

MONITORING AND CONTROL OF STATE AIDS IN THE COVID-19 OUTBREAK - D.M. 11 DECEMBER 2021 OF THE MINISTRY OF THE ECONOMY AND FINANCE

NEWSLETTER NO. 04/2022



Ministerial Decree dated 11 December 2021 of the Ministry of the Economy and Finance was published in Official Journal no. 15 of 20/01/2022. It defines the procedures to monitor and control state aids granted based on the Communication from the European Commission of 19 March 2020 C(2020) 1863 final “Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak”, implementing article 1, para. 13-17, of D.L. no. 41/2021 (Support Decree).

The following paragraphs recap the contents of the Decree.

24 JANUARY 2022

ART. 1 – SUBJECT MATTER

State aids that are under monitoring and control are listed below:

- Articles 24 (exemption from the IRAP 2019 balance), 25 (non-refundable grant), 120 (tax credit for the adaptation of work environments), 129-bis (provisions on direct taxes and excise duties in the municipality of Campione d'Italia), and 177 (exemption from IMU for the tourism industry) in DL no. 34 of 19 May 2020, converted with amendments by Law no. 77 of 17 July 2020;
- Article 28 of DL no. 34 of 19 May 2020, converted with amendments by Law no. 77 of 17 July 2020 (tax credit for lease of real estate, other than residential property, and lease of business);
- Article 78, para. 1, of DL no. 104 of 14 August 2020, converted with amendments by Law no. 126 of 13 October 2020 (exemption from IMU for the tourism and entertainment industries);
- Article 78, para. 1, of DL no. 104 of 14 August 2020, converted with amendments by Law no. 126 of 13 October 2020, for the local property tax (IMU) payable for 2021 only;
- Articles 1, 1-bis, 1-ter (non-refundable grant for VAT taxpayers operating in economic industries affected by new restrictions), 8, 8-bis (tax credits for lease of real estate, other than residential property, and lease of business), 9 and 9-bis (cancellation of the second IMU payment) of DL no. 137 of 28 October 2020, converted with amendments by Law no. 179 of 18 December 2020;
- Article 2 of DL no. 172 of 18 December 2020, converted with amendments by Law no. 6 of 29 January 2021 (non-refundable grant for the restaurant services business);
- Article 1, para. 599 (exemption from the first IMU payment for 2021) and 602 (extension of the tax credit for lease of real estate, other than residential property, and lease of business), of law no. 178 of 30 December 2020;
- Article 1, paras. 1-9 (Non-refundable grant for economic players and extension of precompiled VAT return), and article 6, paras. 5 and 6 (reduction of charges of electric power bills and the special rate for the State TV license fee for accommodation facilities), of DL no. 41 of 22 March 2021, converted with amendments by Law no. 69 of 21 May 2021;
- Articles 1-ter (non-refundable grant for startups), 5 (tax benefits connected to the Covid-19 outbreak) and 6-sexies (exemption from the payment first IMU payment for 2021) of DL no. 41 of 22 March 2021, converted with amendments by Law no. 68 of 21 May 2021;
- Articles 1 (non-refundable grant) and 4 (expansion and extension of the tax credit for lease of real estate, other than residential property, and lease of business) of DL no. 73 of 25 May 2021, converted with amendments by Law no. 106 of 23 July 2021.



ART. 2 – PROCEDURE TO APPLY THE LIMITS OF SECTIONS 3.1 AND 3.12 OF THE COMMUNICATION FROM THE EUROPEAN COMMISSION OF 19 MARCH 2020

Article 2 outlines the thresholds of admitted state aids, referred to above, establishing that:

a) The following maximum amounts apply to aids in article 1 of the decree, used in compliance with the conditions and limits in Sections 3.1 of the Temporary Framework (para. 1):

- €800.000 per single undertaking, or €120.000 for undertakings operating in fishing and aquaculture and €100.000 for undertaking operating in the primary production of farm products, for aids received from 19 March 2020 to 27 January 2021;
- €1.800.000 per single undertaking, or €270.000 for undertakings operating in fishing and aquaculture and €225.000 for undertakings operating in the primary production of farm products, for aids received from 28 January 2021 to 31 December 2021;

b) The following maximum amounts apply to aids in article 1 of the decree, used in compliance with the conditions and limits in Sections 3.12 of the Temporary Framework, and, specifically, the ones in paragraph 87 of the Communication from the European Commission of 19 March 2020 C(2020) 1863 final:

- €3.000.000 per single undertaking for aids received from 13 October 2020 to 27 January 2021;
- €10.000.000 per single undertaking for aids received from 28 January 2021 to 31 December 2021.
- To determine thresholds, the relevant date is the date when the aid was made available to the beneficiary



ART. 3 – SELF-CERTIFICATION FOR AIDS SECTIONS 3.1 AND 3.12 OF THE COMMUNICATION FROM THE EUROPEAN COMMISSION OF 19 MARCH 2020

Beneficiaries are required to submit to the Revenue Agency an affidavit whereby they certify that the total amount of state aids that they benefitted from does not exceed the highest possible amount, in consideration of relevant control relations between undertakings in the definition of “single undertaking” used in the framework of State aids. Moreover, for the purposes of the application of Section 3.12, economic players are required to deliver a self-certification stating that they meet the conditions expressly set out in such Section: the beneficiary is required to declare that in the period of reference of each individual aid (or an admissible period of at least one month) the aggregate amount of sales and cash register receipts was at least 30% lower than the same period in 2019 and that the amount of requested aid does not exceed 70% (90% in the event of small and micro- undertakings) of uncovered fixed costs incurred in the period of reference referred to above.

ART. 4 – FINAL PROVISIONS

Article 4 regulates the cases where highest possible amounts in Sections 3.1 and 3.12 of the Temporary Framework are exceeded and the procedures to return any amounts in excess of the maximum amount in Art. 2 or for its recovery.



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We invite you to speak with your contact professional within the Firm for any further explanation