

TRANSFER OF VAT CREDIT TO THE CONSOLIDATING COMPANY: TWO “VISTI DI CONFORMITÀ” REQUIRED

Italian Revenue Agency ruling No. 190/2024

- ✓ With the ruling in comment, the Italian Revenue Agency (IRA) provides clarifications regarding the methods through which the consolidating company can use the VAT credit surpluses transferred by the consolidated companies in “horizontal compensation” with the group CIT due by the former.
- ✓ In particular, the applicant asked whether the so-called “visto di conformità” should be applicated to the VAT declaration of the consolidated company from which the credit surplus originated and to the so-called CNM form or also to the income tax return of the consolidated company (where the transferred VAT credit is reported). Furthermore, it was also asked whether the deadline of the tenth day following the date of submission of the declaration, starting from which it is possible to proceed with the compensation of the VAT credit, runs from the date of submission of the VAT declaration of the consolidated company or from the date of submission of the CNM form.
- ✓ With reference to the first question, the IRA specifies that the limit for compensations, currently equal to 2 million euros, must be calculated also taking into consideration the credits possibly already directly offset by the consolidated company. Moreover, also recalling the circular letter No. 28/E of 25.09.2014, it states that the visto di conformità must be applicated both on the annual VAT declaration of the consolidated/transferring companies from which the transferred VAT credit surpluses emerge, and on the CNM form prepared by the consolidating company and intended to use said credits as compensation. The visto di conformità is not required for the so-called Redditi form of consolidated companies since the related GN table has a “summary/expository purpose”.
- ✓ With reference to the second question, the IRA states that the ten-day deadline runs from the date of submission of the annual VAT declaration of the consolidated company where the VAT credit surplus accrues and that such surplus may be used as compensation by the consolidating company even if the CNM form has not yet been submitted.