The conversion into law of the "Cura Italia" Decree

Information newsletter
Studio Colombo Altamura Pometto

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The conversion into law of the «Cura Italia» Decree

The Law Decree no. 18 of 17 March 2020, the so-called "Cura Italia" Decree, was converted into law with amendments by Law no.27 of 24 April 2020.

This newsletter succinctly summarizes some of the main amendments introduced.

One-off payments to beneficiaries in specific areas (Article 44bis)

A one-off monthly benefit, equal to 500 euros for up to 3 months to be calculated based on suspension of the working activity, is paid to workers with coordinated and continuous collaboration relationships, to commercial agents, self-employed or freelance including those carrying out business activities, registered with the compulsory social security schemes including the Separate Management scheme, carrying out their working activities on the 23rd of February 2020 in areas mentioned in attachment no.1 to Prime Minister Decree of 1st of March 2020 or resident or domiciled therein. Such benefit is not to be included in the taxable income of the beneficiary.

Areas identified by the above-mentioned attachment no.1 to Prime Minister Decree of 1st of March 2020:

1) In Regione Lombardia: Bertonico, Casalpusterlengo, Castelgerundo, Castiglione D'Adda, Codogno, Fombio, Maleo, San Fiorano, Somaglia, Terranova dei Passerini.
2) In Regione Veneto: Vo'.

Central guarantee fund for PMI (SMEs) in special areas(Article 49bis)

Art.49 was repealed by Law Decree no.23 of 8 April 2020 and a new Article 49bis was introduced at the time of conversion of the «Cura Italia» Decree.

Under article 49bis for 12 months from 02.03.2020 following measures will apply :

i) Guarantee Central PMI Fund at Mediocredito Centrale granted without charge.

ii) Maximum guarantee amount EUR 2.5 million.

iii) For direct guarantee operations, the coverage percentage is 80% of the amount of each loan for a maximum guaranteed amount per company of 2.500.000 euros.

iv) It is also possible to reinsure the contribution of administrations and special sections up to 90% in reinsurance provided that the guarantee by such administrations and special sections (Confidi) do not exceed 80%.

Measures to be applied in compliance with EU State Aid provisions.

Interruption of debt recovery enforcement procedures concerning first home (Article 54ter)

For 6 months from the date of entry into force of the present decree all debt recovery enforcement procedures concerning first home are suspended.

Suspension of payments for special types of taxpayers (Article 61)

The suspension of i) payments of WHT under articles 23 and 24 of Presidential Decree no.600/1973 due between 2nd of March 2020 and 30th of April 2020, ii) payments and fulfillments of social security and welfare contributions due between 2nd of March 2020 and 30th of April 2020, iii) payments of VAT due by March 2020 apply to:

(a) tourist accommodation businesses, travel agents and tour operators;

(b) national sports federations, sports promotion bodies, professional and amateur sports associations and clubs, as well as entities that manage stadiums, sports facilities, gyms, clubs and facilities for dance, fitness and bodybuilding, sports centers, swimming pools and swimming centers;

Suspension of payments for special types of taxpayers (Article 61) – follows -

(c) theatres, concert halls, cinemas, including ticketing services and support activities for artistic performances, as well as discos, dance halls, nightclubs, amusement arcades and billiards;

(d) lottery receivers, lotteries, betting, including the management of related machines and equipment;

(e) organization of courses, fairs and events, including those of an artistic, cultural, recreational, sporting and religious nature;

(f) catering, ice cream parlours, pastry shops, bars and pubs;

(g) managing of museums, libraries, archives, historical sites and monuments, as well as botanical gardens, zoos and nature reserves;

Suspension of payments for special types of taxpayers (Article 61) – follows -

(h) nurseries and day care services for disabled children, educational services and nursery schools, first and second level educational services, professional training courses, sailing, boating and flying schools, issuing licences or commercial certificates, professional driving schools for drivers;

(i) provision of non-residential social care for the elderly and disabled;

(l) spas referred to in Law No 323 of 24 October 2000 and wellness centres;

(m) running of amusement parks or theme parks;

Suspension of payments for special types of taxpayers (Article 61) – follows -

(n) managing of bus, railway, underground, maritime or airport stations;

(o) operating of freight and passenger transport services by land, air, sea, river, lake and lagoon, including the management of funiculars, cable cars, gondolas, chairlifts and ski lifts;

(p) operating of rental services of means of transport by land, sea, inland waterway, lake and lagoon;

(q) operating of rental services of sports and leisure equipment or of facilities and equipment for events and shows;

(r) providing driving and tourist assistance;

Suspension of payments for special types of taxpayers (Article 61) – follows -

(s) non-profit organisations of social benefit referred to in Article 10 of Legislative Decree No 460 of 4 December 1997, registered in the relevant registers, voluntary organisations registered in the regional and autonomous province registers referred to in Law No 460 of 11 August 1991. 266 of 11 August 1991, and to social promotion associations registered in the national, regional and autonomous province registers of Trento and Bolzano referred to in article 7 of law no. 383 of 7 December 2000, which exercise, exclusively or principally, one or more activities of general interest as provided for by article 5, paragraph 1 of legislative decree no. 117 of 3 July 2017.

(t) Certain bookshops belonging to groups.

Except for sport sectors taxpayers, suspended payments are due without penalties and interests in a single installment by 31th of May 2020 or in up to 5 installments of equal amount starting from May 2020.

Provisions concerning pre-filled tax returns (Article 61bis)

New provisions concerning terms for the pre-filled tax return service provided by the Italian Tax Authority were introduced.

Suspension of payments for taxpayers in certain areas (Article 62, paragraphs 3 e 5)

Taxpayers carrying out business activities and practitioners of crafts or professions who have their tax domicile, registered office or operating headquarters in the Provinces of Bergamo, Brescia, Cremona, Lodi and Piacenza, will benefit from the suspension of payments for VAT expiring from 08.03.2020 to 31.03.2020, regardless of the amount of revenues or fees received.

The suspended payments must be made, without penalties and interest, in a single instalment by 31.05.2020 or in a maximum of 5 equal monthly instalments from May 2020.

Suspension of other tax obligations (Article 62, paragraphs 1 e 6)

Save provisions concerning pre-filled tax returns under Article 61bis, all tax obligations expiring from 08.03.2020 to 31.05.2020, except for payments and withholding taxes including the ones related to the regional and municipal surtax, are suspended.

Fulfillment of the suspended obligations must be made, without penalty, by 30 June 2020.

Please note, however, that, with reference to the pre-filled tax declaration, the terms provided for in Article 1 D.L. 9/2020 apply, so, for example, the "Certificazione Unica" concerning WHT applied must be submitted by 31 March.

Tax credit for rental agreements (Article 65)

A tax credit equal to 60% of the amount of the rent for the month of March 2020 of buildings included in cadastral category C/1 is granted to taxpayers carrying out business activities.

The tax credit does not apply to the activities listed in attachments 1 and 2 (essential activities not subject to compulsory stop) of the Prime Ministerial Decree of 11 March 2020. Tax credit is not relevant for taxable base calculation purposes.

Suspension of payments of sums involving recovery activities by the collection agent (Article 68)

The deadlines for payments due from 08.03.2020 to 31.05.2020 relating to notices of payment issued by collection agents, enforceable tax assessment notices issued by the Revenue Agency, debit notices issued by social security institutions, enforceable notices of assessment issued by the Customs and Monopolies Agency, injunctions and enforceable acts issued by local authorities are suspended.

Payments must be made, in a single instalment, by 30.06.2020.

As for individuals and taxpayers other than individuals based on the 21° of February 2020 in any of the municipalities mentioned in in attachment no.1 to Prime Minister Decree of 1st of March 2020 starting date of suspension is 21st of February 2020.

The following payments must be made by 31.05.2020:

i) the instalment of the "ter scrapping" expired on 28.02.2020;

ii) the instalment of the "full and final settlement" due on 31 March.

Suspension of utilities payments (Article 72bis)

The relevant Authority is authorized to order suspension of payments until 30th of April2020 for utilities in areas mentioned in attachment no.1 to Prime Minister Decree of 1st of March 2020 :

1) In Regione Lombardia: Bertonico, Casalpusterlengo, Castelgerundo, Castiglione D'Adda, Codogno, Fombio, Maleo, San Fiorano, Somaglia, Terranova dei Passerini.

2) In Regione Veneto: Vo'.

Suspension of payments for certain loans granted by SPA-Invitalia (Article 72ter)

Payments of installments due by 31.12.2020 concerning loans granted by Spa-Invitalia to enterprises based in areas mentioned in attachment no.1 to Prime Minister Decree of 1st of March 2020 can be suspended for 12 months.

Areas identified by the above-mentioned attachment no.1 to Prime Minister Decree of 1st of March 2020 :

1) In Regione Lombardia: Bertonico, Casalpusterlengo, Castelgerundo, Castiglione D'Adda, Codogno, Fombio, Maleo, San Fiorano, Somaglia, Terranova dei Passerini.

2) In Regione Veneto: Vo'.

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