

“Cura Italia” law decree: further novelties upon conversion into law



Focus on...

Law Decree n. 18/2020 on measures to strengthen the National Health Service and provide economic support for families, workers and businesses – with reference to the COVID-19 pandemic emergency – was turned into law (Law n. 27 of 24 April 2020). Among the novelties, we highlight:

Suspension of “first home” (primary residence) loans/mortgages

The “Cura Italia” Decree provided for the admission to the benefits of the “first home”(primary residence) mortgage solidarity Fund, the so-called “Gasparri Fund”, also for self-employed workers and freelancers who have suffered a reduction in turnover as a result of the pandemic emergency.

The conversion law extended the possibility of suspending the payment of instalments for loans/mortgages up to 400,000 euros (the previous threshold was 250,000 euros), as well as for loans/mortgages granted through the Guarantee Fund for the purchase of primary residence loans, managed by CONSAP spa.

Suspension of enforcement procedures on a person’s primary residence

The conversion law, under art. 54ter, introduces a suspension, throughout the national territory, for any enforcement procedure for property forfeiture - referred to in Article 555 of the Italian Code of Civil Procedure - which concerns the debtor’s primary residence.

Suspension of payments

Article 61 - concerning the suspension of payments of withholding taxes, social security and welfare contributions and premiums for compulsory insurance - has been fully rewritten in order to include the provisions of Article 8 of Legislative Decree no. 9/2020 concerning the suspension of certain tax payments in favour of tourist accommodation businesses, travel and tourism agencies and tour operators.

The new version extends the provisions on the suspension of tax and social security payments also to “bookshop operators who are not included in publishing groups directly managed by them”.

The subsequent art. 62 extends the suspension of VAT payments due in the period between 8 March and 31 March 2020 (originally intended for the Provinces of Bergamo, Cremona, Lodi and Piacenza) to the Province of Brescia too.



Tax credit for shops and stores

The conversion into law specified, with the new paragraph 2-bis of Article 65, that the tax credit determined on rents for the month of March does not contribute to income calculation for the purposes of income taxes (IRPEF/IRES) and IRAP. Additionally, does not affect the deductibility ratio of interest expenses and of the other negative items referred to in Articles 61 and 109, paragraph 5, of the T.U.I.R. (Italian Income Taxes Consolidated Text).

Donations

The Decree has extended to religious entities, recognized under Civil Law, the favourable provisions on the deduction and relief of donations aimed at financing measures to contain and manage the COVID-19 pandemic emergency.

Control activities: extension of statute of limitations and forfeiture periods

The conversion Law – by repealing the reference to Article 12, paragraph 2, of Legislative Decree no. 159/2015 – precludes the two-year extension of the statute of limitations and forfeiture periods with regard to the activities of the Inland Revenue Offices and of the Tax Authorities.



Our professionals would be pleased to provide you with any further information you may need.

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