200 (800-1,000), which excludes the benefit for 2024, despite the 300 new hires during that period.
Both access conditions are met whenever the number of employees (permanent employees for the first check, and all subordinate employees for the second) at the end of the incentivized tax period exceeds the average number of the same employees in the previous tax period, regardless of the magnitude of this increase in employment levels.

The Commercialist Daily, 28.2.2025 - "The Super Deduction for New Hires “Coexists” with Premium IRES" - Alberti
Il Sole 24 Ore, 28.2.2025, p. 43 - "New Hires, Supplementary for Accounting Errors" - Sbaraglia G., Sepio G.

Eutekne Guides - Direct Taxes - "Super Deduction for New Hires" - Alberti P.
The Commercialist Daily, 21.1.2025 - "Super Deduction for New Hires with Minimum Prior Activity Period" - Alberti
Notebook No. 177/2024, p. 167-192 - 'The 2025 Budget Law and the "Linked" Legislative Decree' - Pamela Alberti

EMPLOYMENT
Incentivized Hires - Incentives for Hiring Unemployed Over 35s - Unique ZES Bonus - News from Legislative Decree 60/2024 (the so-called “Coesion-Employment” Decree) - Implementation Modalities (Ministerial Decree 7.1.2025)

The Ministerial Decree of 7 January 2025 was published on the Ministry of Labor's website, outlining the implementation modalities for the incentive under Article 24 of Legislative Decree 60/2024 for companies in the Southern regions hiring unemployed individuals over 35 (the so-called ZES unique bonus for the South).

Scope of Application
The incentive consists of a social security contribution exemption for private employers who:

- Employ up to 10 employees at the time of hiring.
- Hire, from 1 September 2024 to 31 December 2025, non-managerial staff with an indefinite-term employment contract.

As specified by the decree, the actual place of work, where the employee is required to physically work, must be in one of the ZES (Special Economic Zone) regions of the South.
At the time of the incentivized hire, the worker must meet the following conditions:

- Be over 35 years old.
- Be unemployed for at least 24 months.

The exemption also applies to those who, at the time of the incentivized hire, were previously employed with an indefinite-term contract by an employer who partially benefited from the exemption.

Measure
The exemption equals 100% of the total social security contributions payable by the employer (excluding INAIL insurance premiums) for a maximum duration of 24 months, and can be enjoyed up to a maximum amount of €650 per month per worker (subject to the authorized spending limits).
The pension contribution rate remains unchanged.

Conditions
To benefit from the contribution exemption, the following conditions must be met:

- Compliance with the conditions set out in Articles 1, paragraphs 1175 and 1176 of Law 296/2006 (e.g., regularity of contributions).
- Compliance with the general principles for accessing incentives under Article 31 of Legislative Decree 150/2015.
- Compliance with EU Regulation 651/2014.

The exemption is granted to employers who, in the six months prior to the hire, in the same production unit, have not carried out:

- Individual dismissals for objective reasons.
- Collective dismissals, as per Law 223/91.

The incentive will be revoked, and any previously received benefit will be recovered, if the employer carries out, within six months after the incentivized hire, a dismissal for objective reasons of the worker hired under the exemption or of another worker in the same position in the same production unit.

Cumulability
The exemption cannot be combined with other exemptions or reductions in financing rates provided by current legislation, but it is compatible, without any reduction, with the increased cost allowed for deduction in the case of new hires under Article 4 of Legislative Decree 216/2023.

Application for Admission
To access the incentive, the employer must submit an online application to INPS (National Social Security Institute) according to the instructions and deadlines set by the Institute.

The application must contain specific information, including:

- Identification data of the company (and the number of employees employed in the month of the incentivized hire) and the worker hired or to be hired;
- Type of employment contract signed or to be signed and the hourly work percentage;
- Average monthly salary and employer's contribution rate for the incentivized relationship;
- The location, plant, branch, office, or autonomous department where the worker will actually perform their duties.

The INPS (National Social Security Institute):

- Will verify the applications received, considering territorial financial availability, and if the result is positive, the employer will be granted the exemption;
- Will determine the amounts payable for each year to the individual applicant employer, approving the requests only if there are sufficient resources available on a pro-rata basis for the 24-month period of the benefit.

Employers who improperly benefit from the contribution exemption will be required to pay the due contributions and penalties as provided by current laws (criminal liability remains, where the act constitutes a crime).

Article 24, Legislative Decree No. 60 of 7 May 2024
Ministerial Decree 7.1.2025 - Ministry of Labor and Social Policies
Il Quotidiano del Commercialista, 22.2.2025 - "Application to INPS for ZES Unique Contribution Exemption in the South" - Silvestro
Italia Oggi, 22.2.2025, p. 29 - "Discounted Hires in ZES" - Cirioli
Eutekne Guides - Social Security - "Incentives for Hiring Over 35s" - Silvestro D.
The Cons. of Labor - Social Security and Assistance No. 02/2025 - "Main Structural Benefits for Hiring Workers in 2025" - Gallo

INSURANCE

Mandatory Insurance for Catastrophic Risks for Resident Companies and Stable Foreign Branches - Implementing Provisions (Ministerial Decree 30.1.2025 No. 18)

The Ministerial Decree No. 18 of 30 January 2025 was published in the Official Gazette No. 48 on 27 February 2025, implementing the obligation for companies to take out insurance for protection against catastrophic risks as provided by Article 1, paragraphs 101-111 of Law 213/2023.

Obligation to Take Out Insurance Against Catastrophic Risks

Article 1, paragraphs 101-111 of Law 213/2023 (2024 Budget Law) introduced the obligation for companies with legal headquarters in Italy or those with legal headquarters abroad and a stable establishment in Italy, which are required to register in the Business Register under Article 2188 of the Civil Code, to take out insurance covering damages related to:

- Assets identified under Article 2424, paragraph 1 of the Civil Code, Active Section, item B-II, numbers 1, 2, and 3 (land and buildings, plants and machinery, industrial and commercial equipment);
- Damages directly caused by natural disasters and catastrophic events occurring on national territory (earthquakes, floods, landslides, inundations, and overflows).

Exempt from this requirement are agricultural businesses under Article 2135 of the Civil Code, which are covered by the National Mutual Fund for the protection against meteorological-climatic catastrophic damage, established under Article 1, paragraphs 515 et seq., of Law 234/2021.

The original deadline for compliance was 31 December 2024, extended to 31 March 2025 by Article 13, paragraph 1 of Legislative Decree No. 202/2024 (Milleproroghe), converted into law. The extension was motivated by the delay in the enactment of the implementing decree by the Ministry of Economy and Finance (MEF) and Ministry of Enterprises and Made in Italy (MIMIT), which is responsible for determining the catastrophic events eligible for compensation, setting and periodically adjusting premiums, and updating deductible amounts or excesses.

For fishing and aquaculture companies, the deadline has been extended to 31 December 2025 (Article 19, paragraph 1-quater of Legislative Decree No. 202/2024, converted into law).

Sanctions

The conclusion of the insurance policy is mandatory for the companies identified by the regulation, and non-compliance with this obligation will be taken into account "in the assignment of contributions, grants, or financial benefits funded by public resources," also with regard to those provided in the event of catastrophic and disaster events.
Insurance companies are also required to contract; refusal or evasion of the obligation is penalized with an administrative monetary fine ranging from €100,000 to €500,000.

Implementing Decree
Ministerial Decree 18/2025:

- Provides a definition of the catastrophic events to be insured (earthquakes, floods, landslides, inundations, and overflows), specifying that events within 72 hours of the first manifestation are considered a single event;

- Specifies that the premiums companies must pay for insurance are to be determined proportionally to the risk, taking into account several elements, including the territory and the vulnerability of the insured assets (Article 4);
- Establishes that insurance companies define their risk appetite and set limits of tolerance, beyond which "they cease taking on additional risks throughout the national territory," meaning they may not enter into further contracts (Article 5);
- Identifies a deductible that, if agreed between the parties, may remain the responsibility of the insured. For sums insured up to €30 million, the portion at the company's expense cannot exceed 15% of the compensable damage; for amounts over €30 million and for large enterprises (those with a turnover greater than €150 million and at least 500 employees), the percentage of compensable damage remaining with the insured is subject to free negotiation (Article 6);
- Allows for a maximum amount to be paid per claim: up to €1 million of insured sum, the maximum is the same amount; from €1 million to €30 million, the indemnity limit is 70% of the insured amount; for amounts exceeding €30 million and for large enterprises, the determination of limits is left to free negotiation between the parties (Article 7).

Adjustment Terms
Article 11 of the Ministerial Decree establishes that the adjustment of new policies to the provisions of the law must occur within 30 days from the publication date of the decree.
For existing policies, adjustment starts from the first renewal or settlement of the policies.

Article 1, Paragraph 101 of Law No. 213/2023
Ministerial Decree 30.1.2025 - Ministry of Economy and Finance No. 18

FISCAL
ASSESSMENT - TAX RETURNS - Pre-filled Tax Returns - Communication of income data - Extension to proceeds from the sale of energy from renewable sources

In implementation of Article 3, Paragraph 4 of Legislative Decree No. 175/2014, as modified by Article 20 of Legislative Decree No. 1/2024, this Ministerial Decree provides for the telematic transmission to the Revenue Agency of data concerning the proceeds from the sale of surplus energy generated by a renewable energy-powered system (e.g., photovoltaic panels).

Obliged Subject
The new data communication must be made by the Energy Services Manager (GSE).

Proceeds Affected
The GSE will communicate the following to the Revenue Agency:

- The amount of proceeds paid in the previous calendar year to individuals or condominium owners for the "Exchange on the Spot" service, from the sale of energy produced by a renewable energy-powered system (up to 20 kW) designed to meet the energy needs of a home or condominium building, exceeding private consumption;
- The amount of proceeds paid in the previous calendar year to individuals or condominium owners, not related to the "Exchange on the Spot" service, from the sale of surplus energy from a renewable energy-powered system (up to 20 kW) used to meet the needs of the residence or condominium building.

These proceeds are classified as "miscellaneous income" under Article 67, Paragraph 1, Letter i) of the TUIR (income derived from non-regular commercial activities) and must therefore be reported in the tax return.

Effective Date
For proceeds from the "Exchange on the Spot" service, new data communication will start with data for:

- The year 2024, if the recipient is an individual;
- The year 2025, if the recipient is a condominium.
  For proceeds not related to the "Exchange on the Spot" service, new data communication will start with data for the year 2025.

Mode and Deadline for Communication
The data must be transmitted:

- By 16 March of the year following the reference year (Article 16-bis, Paragraph 4 of Legislative Decree No. 124/2019, converted by Law No. 157/2019), thus by 17 March 2025 for proceeds paid in 2024 to individuals for the “Exchange on the Spot” service;
- Telematically, according to the technical specifications and operating procedures set by a subsequent provision from the Revenue Agency.