

# ANNUAL COMMUNICATION OF VAT DATA

Information regarding the processing of personal data under article 13 of Legislative Decree no. 196 of 2003

**Legislative Decree No. 196 of the 30 June 2003 "The code for the protection of personal data", provides for a system of protection for the processing carried out on personal data. A summary of how the data contained in the communication will be used and what rights are granted to citizens is outlined below.**

## Processing Aims

The Ministry of the Economy and Finance and the Revenue Agency inform you, on their behalf and on behalf of other persons obliged to do so, that in the communication there is different personal data that will be processed by the Ministry of the Economy and Finance and the Revenue Agency, as well as by intermediaries identified by legislation (Tax Assistance Centers, trade associations and professionals) with the aim of complying (within the terms prescribed by the community regulations) with the calculation of the "own resources" that each member State must pay to the community budget.

The data in the possession of the Ministry of the Economy and Finance and the Revenue Agency may be supplied to other public entities (such as Municipalities, I.N.P.S. [the National Institute of Social Security]) in the presence of a law or legal regulation, or when such communication is necessary for the fulfillment of institutional activities, subject to communication to the Guarantor Authorities.

The same data may also be communicated to private individuals or public economic bodies in cases where such is permitted by a law or legal regulation.

## Personal data

The data requested in the communication must be supplied to prevent the imposition of administrative and, in some instances, criminal sanctions.

## Method of processing

The communication may be delivered to an intermediary provided for by legislation (CAF [Tax Assistance Centres], trade associations, professionals) who sends the data to the Ministry of the Economy and Finance and the Revenue Agency. The data will mainly be processed electronically and with logical systems that are adequate for the achievement of the objectives, which will also be pursued by checking the data indicated in the communications:

- with other data in the possession of the Ministry of the Economy and Finance and the Revenue Agency, also if provided, as required by law, by other subjects;
- with data in the possession of other entities (such as banks, social security and insurance institutions, chambers of commerce, Motor Vehicle Registration Offices / P.R.A.).

## Data controllers

When the said data is made available to them and falls under their direct control, the Ministry of the Economy and Finance, the Revenue Agency and the intermediaries become "the data controllers for the processing of the personal data".

In particular the following persons are "data controllers":

- the Ministry of the Economy and Finance and the Revenue Agency, at whose offices a list of the data processors is kept and this list may be viewed on request;
- if they take advantage of the right to appoint data processors, the intermediaries must supply details as to the identity of the data processors, to the person concerned.

## Persons responsible for data processing

"Data controllers" may make use of the services of others designated "responsible".

In particular, the Revenue Agency makes use of the services of the company So.ge.i. S.p.a. as the external entity responsible for data processing, in its capacity as technological partner to which the management of the information system of the Tax Register is entrusted.

## Taxpayer rights

The person (taxpayer) concerned, in terms of article 7 of Legislative Decree No. 196/2003, may view his personal data at the premises of the data controller or the data processor in order to verify the use to which it is being put or if necessary, to correct or update it within the limits provided for by law, or to cancel it or oppose its processing, where it is being processed illegally.

These rights may be exercised upon request to:

- Ministry of the Economy and Finance (Ministero dell'Economia e delle Finanze), Via XX Settembre 97 – 00187 Roma;
- Revenue Agency (Agenzia delle Entrate) – Via Cristoforo Colombo, 426 c/d – 00145 Roma.

## Consent

In their capacity as public entities, the Ministry of the Economy and Finance and the Revenue Agency, do not need to obtain the consent of the persons concerned in order to process their personal data. Intermediaries do not need to acquire consent for processing of personal data, as their conferment is required by law.

***This information is given generally on behalf of all the data controllers referred to above.***



REVENUE AGENCY

# ANNUAL COMMUNICATION OF VAT DATA

COMPANY NAME or SURNAME AND NAME

TAX CODE

## Sec. I GENERAL DATA

Fiscal year

- TAXPAYER -

VAT registration no.

Activity code

Separate accounting

Communication of entity or companies belonging to a VAT group

Special occurrences

- DECLARANT (COMPLETE IF DIFFERENT FROM THE TAXPAYER) -

Tax code

Appointment code

Tax code of the declarant company

## Sec. II INFORMATION RELATING TO TRANSACTIONS CARRIED OUT

- ASSET TRANSACTION -

CD1 Total of the asset transactions (net of VAT)

1  ,00

of which: non-taxable transactions

2  ,00

exempt transactions

3  ,00

intra-community sale of goods

4  ,00

- LIABILITY TRANSACTIONS-

CD2 Total liability transactions (net of VAT)

1  ,00

of which: non-taxable purchases

2  ,00

exempt purchases

3  ,00

intra-community purchases of goods

4  ,00

- IMPORTATION WITHOUT PAYING VAT ON ENTRY INTO CUSTOMS -

CD3 Industrial gold and pure silver

Taxable

1  ,00

Tax

2  ,00

Scrap and other recycled material

Taxable

3  ,00

Tax

4  ,00

## Sec. III CALCULATION OF OUTPUT OR INPUT TAX

CD4 VAT payable

,00

CD5 Deductible VAT

,00

CD6 Output tax

1  ,00

or input tax

2  ,00

## SIGNING THE COMMUNICATION

Signature

## UNDERTAKING TO SUBMIT ELECTRONICALLY

Tax code of the intermediary

C.A.F. registration no.

Undertaking to submit the communication prepared by the taxpayer electronically

## Reserved for intermediary

Undertaking to submit the taxpayer's communication prepared by the sender electronically

Date of the undertaking

day month year

SIGNATURE OF INTERMEDIARY

## INSTRUCTIONS FOR COMPLETION

*Unless otherwise specified, the statutory provisions referred to in the form for the communication of VAT data and the instructions relate to Presidential Decree No. 633 of the 26th of October 1972 as amended.*

### Foreword

The obligation to submit the **annual communication of VAT data** was established in the application of the provisions contained in article 8-*bis* of Presidential Decree No. 322 of 22 July 1998, introduced by article 9 of Presidential Decree No. 435 of 7 December 2001. The purpose was to further simplify and rationalize the performance by the taxpayer of his obligations relative to the compliance with community obligations.

The annual communication of VAT data, which must be submitted by no later than February of each year, is aimed at complying (within the terms prescribed by the community regulations) with the calculation of the "own resources" that each Member State must pay to the community budget.

In this form, the tax-payer must basically give comprehensive details of the total periodic payments (or the annual totals for taxpayers who are not obliged to comply with the latter obligation), with the purpose of determining the output or input VAT, without taking into account any possible adjustments or balancing transactions (like the final calculation of the *pro rata*). In addition the taxpayer must provide other concise information relating to the transactions carried out during the period.

Moreover, for the purposes of this communication the following information need not be provided: the set-offs made in the fiscal year; the carry-forward of the input VAT relating to the previous year; the infra-annual refunds requested, as well as the portion of the input VAT (relating to the fiscal year) regarding which the taxpayer intends to request a refund. In fact, this information, which is relevant for the final tax payment, must only be provided in the relative annual declaration. The taxpayer may however refer to the instructions relating to the annual declaration, in order to correctly complete this communication. The nature and effect of the new obligations are not the same as those of the "VAT Declaration" but relate to the communication of data and information. Through the annual communication of VAT data the taxpayer does not in fact proceed with the final self-determination of the tax due. This will instead take place by means of the traditional annual declaration.

The fact that the notification is not declaratory means that the sanctions for failing to make a declaration or for false declarations do not apply. The provisions of article 13 of Legislative Decree No. 472 of 18 December 1997, concerning amendment in the event of a violation of the obligations relating to the declaration, are also not applicable.

The failure to submit the communication or submitting it with incomplete or incorrect information entails **the application of an administrative sanction** that ranges from 258 to 2,065 Euro, in terms of article 11 of Legislative Decree No. 471 of 18 December 1997, for the failure to provide information or provision of incorrect information, as referred to in paragraph 6 of article 8-*bis* of Presidential Decree No. 322 of 1998

It is not possible to amend or supplement a communication that has already been submitted and therefore the final information will be correctly set out in the annual declaration.

### Availability of the forms

Based on the provisions introduced by paragraph 1 of article 8-*bis* of Presidential Decree No. 322 of 1998, the annual communication of VAT data must be drawn up using the form approved by the Revenue Agency. This form and the related instructions are available in electronic format, free of charge and can be downloaded from the website of the Revenue Agency at [www.agenziaentrate.gov.it](http://www.agenziaentrate.gov.it) or from the website of the Ministry of the Economy and Finance at [www.finanze.gov.it](http://www.finanze.gov.it). In this case, the form can be printed in black and white.

A special electronic format is also available from the same website for persons using typographic systems to reproduce of the form. The printed form must comply with the specifications set out in Enclosure A of the approval provisions relating to the form.

### Taxpayers who are obliged to submit the communication and taxpayers who are exempt from doing so.

In general holders of a VAT number, who are obliged to submit the annual VAT declaration **must submit the annual communication of VAT data** (even if they did not carry out any taxable transactions during the year or they are not required to make the periodic payments) with the undermentioned exceptions.

**The following parties are not obliged to submit the communication of VAT data:**

- Taxpayers who are exempt from having to submit the annual VAT declaration for the year to which the communication refers, namely:
  - Taxpayers, who for the fiscal year only recorded transactions, which are exempt in terms of article 10, as well as taxpayers, who having taken advantage of the exemption from the obligations to invoice and record in terms of article 36-*bis* only carried out exempt transactions, even if they are obliged for the same year to submit the annual VAT declaration pursuant to the implementation of the changes referred to in article 19-*bis*2. On the other hand, **the exemption is not applicable** if the taxpayer has recorded intra-community transactions (paragraph 2 of article 48 of Decree Law 331/1993) or where purchases have been made, for which VAT is due from the assignees on the basis of specific regulation dispositions (e.g. purchases of pure gold and silver, scrap etc.);
  - agricultural producers who are exempt from the fulfilment of the obligations under the paragraph 6 of article 34 (agricultural producers who in the previous calendar year had a turnover that did not exceed 7,000 Euro);
  - persons who carry out activities relating to the organization of games, entertainment and other activities set out in the tariff enclosed under Presidential Decree No. 640 of 26 October 1972, who are exempt from the fulfilment of VAT obligations under the sixth paragraph of article 74 and who did not opt for the application of VAT in the ordinary manner;
  - the individual concerns that have leased out the only business (see circular no. 26 of 19 March 1985 and circular no. 72 of 4 November 1986) and who do not carry out another relevant activity for VAT purposes in the year to which the communication refers;
  - taxable persons, who are resident in other member states of the European Union, in the circumstances referred to in the second period of paragraph 3 of article 44 of Decree Law No. 331/1993 if, during the fiscal year they have only carried out transactions, which are not taxable, which are exempt, which are not subject to VAT or which do not carry an obligation to pay the tax;
  - persons who have opted for the application of the dispositions outlined in Law number 398 of 16 December 1991, who are exempt from the payment of VAT on all income obtained from commercial activities associated with institutional aims;
  - persons whose domicile or place of residence is outside the EU, who are not identified within the community and who have made themselves known within the State for VAT purposes according to the manners outlined in article 74-quinques for exemption from obligations regarding services rendered by electronic means to clients who are not VAT taxpayers with domicile or residence in Italy or another member state;
- persons referred to in article 74 of Presidential Decree No. 917 of the 22 December 1986, namely:
  - State entities and administrations;
  - municipalities, consortiums between local authorities, the associations and entities that manage state properties, the consortiums of communes in mountain areas, the provinces and the regions;
  - the public authorities that perform state, social security, welfare and health functions, including the local health organisations;
- persons undergoing insolvency proceedings;
- individuals who, during the fiscal year to which the communication refers had a turnover equal to or less than 25,822.84 Euro even though they are obliged to submit the annual declaration;
- individuals making use of the regime reserved for minimum taxpayers introduced, as of the 2008 tax year, by Law no. 244 of 24 December 2007.

For the purposes of determining the turnover during the year to which the communication refers, the taxpayer, as specified in Circular no. 113 of 31 May 2000, must make reference to the total turnover for all the activities carried out, even if they are managed with separate accounting. The calculation must also include the total sum of the transactions carried out or recorded or which are subject to recording within the ambit of the activity for which exemption from the annual VAT declaration and consequently, from the communication of information, is provided.

### Method and time limits for submission

The form for the annual communication of VAT data must **only be submitted electronically**. Thus **any other method of submission is excluded**.

**The form must be submitted by no later than the end of February of each year** and if the deadline for submitting the communication falls on a Saturday, it is extended to the next working day.

The communication can be submitted electronically:

- a) directly by the taxpayer;
- b) through authorized intermediaries.

**a) Direct electronic filing**

Persons who choose to file their communication directly must use:

- the **electronic Entratel service**, whenever the obligation exists to file the return of the withholding agents (Form 770, simplified or ordinary), in relation to more than twenty persons;
- the **electronic Internet service (Fisconline)**, whenever the obligation exists to file the return of withholding agents for no more than twenty persons or, despite the obligation to electronically file the other statements as laid down by Presidential Decree no. 322 of 1998, they are not required to file the statement of withholding agents.

**WARNING: Taxpayers are reminded that those non-resident taxpayers who have directly identified themselves for VAT purposes in the territory of the State pursuant to art. 35-ter of Presidential Decree 633/72, shall file their communication through the Entratel electronic service using the Internet site <http://telematici.agenziaentrate.gov.it>. As regards the methods for logging onto Entratel electronic service, please refer to the paragraph "Log on methods" letter a).**

**b) Electronic filing through authorized intermediaries (entrusted subjects and companies of the group)****Entrusted subjects (art. 3. paragraph 3, Presidential Decree no. 322/1998)**

The intermediaries reported in art. 3, par. 3, Presidential Decree no. 322 of 1998, are required to electronically forward to the Revenue Agency, using the Entratel electronic service, both the communications prepared by them on behalf of the declarant and the communications prepared by the taxpayer for which they have taken on the obligation of electronic filing.

The authorized intermediaries belonging to the following categories are required to electronically file the communications they have prepared:

- those enrolled in the register of business consultants, accountants, commercial experts and labour consultants;
- those enrolled, since 30 September 1993, in the roll of experts kept by the chambers of commerce for the tax category, holding a degree in law or economics or equivalent degree and diploma in accountancy;
- those registered in the roll of lawyers;
- those enrolled in the register of accounting auditors under Legislative Decree no. 88 of 21 January 1992;
- trade union associations of entrepreneurs under art. 32, par. 1, letters a), b) and c), of Legislative Decree no. 241 of 1997;
- associations mostly consisting of subjects belonging to ethnic-linguistic minorities;
- Caf - employees;
- Caf - companies;
- those regularly engaged in the tax consulting business;
- those registered in the roll of agronomists and forest experts, agro-technicians and agricultural experts.

Other subjects required to electronically file the communications they have prepared, included professional firms and service companies in which at least half of the members or more than half of the share capital is owned by subjects enrolled in some registers, boards or rolls as specified in the Directing Decree of 18 February 1999.

These subjects can fulfil their obligation of electronically filing the communications also by using companies participated by national counsels or by the registers, boards or rolls as specified in the abovementioned decree, by the relevant enrolled subjects, by the associations representing them, by the relevant social securities systems, by the single members of said associations. These subjects shall file the statement by using their own identification code, although the obligation to forward them is taken by the single participants on behalf of their own clients.

The acceptance of the communications prepared by the taxpayer is optional and the intermediary of the electronic service may charge a fee for the service rendered.

**Communication filed by companies belonging to a group (art. 3, paragraph 2-bis)**

Within a group, the electronic filing of the communications of the subject belonging to the group, in which at least one company or body is obliged to perform electronic filing, can be performed by one or more subjects of the same group exclusively through the electronic service Entratel. The body (even if not commercial) or the controlling company (in-

cluding a partnership) or controlled company are considered to belong to the group. Controlled are those joint-stock companies, limited partnerships with share capital and limited liability companies whose shares or stock are owned by the parent body or by another controlled of this body with a stake higher than 50 percent in the capital from the beginning of the previous tax period. This provision applies, in any case, to the companies and to the bodies required to issue consolidated fiscal returns pursuant to the Legislative Decree no. 127 of 09 April 1991 and Legislative Decree no. 87 of 27 January 1992, and to the companies subject to IRES (income tax for the corporate bodies) listed in par. 2, lett. a), of art. 38 of said Legislative Decree no. 127 and in the list of par. 2, lett. a) of art. 40 of said Legislative Decree no. 87.

A company in the group can electronically file the communications of the other companies belonging to the same group by taking on the obligation to file the communication. The same filing mode can also apply to those companies belonging to the same group and operating as tax representatives of foreign companies, even if these do not belong to the same group.

To entrust another company of the group with the electronic filing of the communication, the declarant company shall hand out its communication, duly signed, to the entrusted company; the latter shall comply with all the regulations provided for electronic filing through authorized intermediaries described in the following paragraph.

**The documentation that must be provided to the declarant by the intermediary (the person filing the statement or the company belonging to the group) and proof of the filing of the communication.**

Based on the provisions contained in the above-mentioned Presidential Decree no. 322 of 1998, authorized intermediaries and the companies of the group in charge of the electronic filing, shall:

- issue the declarant, (simultaneously with the receipt of the filing or the acceptance of the instruction to prepare it), with an undertaking to electronically post the data contained in the communication to the Revenue Agency, specifying whether the communication was delivered to him already completed or whether it will be prepared by him; this undertaking must be dated and signed by the intermediary or by the group company, even if issued in an informal manner. The date of the undertaking, together with the personal signature and tax code, must be set out in the aforesaid communications in the section headed: "Undertaking to electronic filing" to appear on the front page of the communication;
- issue the declarant, within 30 days of the deadline provided for the electronic filing of the communication, with the original communication (the details of which were transmitted electronically), drawn up on a form which complies with the one approved by the Revenue Agency, duly signed by the taxpayer. A copy of the notification from the Revenue Agency confirming receipt of the communication must also be provided to the declarant. This communication proves for the declarant the accomplished filing of the annual communication of VAT data and shall be kept by the declarant together with the original communication, and the remaining documentation must be kept by the declarant for the period provided for in article 43 of Presidential Decree No. 600 of 1973 during which period the Revenue Agency may carry out audits;
- keep a copy of the communications transmitted (on computerized media), for the same period of time provided for in article 43 of Presidential Decree No. 600 of 1973, should the Revenue Agency require it to be exhibited in the event of an audit being carried out.

**WARNING: We wish to remind you that for the storage of the IT documents relevant in order to comply with the tax provisions, taxpayers' must observe the modalities outlined by Ministerial Decree of 23 January 2004 and the procedures outlined in the CNIPA deliberation no. 11 of 19 February 2004.**

More precisely, it is necessary for all of the copies of the communications to be memorized on an IT support, the legibility of which must be guaranteed over time, as long as a chronological order is ensured and that there is not a continuity solution for each tax period, moreover search functions and data extraction functions of the IT archives must be guaranteed in relation to the surname, name, company name, tax code, VAT number or logical associations with the latter. This procedure will be ended with electronic signature and the application of a temporal mark.

**Notification of the electronic filing of the annual communication of VAT data**

The notification by the Revenue Agency confirming that the annual communication of VAT data has been electronically filed via the electronic service is transmitted electronically to the user who filed it. This communication can be found in the "Receipts" section of the site <http://telematici.agenziaentrate.gov.it>, where receipts are available for all returns filed. In any case, the communication of receipt can be requested with no time limit (by both taxpayers and intermediaries) at any Revenue Agency Office.

In order to verify whether the returns electronically filed were filed in good time, it must be remembered that returns filed within the deadlines provided for in Presidential Decree No. 322 of 1998, which were rejected by the electronic service, will be deemed to have been filed in a timely manner, provided that they were re-filed within five days of the date of the notification from the Revenue Agency containing the reasons for the rejection (see Circular of the Ministry of Finance - Department of Collections no. 195 dated 24.09.1999).

**Methods of authorization****a) Communication filed via the Entratel electronic service**

To obtain authorization to use the Entratel electronic service, application must be made to the offices of the Revenue Agency, of the region in which the applicant has his or her tax domicile.

The application forms, the relevant instructions and the list of the Revenue Agency offices are available on the site <http://telematici.agenziaentrate.gov.it> and at the offices. For the solution of problems related to the use of the electronic service Entratel, a call centre has been purposely set up. It can be contacted using the toll free number reported in the documents issued by the office at the time of authorizing access to the service. Taxpayers are also advised to consult the website <http://assistenza.finanze.it> and the site <http://telematici.agenziaentrate.gov.it> for technical and regulatory information.

**WARNING: For those non-resident taxpayers who have directly identified themselves for VAT purposes pursuant to art. 35-ter, access to the electronic service Entratel is authorized by the Operations Centre in Pescara, via Rio Sparto no. 21, 65129 Pescara, together with the attribution of the VAT number, on the basis of the data reported in the return for direct identification. Said office is in charge of forwarding the envelope containing the data for the applicant's access to the service by post or of delivering the envelope to an entrusted subject who shall produce an adequate power of attorney and a valid IT document of him/herself and of the delegate.**

**b) Communication filed through the Internet electronic service (Fisconline)**

An essential requirement for filing is the possession of a PIN (Personal Identification Number) code, which can be requested by the taxpayer:

- a) by connecting to the site <http://telematici.agenziaentrate.gov.it>;
- b) by calling the automatic telephone service on (+39) 848 800 333;
- c) at any Revenue Agency Office using the special function available at the site <http://telematici.agenziaentrate.it>.

The issue of the PIN does not oblige the declarant to use the Internet electronic service (Fisconline), as it is always possible to file the return through an authorized intermediary. For further information please consult the website <http://telematici.agenziaentrate.gov.it>.

**Particular cases of submission****Companies and entities making use of the group VAT payment procedure**

The entities and companies, who for the year relating to the communication made use of the procedure for group VAT payment referred to in the last paragraph of article 73 must each submit a form containing their own information.

Thus, the controlling company must submit the communication relating to its own activities and not those relating to the entire group.

**Taxpayers with separate accounting**

Taxpayers who have carried out more than one activity in respect of which they have kept, either in terms of the law or by choice, separate accounts under article 36, must submit a single form, which summarizes all the activities managed with separate accounting.

If the activity is one in respect of which the taxpayer does not have to submit the annual VAT declaration and consequently does not have to submit the communication, the

information relating to this activity must not be included in the communication to be submitted for the other activities, in respect of which the obligation to make the declaration exists.

### **Taxpayers with extraordinary transactions or other substantial transformations (mergers, splits, transfer of businesses, conferment, etc.)**

#### ***Extraordinary transactions or transformations that took place during the fiscal year to which the communication relates***

- 1) Where the **assignor** (the incorporated or split company, the conferring, ceding or donating party) **has ceased to exist** by reason of the extraordinary transaction or transformation **the assignee** (the incorporating or beneficiary company, the conferee, transferee, or donee) **must submit two separate data communications**:
  - the first containing the information relating to the transactions carried out by the person itself during the fiscal year to which the communication refers;
  - the second containing the information relating to the transactions carried out by the assignor during the part of the year to which the communication refers and up to the last payment made prior to the extraordinary transaction or transformation; the communication must contain the following information: the information relating to the incorporated, split or conferring party etc. must be supplied in the section reserved for the *taxpayer*; the section reserved for the *declarant* must contain the information relating to the party that results from the transformation - the number 9 must be inserted in the box reserved for the appointment code
- 2) Where **the assignor has not ceased to exist** as a result of the extraordinary transaction or transformation, the communication of VAT data must be submitted:
  - **by the assignee**, if the extraordinary transaction or transformation **entailed the assignment of the input or output VAT**; this person will thus submit two separate communications in terms of the methods indicated in point 1). As a result, the assignor does not have to submit the communication relating to the activity forming the subject matter of the extraordinary transaction;
  - **by each of the persons** involved in the transaction, if the extraordinary transaction or transformation **did not entail the assignment of the input or output VAT** in relation to the transactions carried out by each of the parties during the fiscal year to which the communication refers.

#### ***Extraordinary transaction or transformation that occurred during the period between the 1st of January and the date of submission of the communication***

In this case, the communication of the information relating to the transactions carried out by **the assignor** during the course of **the entire previous year**, must always be submitted by **the assignee** (by following the methods indicated in point 1), if the assignor **has ceased to exist** by reason of the extraordinary transaction and provided that the obligation was not discharged directly by the assignor prior to the extraordinary transaction or the transformation. However, where as a result of the extraordinary transaction **the assignor has not ceased to exist**, each person taking part in the transaction **must autonomously discharge the duty** to declare relating to the transactions carried out during the entire fiscal year to which the communication refers and the transfer or otherwise of the input or output VAT resulting from the extraordinary transaction will only become relevant for the purpose of the data communication to be submitted in the following year, in accordance with the methods indicated in point 2).

Naturally, in the case of **testamentary succession**, the communication must be submitted by the heirs for the entire fiscal year - the number 7 must be entered in the box reserved for the appointment code.

### **Non-resident persons**

#### ***Fiscal agent***

The fiscal agents of non-resident persons, appointed under the second paragraph of article 17 are obliged to submit the annual communication of VAT data indicating the information relating to the transactions carried out in the year to which the communication refers and reflecting the appointment code 6 in the section relating to the declarant.

#### ***Non-resident persons registered directly***

Non-resident persons who are registered directly in Italy under article 35-ter are obliged to submit the annual communication of VAT data relative to the transactions carried out by them during the fiscal year.



**Persons who operated via a fiscal agent during the fiscal year, as well being registered directly**

In all cases where a non-resident person has carried out, (in the same fiscal year but obviously in different periods of the said year) transactions, which are significant for VAT purposes in Italy, either through a fiscal agent or by direct registration, the obligation to submit the annual communication of VAT data must be discharged by the submission of a single communication by the person (fiscal agent or non-resident person registered directly) acting at the date of submission of the communication.

**Established organization**

In cases where a non-resident person has an established organization in Italy, an annual communication of VAT data that refers exclusively to the information relating to transactions, which were carried out during the fiscal year and which are attributable to the organization, must be submitted. In this case, the appointment code 1 must be reflected in the section relating to the declarant.

Thus, if a non-resident person has operated in Italy during the fiscal year via an established organization, as well as via a fiscal agent or has registered himself directly, individual communications for the transactions attributable to each of them must be submitted.

**Methods of completion****Information required**

The form has 2 pages:

- the first page contains the information relating to the processing of personal data;
- the second page contains the fields relating to the taxpayer's identity (at the top of the page), which must always be completed. The relevant sections of the form follow.

**SECTION I - GENERAL DATA**

**FISCAL YEAR:** provide the calendar year to which the communication of VAT data refers.

**Taxpayer**

**VAT REGISTRATION:** provide the VAT registration number of the taxable person.

**ACTIVITY CODE:** the code relating to the predominant activity must be indicated (with reference to turnover) taken from the classification of economic activities in force when the form is submitted, this classification may be consulted at the offices of the Revenue Agency or on the Internet sites [www.agenziaentrate.gov.it](http://www.agenziaentrate.gov.it) and [www.finanze.gov.it](http://www.finanze.gov.it).

**SEPARATE ACCOUNTING:** cross the box if, during the fiscal year to which the communication refers, the taxpayer has carried out more than one activity, in respect of which there has been separate accounting under article 36. Obviously, the box must also be crossed where the taxpayer has managed two activities with separate accounting, where one of the activities is exempt from submitting the annual VAT declaration based on specific legislative provisions and is consequently also exempt from submitting the communication.

**COMMUNICATION OF ENTITY OR COMPANIES BELONGING TO A VAT GROUP:** cross the box if the communication is submitted by an entity or company that has availed of the special group VAT payment procedure during the year to which the VAT communication data refers, as per the last paragraph of article 73.

**SPECIAL OCCURRENCES:** cross the box if the deadline for the submission of the communication falls during the period of suspension from the performance of the obligations, owing to the occurrence of special events.

**Declarant**

This section must only be completed in cases where the declarant (the person who signs the communication) is not the same person as the taxpayer to whom the communication refers.

**TAX CODE:** provide the tax code of the declarant (the individual) who signs the declaration.

**APPOINTMENT CODE:** give the appointment code of the declarant with reference to the following table:

## TABLE OF APPOINTMENT CODE

- 1 Legal, contractual, de facto agent or managing member;
- 2 Agent of a minor, disabled or incompetent person, or the administrator of an estate held in a bequest, the administrator of an estate that is assigned under a suspensive condition or that is assigned in favour of an unborn child, who has not yet been conceived;
- 5 Receiver (receivership) or manager (judicial custody), or special manager in the capacity as representative of the attached assets;
- 6 Fiscal agent of a non-resident person;
- 7 Heir;
- 8 Liquidator (voluntary winding-up);
- 9 A person assigned to present the communication of VAT data on behalf of an assignor who no longer exists, following extraordinary operations or other substantial subjective transformations (company assignee, beneficiary company, incorporating body, conferring company, etc.)

**TAX CODE OF THE DECLARANT COMPANY:** in cases where the declarant is a company submitting the VAT declaration on behalf of another taxpayer, this field must also be completed. In this case the appointment code that corresponds to the existing relationship between the declarant company and the taxpayer must be indicated in the space provided. This category includes, for example, a company appointed as a fiscal agent by a non-resident person, under the second paragraph of article 17, a company that indicates appointment code 9 as the beneficiary company (of a split company) or the incorporating company (of an incorporated company) as well as the company that submits the declaration as the contractual agent of the taxpayer.

## SECTION II - INFORMATION RELATING TO TRANSACTIONS CARRIED OUT

**NOTE: clarification and further details regarding the different types of transactions to be indicated in this section are given in the instructions for the completion of the annual VAT declaration and the related appendix.**

The amounts, which must be indicated net of the changes made under article 26, must be expressed in Euro rounded up if the decimal fraction is equal to or greater than 50 cents or rounded down if it is less than 50 cents. For this purpose the two final zeros have been printed after the comma in the spaces for the amounts.

### **Taxpayers making quarterly payments**

Taxpayers who make quarterly payments under article 7 of Presidential Decree No. 542 of 14 October 1999, article 73, paragraph 1, letter e) and article 74, paragraphs 4 and 5, or on the basis of other special provisions, must submit the annual communication of VAT data making reference to all the transactions carried out during the fiscal year. The details concerning the period October-December, in order to set out the output or input VAT relative to the entire fiscal period must therefore also be included.

### **Taxpayers whose accounting is done by third parties**

Taxpayers who have entrusted their accounting to third parties and who under article 1, paragraph 3 of Presidential Decree No. 100 of 1998, have chosen the special method of calculating the periodic payments (based on the VAT payable in the second preceding month) must in any event submit the annual communication of VAT data relative to all the transactions carried out in the fiscal year.

### **Taxpayers who adopt special regimes for the determination of the tax**

Taxpayers who, during the fiscal year, arising out of a legal obligation or by choice adopt special criteria to determine the tax due or deductible (for example special regimes for agricultural and farm holiday concerns) must record in line CD4 (VAT payable) and in line CD5 (VAT deducted) the amount arising out of the application of the special regime to which they belong.

In cases where the particular regime adopted does not provide for the deduction of the tax (for example the used goods regime, the special regime for travel and tourism agencies, the special regime for show business), line CD5 must obviously not be completed in relation to the transactions to which said regime applies.

### Asset transactions

**Line CD1, field 1**, for the period of reference, indicate the **aggregate amount of the asset transactions**, (the sale of goods and the work done) net of VAT, carried out in Italy and within the community, as well as the exports made, including those transactions with deferred payment relevant for VAT purposes (taxable, non-taxable, exempt and "zero"-rated), recorded in the invoice or considerations register or which are in any event subject to recording, excluding those transactions that are exempt in respect of which the taxpayer took advantage of the exemptions in terms of article 36-*bis*. Taxpayers benefiting from this exemption must still indicate the amount of the operations as per numbers 11), 18) and 19) of article 10, for which they are still obliged to issue and register invoices. The considerations in respect of the performance of intra-community services under paragraphs 4-*bis*, 5, 6 and 8 of article 40 of Decree Law No. 331 of 1993, rendered by a national workman to a community customer must also be included.

It is emphasized that taxpayers benefiting from a reduction of the taxable amount (**publishers**) must indicate the taxable amount of the transactions net of the reduction due in the line.

**In line CD1, field 2**, indicate the aggregate amount of the **non-taxable transactions** already included in field 1 of the same line:

- exports and other non-taxable transactions, that may contribute to the formation of the ceiling referred to in paragraph 2 of article 2 of Law No. 28 of 18 February 1997, including the sale of goods carried out in terms of article 71, regarding traders residing in the Republic of San Marino and the Vatican City. **On the contrary the intra-community transactions must not be included.** Only the sale of goods must be indicated in field 4 for these transactions;
- non-taxable transactions carried out regarding exporters who have submitted the declaration of intent;
- other qualified non-taxable transactions that do not contribute to the formation of the ceiling, which include for example the non-taxable part of the considerations relating to transactions that fall within the marginal regime in terms of Decree Law No. 41 of 1995 (used goods etc.) referred to above.

**Line CD1, field 3**, indicate the aggregate amount (already included in field 1 of the same line) of the **exempt transactions** in terms of article 10 and the transactions declared exempt by other provisions. (for example article 6 of Law No. 133 of 13 May 1999).

**Line CD1, field 4**, indicate the aggregate amount of the non-taxable **intra-community sale of goods**, which are already included in field 1 of the same line and recorded in the invoice register (article 23) or in the register of considerations (article 24). Remember that this line must not include the considerations for the performance of intra-community services already included in field 1. Obviously, it must also not include the intra-community purchases, even though they may be recorded in the aforesaid registers.

### Liability transactions

**Line CD2, field 1**, indicate the **aggregate amount**, net of VAT, of the domestic and intra-community **purchases** and imports relevant for VAT purposes, included purchases subject to deferred payment, relative to goods and services, resulting from the invoices and bills of entry for imports that have been recorded or which are subject to recording, during the year of reference, in the purchases register in terms of article 25 or in other registers required by the provisions relating to special regimes.

**Line CD2, field 2**, indicate the aggregate amount of the **non-taxable purchases** already included in field 1 of the same line:

- domestic purchases and imports made without paying VAT, using the ceiling in terms of paragraph 2 of article 2 of Law No. 28 of 18 February 1997;
- domestic purchases made without using the ceiling, which are objectively non-taxable. The line **must not include** the non-taxable intra-community transactions, for which only the purchase of goods must be indicated in field 4.

**Line CD2, field 3**, indicate the amount, already included in field 1 of the same line of the **exempt domestic purchases**, the imports not subject to VAT (article 68, excluding letter a), as well as the imports of gold for investment purposes.

This line **must not include** the total of the exempt intra-community purchases (paragraph 1 of article 42 of Decree Law No. 331 of 1993), which must instead be included in field 4.

**Line CD2, field 4**, indicate the aggregate amount of the **intra-community purchases of goods** already included in field 1 of the same line.

Remember that this line must include: the non-taxable intra-community purchases in terms of paragraph 1, article 42 of Decree Law No. 331 of 1993 (including purchases made without payment of VAT, using the ceiling in terms of paragraph 2, article 2 of Law No. 28 of 18 February 1997) and those in terms of article 40, paragraph 2, of the same Decree Law (tri-lateral community transactions with the national trader acting as the transferee-transferor).

This line **must not include** the sum of the purchases of intra-community services, which is already included in field 1 of the same line.

### **Importation without paying VAT on entry into customs**

**Line CD3**, must only include the imports of gold material, semi-finished gold products and the imports of pure silver, and imports of scrap and other recycled material in terms of article 74, paragraphs 7 and 8, already included in line CD2, field 1, in respect of which, under the article 70, paragraphs 5 and 6, the tax is not paid on entry into customs, but is discharged by means of a simultaneous noting of the bill of entry in the registers referred to in articles 23 (or 24) and article 25.

The taxable amount and the tax relative to the imports of **gold** material, semi-processed gold products and imports of **pure silver** are to be highlighted, in **fields 1 and 2** respectively. The taxable amount and the tax relative to the imports of **scrap** and other recycled material in terms of article 74 paragraphs 7 and 8 are to be highlighted in **fields 3 and 4** respectively. In addition to the above, the tax relative to the same transactions must be included in **line CD4** as VAT payable (resulting from the register of invoices issued or the register of considerations) and in **line CD5**, as tax that can be deducted (resulting from the register of purchases).

## **SECTION III - CALCULATION OF OUTPUT OR INPUT VAT**

**NOTE: in this section the amounts must be indicated considering the variations brought about in terms of article 26.**

### **Particular types of operations**

The tax relative to particular types of operations for which the same is due from the assignee on the basis of specific dispositions (e.g. intra-community purchases and article 17, paragraphs 3, 5, 6 and 7) or from persons operating in particular activity sectors for commission paid (e.g. article 74, paragraph 1, letter e) article 74-ter, paragraph 8), must be included as payable VAT (evident from the invoices issued or payments received), in **line CD4** and, as deductible VAT (evident from the purchases register), in **line CD5**.

**Line CD4**, indicate the amount of **VAT payable**, relative to the transactions carried out during the reference period, regarding which transactions tax has become payable, or relative to transactions carried out previously regarding which the tax has become payable during the competent period, which transactions are recorded in the invoice register or register of considerations or that are subject to registration.

To complete this line, taxpayers who adopt special regimes to determine the tax are referred to the instructions on page 8.

**Line CD5**, indicate the amount of the **deductible VAT** relative to the purchases registered, regarding which the right to deduction is exercised during the reference period.

To complete this line, taxpayers who adopt special regimes to determine the tax are referred to the instructions on page 8.

**Line CD6, field 1** indicate the amount of the **output VAT** resulting from the difference between the amounts indicated in lines CD4 and CD5.

**Line CD6, field 2**, indicate the total amount of **input VAT** resulting from the difference between the amounts indicated in lines CD5 and CD4

## **SIGNING THE COMMUNICATION**

The document must be signed legibly in the space provided by: the taxpayer or the legal or contractual agent or by one of the other declarant persons indicated in the "Appointment Codes" Table.

**UNDERTAKING TO SUBMIT ELECTRONICALLY**

This section must be completed and signed by the intermediary who transmits the communication.

The intermediary must state:

- his own tax code;
- if a CAF (Tax Assistance Centre) is involved, enter the CAF (Tax Assistance Centre) roll registration number;
- the date (day, month and year) on which the obligation to transmit the communication was assumed.

In addition, cross the first box if the communication was prepared by the taxpayer. Alternatively cross the second box if the communication was prepared by the sender.