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To whom it may concern

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Reggio Emilia, April 30, 2024

MEMORANDUM N. 25/2024

Insight

Subject: Offsetting 4.0 investment and R&D tax credits

1 PREMISE

Article 6 of DL 29.3.2024 No. 39 introduced the need to make certain notifications in order to use tax credits for 4.0 investments and research and development as offsets.

While waiting for the planned implementing provisions from the Ministry of Enterprise and Made in Italy, the Internal Revenue Service had suspended the possibility of using these tax credits for offsetting by Res. 12.4.2024 No. 19.

With FAQ 16.4.2024, the Revenue Agency then provided further guidance in this regard.

Approval of the communication templates

With Ministerial Decree 24.4.2024, the communication templates were approved, defining their content and submission method.

This makes it possible to resume the offsetting of tax credits that had been suspended.

2 BENEFITS INVOLVED

The new reporting requirements concern:

- tax credits for investments in capital goods 4.0 referred to in Art. 1 co. 1057-bis - 1058-ter of L. 178/2020;
- tax credits for investments in research and development, technological innovation and design and aesthetic ideation activities referred to in Art. 1 co. 200, 201 and 202 of L. 160/2019, including technological innovation activities aimed at achieving digital innovation 4.0 and ecological transition objectives referred to in co. 203, fourth sentence, 203-quinquies and 203-sexies of the aforementioned Art. 1 of L. 160/2019.

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Mode of usage

As for the modalities of use of these facilities, in summary:

- the tax credit for investment in capital goods can be used for offsetting on the F24 form in three equal annual installments starting, for “4.0” goods, from the year of interconnection;
- the research and development tax credit can be used for offsetting through the F24 form in three annual instalments of equal amount, starting from the tax period following the one in which it accrues and subject to the fulfillment of the required certification obligations.

3 COMMUNICATIONS TO BE SUBMITTED

In order to take advantage of the above-mentioned facilities, enterprises are required to communicate in advance electronically:

- the total amount of the investments they intend to make from 30.3.2024 (date of entry into force of DL 39/2024);
- the fruition over the years of the facilitation.

The communication must also be updated upon completion of such investments.

The telematic communication of completion of investments must also be made, by express provision, for investments made from 1.1.2024 to 29.3.2024 (the day before the effective date of DL 39/2024).

Investments 2023

With regard only to the bonus investment in tangible and intangible assets 4.0 (and therefore not to the research and development tax credit), in relation to investments related to 2023, the use in compensation of credits accrued but not yet used is subject to communication.

In this case, the form must be submitted only after the investments have been completed.

4 APPROVED COMMUNICATION TEMPLATES

With Ministerial Decree 24.4.2024, as anticipated, the communication templates were approved.

Specifically, two different templates were approved for the communication of data and other information for the application of tax credits concerning:

- investments in new capital goods functional to the technological and digital transformation of enterprises (Annex 1 to Ministerial Decree 24.4.2024);
- investments in research and development, technological innovation, design and aesthetic conception (Annex 2 to Ministerial Decree 24.4.2024).

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5 HOW TO COMPLETE AND SUBMIT THE COMMUNICATION TEMPLATES

The templates are available in editable format on the GSE website, as of 12:00 noon on 4/29/2024.

Each communication must be sent individually by PEC to the e-mail address transizione4@pec.gse.it.

The pdf *file* must under no circumstances be printed and signed with a holographic signature: the pdfs to be attached to the PEC must therefore not be saved as images or originated by scanning pages, but only by saving the duly completed pdf file (GSE statement 29.4.2024).

6 TEMPORARY SUSPENSION OF USE IN OFFSETTING IN THE F24 FORM

Pending the adoption of the planned decree of the Ministry of Enterprise and *Made in Italy*, by Res. 12.4.2024 No. 19, the Revenue Agency had suspended the use in compensation through the F24 model of tax credits for investments in capital goods 4.0 and for research and development.

Tax credits investment in assets 4.0

For tax credits related to investment 4.0, the use of offsetting through the F24 form for the tax codes “6936” (tangible assets 4.0) and “6937” (intangible assets 4.0) had been suspended, when in correspondence of the same was indicated as “reference year” 2023 or 2024.

In relation to tax credits concerning investments up to 2022 (Art. 1 co. 1056 and 1057 of Law 178/2020, which are excluded from the new reporting requirements), the Internal Revenue Service clarified that if the interconnection of the capital asset took place in the years 2023 or 2024, it is possible to use the relevant credit in compensation through the F24 form by indicating:

- the tax code “6936”;
- as the “reference year,” the year in which the investment began (regardless of the year in which it ended or the year of interconnection of the capital asset).

For example, for a credit accrued under Art. 1 co. 1057 of L. 178/2020 for an investment started in 2022 and ended in 2023, the F24 form should indicate the reference year 2022.

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Research and development tax credits

Regarding research and development tax credits, the tax codes had been suspended when 2024 was indicated as the “reference year” in correspondence to them.

The suspension specifically concerned the following tax codes:

- “6938,” relating to the tax credit investment in research and development, ecological transition, technological in–novation 4.0 and other innovative activities (Art. 1 co. 198 ff. of L. 160/2019);
- “6939”, concerning the increased R&D investment tax credit for the Mezzogiorno (Art. 244 co. 1 of DL 34/2020);



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- “6940”, regarding the incremental R&D investment tax credit for investments in the regions of the earthquake in central Italy (art. 244 co. 1 of DL 34/2020).

The firm remains available for any clarifications.

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