

Global VAT Newsletter

Italy: new regulations on e-invoicing for cross border transactions applicable as of 1 July 2022

The 2021 Italian Budget Law had originally introduced new regulations on e-invoicing for cross border transactions that should have become effective as of 1 January 2022.

However, the entry into force of such new measures has been postponed to 1 July 2022, following a specific amendment approved on 14 December 2021 by the Italian Parliament, during the conversion into law of Law Decree No. 146/2021. The conversion law has not yet been published in the Italian Official Gazette; however, no further amendments are expected on this point.

From 1 July 2022, data related to cross border transactions (sales and purchases) must be transmitted to Italian Tax Authorities only through the Interchange System (SDI), using the XML format of e-invoicing:

- no later than the time invoices are issued, for supply of goods and services towards foreign parties;
- no later than the fifteenth day of the month following that in which the document certifying the transaction is received, or the chargeable event occurs, for purchases from foreign parties.

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CHARTERED ACCOUNTANTS

For exports and imports, transmission of data will not be mandatory as long as the transactions are traced by custom declarations. Furthermore, the new measures should not be applicable to non-resident identified in Italy for VAT purposes, directly or through a tax representative.

In case data are not transmitted or incorrectly transmitted to SDI, there will be a penalty of Euro 2,00 for each invoice with a maximum of Euro 400,00 per month. However, the penalties can be reduced to half, with a maximum of Euro 200,00 per month, if the transmission or the correction is made no later than the fifteenth day of the month following the deadline.

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This new measure will not introduce the obligation of e-invoicing with foreign clients and suppliers, as Italy was authorized to use e-invoicing only among taxable persons established in Italy. Basically, it will just be a different way to communicate data related to cross border transactions to Italian Tax Authorities.

Indeed, until 30 June 2022 old measures remains in place and data related to cross border transactions shall be communicated to Italian Tax Authorities with a specific electronic communication called “Esterometro”, through which data are transmitted on a massive way and on a quarterly basis.

However, until 30 June 2022, the submission of Esterometro remains optional as long as data are transmitted to SDI through XML format of e-invoicing for sales towards foreign parties or by issuing an electronic self-invoice (for purchases of goods and/or services from non-EU subjects) or by using the electronic integration procedure of invoices received (for purchases of goods and/or services from subjects established in another EU Member State).

Until 30 June 2022, Esterometro must be filed:

- within 1 January 2022, for cross border transactions carried out during the last quarter 2021;
- within 2 May 2022, for cross border transactions carried out during the first quarter 2022;
- within 22 August 2022, for cross border transactions carried out during the second quarter 2022.



E-INVOICE

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