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News in the area of tax law

Ladies and Gentlemen

With this newsletter we would like to inform you about the following news:

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1. Secondments Are Now Subject to Taxation

The regulation from 1988, which allowed secondments to be invoiced without value-added tax (VAT), was abolished as of January 1, 2025.

In Circular No. 5/E dated May 16, 2025, the Italian Revenue Agency emphasizes the labor law requirements for a secondment. It is necessary that the sending company has its own interest in the secondment — in the case of corporate groups, this interest can also exist if the secondment supports the economic success of a subsidiary. For secondments between companies, the personal requirement is always considered fulfilled. In the case of associations and other non-commercial entities, a distinction must be made: if the secondment occurs within the framework of a business activity, it is considered taxable; if it takes place as part of the institution's core (non-commercial) activity, it is generally considered non-taxable.

2. Electronic Invoicing: Corrections Possible After the Deadline

As of April 1, 2025, a new reporting code "TD29" has been introduced. This report is used to notify the Italian Revenue Agency of cases where suppliers or service providers have failed to issue an invoice or issued one incorrectly. The notification must be submitted within 90 days from the supplier's infringement (not from the date of service). If the report is submitted late but still within 102 days from the date of service, no penalty procedure will be initiated.

The 90-day period begins from the legal obligation to issue the invoice — either within 12 days of the service or by the 15th of the following month in cases of invoices issued later. If this period has expired, the client can still report the issue using the "Ravvedimento operoso" procedure, but will be subject to a graduated fine, depending on how late the report is submitted.

3. Digital Domicile of Directors – Current Status

For companies already in existence as of January 1, 2025, there is no obligation to report the directors' PEC address to the Business Register by June 30, 2025. This requirement will only apply when changes occur concerning the directors (e.g., appointment, confirmation, or changes to powers). Early reporting is optional but not mandatory.

It remains unclear whether a personal PEC address of the director is mandatory or whether the company's PEC address may suffice. Unioncamere considers the company's PEC acceptable for now, while the MIMIT insists on a personal address. From a legal standpoint, the individual PEC address is preferable, and a single address is sufficient for directors holding positions in multiple companies.

For non-resident directors, appropriate technical solutions must be implemented to ensure secure access, management, and monitoring of the PEC inbox.

Authorities are currently discussing a postponement of the implementation deadline until December 31, 2025, which seems to be gaining consensus.

4. Company holidays

Our office will be closed from 11 August up to and including 29 August 2025. Of course, you can still send us any requests, documents and information by e-mail during this time and we will take care of them immediately from 1 September.

Please do not hesitate to contact us for further information.

Yours sincerely

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