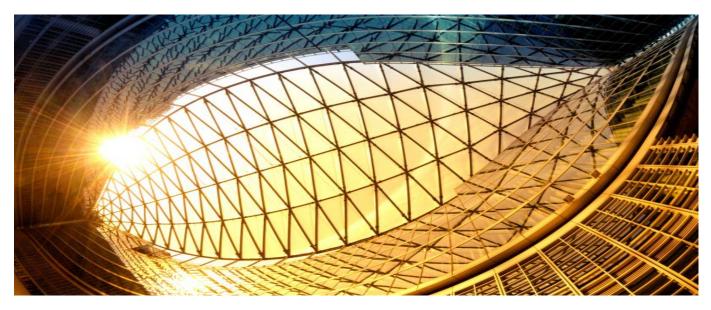


5 August 2015

# European Bill 2014 (Law 115/15) – New Italian VAT measures



#### Offices

#### Milar

Via Vittor Pisani 27, 20124 T: +39 02 676441 - F: +39 02 67644758

#### Ancona

Via I° Maggio 150/a, 60131 T: +39 071 2916378 - F: +39 071 2916221

#### Bologna

Via Andrea Costa 160, 40134 T: +39 051 4392711 - F: +39 051 4392799

#### Florence

Viale Niccolò Machiavelli 29, 50125 T: +39 055 261961 - F: +39 055 2619666

#### Genoa

P.zza della Vittoria 15/12, 16121 T: +39 010 5702225 - F: +39 010 584670

#### Naples

Via F. Caracciolo 17, 80122 T: +39 081 662617 - F: +39 081 2488373

#### Padua

Piazza Salvemini 2, 35131 T: +39 049 8239611 - F: +39 049 8239666

#### Perugia

Via Campo di Marte 19, 06124 T: +39 075 5734518 - F: +39 075 5723783

#### Pescara

P.zza Duca D'Aosta 34, 65121 T: +39 085 4210479 - F: +39 085 4220295

#### Rome

Piazza delle Muse 8, 00197 T: +39 06 809631 - F: +39 06 8077459

#### Turin

C.so Vittorio Emanuele II 48, 10123 T: +39 011 883166 - F: +39 011 8395865

### Veron

Via Leone Pancaldo 68, 37138 T: +39 045 8114111 - F: +39 045 8114390 On 3 August 2015, the European Bill 2014 (Law n. 115 of 29 July 2015) was published in the Italian Official Gazette and will enter into force as of <u>18 August 2015</u>.

The Law, following the decision of the European Court of Justice in the *Dresser-Rand case* (C-606/12 and C-607/12 of 6 March 2014), introduces important changes to the Italian "inward processing relief" (IPR) for intra-EU transactions, to align the Italian provisions (Art. 38 and 41 of Law Decree no. 331/93) to Art. 17(2)(f) of Directive 2006/112, and to close the infraction proceeding 6286/14 that the European Commission had started against Italy.

## New rules for Italian "inward processing relief" (IPR) in intra-EU transactions

The "old" Italian "IPR" rules provided that:

- the movement of own goods from another Member State (MS) to Italy was disregarded (i.e. it was not considered as a deemed intra-EU acquisition) if the goods, after being valued or worked upon in Italy, were dispatched or transported to another MS or outside the EU;
- the movement of own goods from Italy to another MS was disregarded (i.e.
  it was not considered as a deemed intra-EU supply) if the goods were
  destined to be valued or worked upon in said MS (the "old" rules made no
  reference to the destination of the valued/worked upon goods).

The "new" Italian "IPR" rules provide that:

the movement of own goods from another Member State (MS) to Italy will
be disregarded only if the goods, after being valued or worked upon in Italy,
are returned to the taxable person in the MS from which they were initially
dispatched or transported;

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 the movement of own goods from Italy to another MS will be disregarded only if the goods, after being valued or worked upon in said MS, are returned to the same taxable person in Italy.

## Practical consequences of these law changes

Non-Italian taxable persons that move own goods from other MS to Italy for valuations, processing or other works, <u>are liable to register for Italian VAT purposes</u> to account for Italian VAT on the deemed intra-EU acquisition (and to fulfill all the related compliance obligations) <u>unless</u> the valued or worked-upon goods will be returned to that taxable persons in the MS from which they were initially dispatched or transported.

## **Contact us**

Studio Associato - Consulenza legale e tributaria

## **Eugenio Graziani**

KPMG, Tax & Legal **T**: +39 045 811 4111 **E**: <u>egraziani@kpmg.it</u>

#### **Davide Morabito**

KPMG, Tax & Legal **T**: +39 045 811 4111 **E**: dmorabito@kpmg.it

# kpmg.com/it

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