

## INSTRUCTIONS

### for the compilation of VAT74-bis Form

(unless otherwise specified, the following articles refer to  
Presidential Decree no. 633 of 26 October 1972 and subsequent amendments)

#### FOREWORD

This form is reserved for bankruptcy statements or compulsory administrative liquidation. Statements provided for by Art. 8, paragraph 4 of Presidential Decree no. 322 of 22 July 1998, the form must be presented by the receivers or court-appointed liquidators, **within four months of appointment date**, exclusively electronically, directly or through qualified intermediaries as provided for in Art. 3, Paragraphs 2-bis and 3 of Presidential Decree no. 322 of 22 July 1998.

If the above mentioned deadline falls on a Saturday or holiday, the term is extended to the first working day available. A copy of the declaration must be saved by the receiver or court appointed liquidator. Accounting data must refer to transactions during the calendar year preceding the declaration of bankruptcy or compulsory administrative liquidation. In the form, all amounts must be expressed in units of Euro, rounding the amount up if the decimal fraction is greater than or equal to 50 Euro cents or down if less than this limit. For this purpose, the two final zeros after the comma have already been printed on the form in the spaces regarding the amounts.

It is clarified that the insolvency practitioners or the liquidators must also present the annual declaration relative to the entire tax year, made up of two modules: the first, for the operations recorded in the part of the calendar year prior to the bankruptcy or the compulsory winding up, and the second for the operations registered later.

**NOTE** For an explanation of the content of the various rows of this declaration, refer to the clarifications indicated in the Annual VAT Declaration instructions.

#### YEAR

Indicate the tax year during which bankruptcy or compulsory administrative liquidation were declared.

#### COMPETENT OFFICE

Indicate the code of the local competent office, which may be found on the website [www.agenziaentrate.gov.it](http://www.agenziaentrate.gov.it).

#### RETURN TYPE

##### Correction of existing return

If the taxpayer wants to modify, rectify or integrate a return which has already been filed, a new return must be entirely filled out, crossing the box "**Correction of existing return**".

#### TAXPAYER'S DATA

The following data must be included in this box.

#### VAT NUMBER

The VAT number belonging to the taxpayer declaring bankruptcy or compulsory administrative liquidation must be indicated.

#### TELEPHONE NUMBERS AND E-MAIL ADDRESS

Telephone numbers and e-mail address are not mandatory. These fields are to indicate telephone numbers and e-mail address. Free information and up-dates regarding deadlines, services offered and implementations will be sent, free of charge, by the Revenue Agency by specifying phone numbers, fax or e-mail address.

#### NATURAL PERSONS

Municipality (or foreign country) of birth

Enter Municipality of birth. Taxpayers who were born abroad must state the foreign country of birth and omit the entry "province".

#### NON-NATURAL PERSONS

Legal status

**NOTE** The following chart includes all codes related to the statement forms which may be used only according to the specific nature of each form. Therefore, the entity filling out the form shall identify the appropriate code related to the associated legal status.

## MAIN CHART TO IDENTIFY THE LEGAL STATUS

### RESIDENT ENTITIES

1. Companies Partially Limited by Shares
2. Limited Liability Companies
3. Limited Companies
4. Cooperative companies and consortia registered in the National Register of Cooperative companies
5. Other cooperative companies
6. Mutual insurance companies
7. Consortia with legal entity
8. Acknowledged associations
9. Foundations
10. Other entities and institutions recognized as legal entities
11. Consortia with no legal entity
12. Non-acknowledged associations and committees
13. Other organizations of people or assets not recognized as legal entities (not including fellowships)
14. Financial public institutions
15. Non-financial public institutions
16. Health insurances, security and aid funds, pension schemes and similar with or without a legal entity
17. Religious organizations and mutual associations
18. Hospitals
19. Welfare and social assistance entities and institutions
20. Independent care, residence and tourism institutions
21. Regional, provincial, and local companies and their consortia
22. Companies, organizations and entities established abroad not classifiable otherwise, with Head Office and main focus in Italy.
23. Non-commercial companies and similar as per Art.5, Paragraph 3, letter b), of the TUIR
24. Collective partnerships and similar as per Art. 5, Paragraph 3, letter b), of the TUIR
25. Limited partnership
26. Shipping companies
27. Association of artists or professionals
28. Marital partnerships
29. GEIE ( European Groups of Economic Interest)
50. Limited companies, special companies and consortia as mentioned in Arts. 31, 113, 114, 115 and 116 of the Legislative Decree no. 267 of 18 August 2000 (Italian consolidated text of the laws on the structure of local authorities)
51. Co-ownership
52. VAT deposits
53. Non-profit amateur sports clubs established as Limited Companies
54. Trust
55. Public administrations
56. Banking groups
57. European company
58. European cooperative company
59. Companies network
61. VAT Group

### NON-RESIDENT ENTITIES

30. Simple, irregular and de facto companies
31. Collective partnerships
32. Limited partnership
33. Shipping companies
34. Professional associations
35. Companies Partially Limited by Shares
36. Limited Liability Companies
37. Limited Companies
38. Consortia
39. Other entities and institutions
40. Acknowledged, non-acknowledged and de facto associations
41. Foundations
42. Religious organizations and mutual associations
43. Other organizations of people or assets
44. Trust
45. EEIG (European Economic Interest Grouping)

## OFFICIAL RECEIVERS OR COURT-APPOINTED LIQUIDATORS

This section must include information relative to the receiver or court-appointed liquidator (name, appointment date, tax code, appointment code, telephone number and name of the court which issued the order, with case number and date included).

## SIGNATURE OF FORM

The return must be signed by the receiver or court-appointed liquidator.

## UNDERTAKING TO ELECTRONIC SUBMISSION

The form must be completed and signed only by the responsible party that transmits the declaration.

The responsible party must report:

- individual Tax code;
- the date (day, month and year) of the agreement undersigned to transmit the statement. Furthermore, code 1 has to be entered in the space regarding the person submitting the return, if the return is filed by a receiver or court-appointed liquidator and code 2 if the form has been filled out by the person transmitting the return.

## SECTION 1 - INFORMATION REGARDING ACTIVITY

**Line AF1** value of stocks resulting at 31st of December of the year preceding bankruptcy or compulsory administrative liquidation.

**Line AF2** value of stocks resulting at the first day of bankruptcy declaration or compulsory administrative liquidation.

*The following requested information refers to the period from January 1st to the date of the bankruptcy declaration or compulsory administrative liquidation.*

**Line AF3** indicates the amount relative to the operations made against the State and of other subjects under art. 6, fifth paragraph, as well as those made under article 32-b of legislative decree n. 83 of 2012 (VAT cash accounting), for which the VAT becomes payable after the date of bankruptcy or compulsory administrative liquidation.

**Line AF4** enter the total amount of non-taxable transfer of goods intra-community, net of decreasing variations.

Furthermore:

- Payment due for transfers intra-community as mentioned in Art. 41 Law Decree, no. 331 of August 30th 1993 converted by Law no. 427 of October 29th 1993, which includes situations in which the national transferor delivers goods for a EU client in a member State different from the one to which it belongs and/or when the national transferor has the same goods delivered by its own EU suppliers to an assignee of another EU member State, designated to pay the taxes relative to the transaction;
- Payment due for intra-community transfers of agricultural products both included and not included in Table A Section 1 of the Presidential Decree no. 633 1972 attachment, carried out by agricultural producers as part of a special regime as mentioned in Art. 34;
- Payment due for intra-community transfer of goods extracted from a VAT deposit with delivery towards another member State 50-bis, paragraph 4, letter f, Law Decree. No. 331/1993).

**Line AF5** total amount of transfers taking place with San Marino operators.

**Line AF6** total amount of intra-community purchases, net of decreasing variations. Furthermore it must include:

- Payment due for intra-community purchases carried out without paying VAT using plafond, as mentioned in Art. 8, 8-bis and again in Art. 42 paragraph 1 of the Law Decree 331/1993;
- Payment due for objectively non taxable intra-community purchases carried out without using plafond, including those relative to goods destined to be introduced into VAT deposits as mentioned in Art. 50-bis, paragraph 4, letter a, Law Decree no. 331/1993;
- Payment due for intra-community purchases relative to non taxable publications by libraries, universities;
- Payment due for intra-community purchases exempt from tax as mentioned in Art. 10 and again in Art. 42, paragraph 1 Law Decree 331/1993;
- Payment due for intra-community purchases, net of VAT, as mentioned in Art. 19 bis 1 and further regulations, where tax deduction is not permitted.

**Line AF7** total amount of purchases of goods from San Marino.

**Line AF8** OUTPUT VAT resulting from periodic liquidations carried out before the opening of bankruptcy procedures or compulsory administrative liquidation must be entered in the spaces numbered 1 to 12 (corresponding to the twelve months of the year). Taxpayers who made quarterly payments must indicate debit VAT that results from periodic payments in lines 3, 6, 9 and 12. Taxpayers indicated in art. 7 of the Decree of the President of the Republic no. 542 of 1999 must not complete the latter field. Taxpayers who have more than one business with separate accounting as mentioned in art 36, coinciding with the last month of each trimester, have compensated the findings of the monthly liquidation with that of the trimester, in

terms of monthly liquidation, must indicate a sole amount in the indicated fields. If in debt, the amounts is the one corresponding to the algebraic formula of credits and debits emerging from liquidations of singular periods. Enter the amount of the sum eventually owed in space 13.

## SECTION 2 TRANSACTIONS

**Line AF10** the total amount of taxable transactions, transfer of goods and services (field 1) and relative tax (field 2) including those carried out in previous years for which tax has become payable. Sector 1 must include the amount of transactions carried out by applying "reverse charge" and transactions carried out with public administrations and with other subjects present in comma 1 bis art. 17 for whom tax must be paid by the transferee or client in application of what is outlined in Art. 17-ter.

**Line AF11** total non-taxable transactions and those not subject to taxation as mentioned in Art. 7 to 7-septies.

**Line AF12** total of exempt transactions.

**Line AF13** total purchases of goods to be resold or used to supply goods or services (field 1) and relative tax (field 2).

**Line AF14** total of other purchases and imports relevant to VAT (field 1) and total of taxable transactions (field 2).

## SECTION 3 PAYMENT OF TAX

**Line AF20** total VAT relative to taxable transactions as mentioned in Line AF10, Sector 2.

**Line AF21** Total VAT due relative to the following types of transactions for which, according to specific regulations, VAT is owed by the transferee:

- Purchases of assets and services from subjects residing abroad indicated in art 17 paragraph 2 (for both, those who paid VAT by means of self-billed invoices and those who paid by integrating the document issued by the subject residing elsewhere) including assets from Vatican City and the Republic of San Marino brought into the State;
- reimbursement of fees paid for public transportation (Art. 74, paragraph 1, letter e) as mentioned in the decree dated July 30th 2009;
- commissions paid by travel agencies to intermediaries (Art. 74-ter, paragraph 8);
- extraction of goods from VAT deposit as mentioned in Art. 50-bis Law Decree no. 331/1993; (different from those where tax is paid by the manager of the warehouse on behalf of the person proceeding with the extraction)
- internal and intra-community purchases, import of scrap metal, industrial gold, pure silver and gold for investment purposes, taxable following option;
- intra-community purchases of goods
- purchases of services by subcontractors in the construction sector without charging taxes as mentioned in Art. 17, paragraph 6, letter a), (see Circular letter no. 37, 29th December 2006);
- purchases of manufactured goods or partially manufactured goods under art. 17, paragraph 6, letter a-b);
- purchases of cellular telephones, gaming consoles, tablet PCs and laptops, integrated circuits, such as microprocessors and central work units, under art. 17, paragraph 6, letters b) and c), (see circular n.59 of 2010);
- purchases of services including cleaning, demolition, installation of systems and completion relating to buildings, under article 17, paragraph 6, letter a-ter);
- purchases of goods and services of the energy sector, under article 17, paragraph 6, letters d-bis), d-ter) and d-quater);
- Purchases carried out according to Art 17-ter, which related substitute tax participated in the periodic settlements.

**Line AF22** total OUTPUT VAT resulting from the sum of the amounts indicated in lines AF20 and AF21.

**Line AF23** amount of admissible deductible VAT according to limits provided for in Art. 19, 19-bis, 19-bis1 and 19-bis2. Eventual VAT deducted by agricultural producers that have carried out non taxable transfer of agricultural products as mentioned in Art. 8, paragraph 1, Art. 38-quater Art. 72 or intracommunity transfer of agricultural products included in Table A – part 1 must also be included in the line (i.e. theoretical VAT). The amount entered must be calculated applying the flat-rate payments that would be applicable if the said transactions were carried out on National territory.

**Line AF24** VAT can be deducted for occasional transactions within a special regime as provided for by Art. 34 bis regarding agricultural activities.

**Line AF25** total of deductible VAT resulting from the sum of the amounts entered in lines AF23 and AF24.

**Line AF26** tax payable (entered in column 1) determined by the difference between line AF22 and AF25, that is input tax (entered in column 2) resulting from the difference between line AF25 and AF22.

**Line AF27** Infra-annual refunds requested. The amount of the infra-annual refunds requested compliant with Art. 38-bis, paragraph 2, must be entered even if the refunds, regularly requested, have not yet been totally or partially paid.

**Line AF28** The amount entered corresponds to the deductible surplus relative both to the fiscal year prior to bankruptcy or compulsory administrative liquidation and the first three quarters of the year in which bankruptcy procedures were initiated,

used as set-off with the F24 form, until the date of the court sentence either of bankruptcy or compulsory administrative liquidation.

**Line AF29** Total amount of interest due for quarterly payments.

**Line AF30** VAT credit of the tax year prior to bankruptcy or compulsory administrative liquidation for which a refund has not been requested and credit for which a refund was requested in previous years for which the competent Office formally denied the right to the refund but has authorized the taxpayer to use said credit for the year of the opening of insolvency proceedings as periodic payment or annual return (see Presidential Decree 10th November 1997, no. 443 and Circular no. 134/E of May 28th 1998).

**Line AF31** in this line the following must be entered:

- total amount of particular tax credits used during the year of opening of insolvency proceedings, detracted from periodic payments and deposits;
- tax credit utilized during the opening of the year of insolvency proceedings, conceded by savings management companies as mentioned in Art. 8, Law Decree 351 of 2001.

**Line AF32** To complete fields 2 and 3 in this line please see instructions on the corresponding fields relating to line VL30 of the annual VAT tax return model. Field 1 must indicate the greater amount between the amount in field 2 and the one indicated in field 3

**Line AF33** Total of output VAT entered if the sum of the amounts of debts (from AF26 to AF29) is greater than the sum of the amounts in credits (from AF26 to AF32 field 1). The relative sum is derived from the difference between said amounts.

**Line AF34** total of input VAT. Calculate the difference between the sum of the amounts of credits (from AF26 to AF32 field 1) and the sum of the amounts of debts (from AF26 to AF29). If this difference is positive, please write in this line the amount obtained by considering - among all the input VAT amounts – field 3 of line AF32 (periodic paid VAT) in lieu of field 1 of the same line. When calculating input VAT, in fact, only paid amounts should be considered. In case a negative amount results from such calculation, do not fill this Line.