### **Indirect Tax Alert**

# Italy introduces new method of payment for stamp duty on electronic invoices

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According to the Italian tax law, stamp duty is applicable on invoices (both paper and electronic) in all cases where the relevant transaction is Value Added Tax (VAT) excluded, non-taxable or VAT exempt, for a value exceeding €77.47.

A new method of payment for stamp duty on electronic invoices, effective as of 1 January 2019, was introduced by a Ministry of Finance decree dated 28 December 2018 and published in the Italian *Official Gazette* on 7 January 2019.

The new measures supersedes existing legislation on stamp duty on electronic documents, only with reference to the new e-invoices. For background, see EY Global Tax Alert, <u>Italy: Payment of stamp duty tax on e-invoices</u>, dated 15 October 2018.

In fact, while the previous legislation (i.e., art. 6 of the Ministerial Decree of 17 June 2014) provided that the payment of the stamp duty on e-invoices had to be carried out – cumulatively and in one single installment – within 120 days from the end of the financial year, according to the new regulation, payments of stamp duty due on electronic invoices will be carried out on a quarterly basis, by the 20th day of the month following each quarter. The Decree has not changed the methods of payment of the stamp duty due with respect to other types of documents (by way of example, for the digital archiving of the company books and records), for which the procedure provided for in the Ministerial Decree of 17 June 2014 will still apply (i.e., single-installment cumulative payment within 120 days from the end of the financial year).



The amount due for the e-invoices issued will be calculated directly by the Italian Revenue Agency (IRA) on the basis of the data received through the Interchange System (i.e. SDI) and made available for each taxpayer in the dedicated area on the IRA's website.

Therefore, possessing the personal access credentials to the IRA website is a mandatory condition in order to proceed with the payment of the stamp duty due on e-invoices.

Clarifications are still expected from the IRA with respect to the actual criteria of determination of the amount due by taxpayers.

In fact, two alternatives are in principle applicable:

#### either

(i) The calculation made available on the personal page of each taxpayer will be based on the data reported within the section of e-invoice.XML file dedicated to the stamp duty and - therefore - the final amount communicated by the IRA might take into account also the e-documents where the relevant section has been filled in although with generic phrases - e.g., "if due" - but the stamp duty is not actually due on the specific document.

Consequently, the amount calculated by the IRA might be higher than the one actually due by the taxpayer.

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(ii) The calculation made available by the IRA will be based on the indication of the nature of the transaction (i.e., on the respective codes to be included) and on the amount of the transaction.

As for the practical method of payment, taxpayers can either make it through an F24 payment form or through the dedicated service provided within the mentioned personal page of the IRA's website, by means of a Bank or Post transfer.

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