

FORM DST DIGITAL SERVICES TAX

INSTRUCTIONS ON HOW TO FILL OUT THIS FORM

INTRODUCTION

This form must be used to provide the Revenue Agency with the data on the Digital Services Tax (DST), introduced by Art. 1, paragraphs 35 to 50, of Italian Law no. 145 of 30 December 2018 and as amended by Art. 1, para. 678 of Law no. 160 of 27 December 2019.

ATTENTION *unless otherwise specified, the paragraphs referred to are those of Art. 1 of Italian Law no. 145 of 30 December 2018 and subsequent amendments*

Taxable persons are required to pay their taxes by February 16 of the calendar year following that of this return. They are also required to file an annual tax return with the amount of the taxable services provided. In case of designation, the designated group company shall fulfil the aforementioned requirements for each designating company (paragraph 42).

Persons required to file a tax return

Taxable persons must file for taxes.

Non-residents file for taxes:

- through a **permanent establishment** inside the country of Italy;
- directly, if in possession of a tax code issued by the Italian tax authorities;
- directly, upon requesting the tax code, if they do not have one;
- through a specifically appointed tax representative.

Terms and procedures of filing

The tax return must be filed electronically with the Revenue Agency, using this form, by 31 March of each year.

As regards the procedures for enabling direct electronic filing and filing through authorized intermediaries, please refer to the relevant instructions provided in the VAT return form.

ATTENTION *when first filing, the tax due for operations taxable in the year 2020 is paid by March 16, 2021 and the relative tax return form is to be filed by 30 April 2021 (Art. 2 of Italian Legislative Decree no. 3 of 2021).*

NOTIFICATION OF ELECTRONIC FILING RECEIPT

The Revenue Agency shall confirm to the user through the same communication channel that the electronic return form has been filed.

This Agency notification may be viewed in the "Receipts" part of the Revenue Agency website reserved for registered online users. This same notification of receipt can be requested without time limits (by both the taxpayer and the intermediary) from any Revenue Agency office.

You can file your electronic tax return by using the "Digital Services Tax" IT product made available by the Revenue Agency free of charge on the website www.agenziaentrate.gov.it in the part "Tools > Models > Return forms".

Where to find the form

The form with relative instructions are available electronically and can be downloaded from the website www.agenziaentrate.gov.it or from other approved sites in compliance with form and data sequence conformity. The form can be printed in black and white.

Filling out the form

All amounts to be indicated in your return must be expressed in Euro and rounded to the nearest unit, where, for example, amounts of 55.50 and over are rounded to 56 whilst 55.49 and under are rounded to 55, according to mathematical criteria.

TITLE PAGE

Tax Code

The tax code of the taxable person must be indicated in this field.

If the form is submitted by a tax representative, the tax code of a non-resident representative must be indicated in this field.

Group company appointed

In the **"Tax code" field** must be indicated the tax code of the group company specifically appointed pursuant to the last sentence of paragraph 42 (designated company) in the event that said company is filing the return on behalf of the taxable person. If the taxable person indicated in the previous part is the designated company, this field must be left empty.

Please tick the **"Designated company" box** if the filing company, belonging to a group, has been designated by the companies belonging to said group to fulfil the filing requirements and pay the tax.

Type of tax return form

– *Corrective tax return form*

Please tick this box in case you are filing a corrective tax return form.

Please note that, by the tax return filing deadline, you can correct or add to a tax return already filed, by making sure to fill out a new form (so-called corrective tax return form) complete in all its parts.

– *Supplementary tax return form*

Please tick this box in the case you are adding supplementary information to your original tax return form.

You must have validly filed the original tax return form to file this supplementary information form. A return filed within 90 days from the deadline is also considered valid.

In this case, penalties are applied (Art. 13, paragraph 1, letter c), of Italian Legislative Decree no. 472/1997).

The supplementary return form can be filed by filling out a new form completely in all its parts, after the deadline for filing the return to be amended or supplemented (that is, when it is no longer possible to file a corrective tax return form by the deadline).

The supplementary return form can be filed by 31 December of the fifth year following the one in which the regular return was filed, to correct errors or omissions, including those that have led to the indication of a higher or lower taxable amount or, in any case, a greater or lesser tax debt or a greater or lesser credit, without prejudice to the application of penalties and Art. 13 of Italian Legislative Decree no. 472 of 1997.

Reference year

Indicate the calendar year to which the return refers.

Non-residents

In the case of a person not resident in Italy, the **"Foreign Country Code"** field must be filled in. The "Foreign Country Code" can be identified in the list of foreign countries shown in the Appendix to the instructions for INCOME tax return forms, published in the "Tools > Forms > Tax Return Forms" part of the website www.agenziaentrate.it.

Data regarding a representative signing the tax return

This part must be filled in only if the person signing the return is other than the taxable person. In this case, it is necessary to indicate the tax code of the natural person who signs the return (if he is in possession of it) and the corresponding **"Office Code"**. The personal and residence data must be filled in exclusively by those residing abroad who lack a tax code issued by the Italian Financial Administration.

The **"Office Code"** can be identified in the table found in the instructions for filling out INCOME return forms, published in the "Tools > Forms > Tax Return Forms" part of the website www.agenziaentrate.it

If the tax return is filed by a company on behalf of a taxable person or a designated company, the **"Company Tax Code"** field must also be filled in and the **"Office Code"** must be indicated corresponding to the relationship between the company filing the return and the taxable person or designated company (e.g. a parent company filing the return for a subsidiary shall indicate Office Code "9", a company filing as the business representative of a taxable person shall indicate Office Code "1").

If the one filing the return is a **tax representative**, their data must be indicated as well as Office Code "6". If the tax representative is other than a natural person, the data of the natural person signing the return must be provided, whilst also indicating the tax code of the tax representative in the **"Company Tax Code"** field.

Contact details

The telephone numbers and email addresses of the taxable person (or representative) may be indicated for any requests by the Revenue Agency for clarification on the data shown in the return.

Signing you return

It is necessary to keep your return duly signed and drawn up on a form conforming to the one approved.

Receipt of electronic notice

If, upon checking your return (Art. 54-bis of Italian Presidential Decree no. 633/1972), there emerges a tax to be paid or a lower refund, the Tax Authority will invite the taxpayer to provide the necessary clarifications (Art. 2-bis of Italian Legislative Decree No. 203/2005), through the postal service or by electronic means.

The tax filer can ask the Revenue Agency to send any invitations to provide clarifications to the intermediary in charge of the electronic filing of their return (electronic notice).

If the electronic notice is not chosen, the request for clarification (notification of irregularities) will be sent by registered letter.

Choosing to have the notice delivered to the intermediary allows a qualified professional to verify the results of the checks carried out on your return. It is possible to exercise this right by ticking the **box "Send electronic notice to intermediary"** found in the "SIGNATURE" part.

The intermediary, in turn, agrees to receive the electronic notice by ticking the **box "Receive electronic notice"** found in the "COMMITTING TO ONLINE FILING" part.

Committing to online filing

The tax code of the appointee (intermediaries and group companies) must be indicated together with the date of committing to online filing and the signature of the appointee.

PART DT

Determining the tax amount

In part DT, you must indicate the data pertaining to the operations for which taxes are due in the calendar year to which this return refers.

As for operations whose purpose is to determine the revenues derived from the provision of services referred to in paragraph 37, letter a), you must indicate the following in line **DT1**:

- in **column 1**, all the revenues derived from said digital services wherever carried out by the individual taxable person;
- in **column 2**, the representative percentage of the part of these services connected to the territory of the State;
- in **column 3**, the total of taxable revenues, equal to the product of adding column 1 and column 2.

As for operations whose purpose is to determine the revenues derived from the provision of services referred to in paragraph 37, letter b), you must indicate the following in line **DT2**:

- in **column 1**, all the revenues derived from said digital services wherever carried out by the individual taxable person;
- in **column 2**, the representative percentage of the part of these services connected to the territory of the State;
- in **column 3**, the total of taxable revenues, equal to the product of adding column 1 and column 2.

As for operations whose purpose is to determine the revenues derived from the provision of services referred to in paragraph 37, letter c), you must indicate the following in line **DT3**:

- in **column 1**, all the revenues derived from said digital services wherever carried out by the individual taxable person;
- in **column 2**, the representative percentage of the part of these services connected to the territory of the State;
- in **column 3**, the total of taxable revenues, equal to the product of adding column 1 and column 2.

In **line DT4**, you must indicate the following:

- in **column 1**, the total tax due for the reference year, determined by applying the rate of 3 percent to the sum of the amounts indicated in columns 3 of lines DT1 to DT3;
- in **column 2**, the amount of the credit resulting from the return of the previous year (column 7 "Credit to be carried forward" of the previous return);
- in **column 3**, the tax payable, equal to the difference between the amounts in column 1 and column 2 (if positive);
- in **column 4**, the tax credit, equal to the difference between the amounts in column 1 and column 2 (if negative); the amount must be indicated without being preceded by the sign "-";
- in **column 5**, any excess balance payment, i.e., amount paid exceeding the balance due for this return.

The sum of the amounts in columns 4 and 5 must be divided between columns 6 and 7. Specifically, indicate the following:

- in **column 6**, the amount of reimbursement requested;
- in **column 7**, the credit to be deducted from next year's payment.

Cross **column 8** in case the tax is paid (or intended to), in whole or in part, by means of transfer in "EURO".

IBAN communication

To communicate the IBAN code, which identifies a bank or postal current account, to be used for crediting the refund, it is necessary to follow the procedures described on the website of the Revenue Agency www.agenziaentrate.it in the part "Tools > Forms > Forms for applications/requests > Refunds > Accreditation of refunds on checking account" or in the part "Online services > Services with registration > Web refunds".

PART DG

Designating companies

In this part, the designated company shall indicate the tax code of the individual designating companies, taking care to cross the box "Designated company" in the part "Appointed group company" of the title page. If the designating companies are non-resident, the "Foreign Country Code" field must also be filled in.