

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

VAT 74-bis FORM
DECLARATION OF OPERATIONS CARRIED OUT IN THE FRACTION OF THE YEAR PRECEDING THE DECLARATION OF BANKRUPTCY OR FORCED ADMINISTRATIVE LIQUIDATION

	YEAR	COMPETENT OFFICE	RETURN TYPE
			Correction of existing return <input type="checkbox"/>
TAXPAYER'S DATA	VAT REGISTRATION		
	Email address	TELEPHONE OR MOBILE PHONE dialling code number	FAX dialling code number
Individuals	Surname	Name	Sex (cross the relative box) M <input type="checkbox"/> F <input type="checkbox"/>
	Date of birth day month year	Town (or foreign Country) of birth	Province (initial)
	Name or company name		
Taxpayers different from individuals	Tax code	Appointment code	Date of nomination day month year
	Surname	Name	Sex (cross the relative box) M <input type="checkbox"/> F <input type="checkbox"/>
OFFICIAL RECEIVER OR COURT-APPOINTED LIQUIDATOR	Date of birth day month year	Town (or foreign Country) of birth	Province (initial)
	Email address	Telephone or mobil phone dialling code number	
	Bankruptcy or forced administrative liquidation order		
	Court of	no.	Date day month year
SIGNATURE OF THE RETURN	Signature		
UNDERTAKING TO ELECTRONIC SUBMISSION	Tax code of the intermediary	C.A.F. registration no.	
	Undertaking to submit electronically the return <input type="checkbox"/>		
Reserved for intermediary	Date of the undertaking day month year	SIGNATURE OF INTERMEDIARY	

Revenue Agency



TAX CODE

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**PART AF
DATA RELATING TO THE ACTIVITY
ACTIVE AND PASSIVE OPERATIONS
PAYMENT OF TAX**

PART AF Sez. 1 - Data relating to the activity	AF1 Final stocks at December 31 of previous year					,00
	AF2 Stocks at date of bankruptcy					,00
	AF3 Operations carried out up to date of bankruptcy but with tax payable subsequently					,00
	AF4 Intra-community transfers of goods					,00
	AF5 Transfers of goods to operators of the Republic of San Marino					,00
	AF6 Intra-community purchases of good					,00
	AF7 Purchases of goods from operators of the Republic of San Marino					,00
	AF8 Periodic payments and amounts payable on account					
	1	,00	4	,00	7	,00
	2	,00	5	,00	8	,00
	3	,00	6	,00	9	,00
					10	,00
					11	,00
					12	,00
					13	,00
					Amount payable on account	,00
Sez. 2 - Operations		TAXABLE AMOUNT		TAX		
AF10 Taxable operations	1	,00	2	,00		
AF11 Non-taxable operations		,00				
AF12 Exempt operations		,00				
AF13 Purchases of goods intended for resale or production		,00		,00		
AF14 Other purchases		,00		,00		
Sect. 3 - Payment of tax			DEBTS		CREDITS	
AF20 VAT relating to taxable operations			,00			
AF21 VAT on certain types of operations			,00			
AF22 Total of output VAT (sum of lines AF20 and AF21)			,00			
AF23 Admissible deductible VAT						,00
AF24 VAT deductible for occasional operations falling under the regime provided for by article 34-bis						,00
AF25 Total of VAT deductible (sum of lines AF23 and AF24)						,00
AF26 TAX PAYABLE (AF22 – AF25) OR CREDIT TAX (AF25 – AF22)	1		,00	2		,00
AF27 Refunds requested during the year			,00			
AF28 Credit relating to previous year and to the first three quarters settled in F24			,00			
AF29 Interest owed in relation to the quarterly payments			,00			
AF30 Tax credits from previous years						,00
AF31 Tax credit used in the periodic payments						,00
AF32 Periodic and supplementary payments made						,00
AF33 OUTPUT VAT (AF26 column 1 + lines from AF27 to AF29) – (AF26 column 2 + lines from AF30 to AF32)			,00			
or						
AF34 INPUT VAT (AF26 column 2 + lines from AF30 to AF32) – (AF26 column 1 + lines from AF27 to AF29)						,00

INSTRUCTIONS

for completing VAT Form 74-bis

(unless otherwise specified, the statutory provisions referred to, relate to Presidential Decree No. 633 of October 26, 1972, as amended)

Foreword

The form is reserved for declarations of bankruptcy or of forced administrative liquidation.

The declaration required by article 8, paragraph 4 of Presidential Decree no. 322 of 22 July 1998 as amended by article 10 of Decree Law no. 78 of 01 July 2009 must be submitted by the receivers or liquidators **within four months of the date of appointment**, exclusively through electronic means, directly or through qualified intermediaries in accordance with paragraphs 2-bis and 3 of article 3 of Presidential Decree no. 322 of 22 July 1998.

If the term indicated above falls on a Saturday or a non-working day, the term is extended to the first working day following it.

A copy of the declaration must be kept by the receiver or court-appointed liquidator.

The accounting data must refer to operations carried out in the part of the calendar year preceding the declaration of bankruptcy or compulsory administrative liquidation.

In the form, all amounts must be indicated in units of euro, rounded up if the decimal fraction is equal to or more than 50 eurocents or down if it is less. For this purpose, in the spaces in which the amounts are to be entered two final zeros have been preprinted after the comma.

It is pointed out that the official receivers or court-appointed liquidators must also file the annual return relating to the whole tax year, consisting of two forms: the first, for operations recorded in the part of the calendar year previous to the declaration of bankruptcy or forced administrative liquidation, and the second for operations recorded after these dates.

NOTE For further information regarding the content of the various lines in this return, please refer to the clarifications provided in the general instruction booklet for the annual VAT return.

Year Indicate the tax year during which bankruptcy or forced administrative liquidation was declared.

Competent Office Indicate the code of the locally competent office, which may be found on the website www.agenziaentrate.gov.it.

Return type **Correction of existing return**
If, before expiry of the submission date for the return, the taxpayer intends, to rectify or complete a return which has already been presented he must present a new return, complete in every part, crossing the box "**Correction of existing return**".

Taxpayer's data In the box the following data must be indicated.

VAT registration number

The VAT registration number of taxpayer that has gone bankrupt or has been subject to forced administrative liquidation must always be provided.

Telephone numbers and email address

It is not compulsory to provide a telephone number, mobile phone number and email address. These fields are to indicate telephone numbers and email address.

Providing these makes it possible to receive, free of charge, from the Revenue Agency, information and updates regarding final payment dates, obligations and services offered.

Individuals

Town (or foreign Country) of birth

Specify the place of birth (city, town, municipality). For the taxpayers born abroad must be specified, instead of the municipality, the Country in which they were born, and leave the space for the province blank.

Taxpayers different from individuals

Legal nature

NOTE: The following table includes all codes relating to the various forms for the purposes of tax/income returns, they may only be used in accordance with the specific nature of each individual form. Thus, the person who is completing the return must take care to identify the specific code, which refers to the applicable legal nature.

GENERAL CLASSIFICATION TABLE OF LEGAL NATURE

RESIDENT ENTITIES

1. Limited share partnerships
2. Limited liability companies
3. Public limited companies
4. Cooperatives and their consortia recorded on prefectural registers and in the cooperative's records
5. Other cooperatives
6. Mutual insurance companies
7. Consortia with status of legal entity
8. Recognised associations
9. Foundations
10. Other bodies and institutes with status of legal entity
11. Consortia without status of legal entity
12. Unrecognised associations and committees
13. Other organisations of people or goods without status of legal entity (excluding co-ownership entities)
14. Financial public authority
15. Non- financial public authority
16. Health insurance schemes and social security, assistance and pension funds and such like, with or without status of legal entity
17. Charitable works and benevolent societies
18. Hospital entities
19. Associations and institutes for social security and assistance
20. Autonomous companies for therapy, sojourns and tourism
21. Regional, provincial and municipal companies and their consortia
22. Companies, organisations and bodies established abroad otherwise unclassifiable with administrative headquarters or main activity in Italy
23. Simple companies, as identified by article 5, paragraph 3, letter b), of the TUIR (Income Tax Consolidate Act)
24. General partnerships (SNC) as identified by article 5, paragraph 3, letter b), of the TUIR (Income Tax Consolidate Act)
25. Limited partnerships
26. Armament companies
27. Artistic and professional associations
28. Family businesses
29. GEIE (European Groups of Economic Interest)
50. Public limited companies, special companies and consortia as defined in articles 31, 113, 114, 115 and 116 of the Legislative Decree of August 18, 2000, n. 267 (Consolidate Act regarding the regulation of local authorities)
51. Condominiums
52. V.A.T. deposits

- 53. Non-profit capital-based amateur sports associations
- 54. Trust
- 55. Public Administrations
- 56. Banking foundations
- 57. European company
- 58. European cooperative company

NON-RESIDENT ENTITIES

- 30. Simple, irregular and de facto companies
 - 31. Simple partnerships
 - 32. Limited partnerships
 - 33. Armament companies
 - 34. Professional associations
 - 35. Limited share partnerships
 - 36. Limited liability companies
 - 37. Public limited companies
 - 38. Consortia
 - 39. Other bodies and institutions
 - 40. Recognised, unrecognised and de facto associations
 - 41. Foundations
 - 42. Charitable works and benevolent societies
 - 43. Other organisations of people and goods
 - 44. Trust
-

Official Receivers or court-appointed liquidators

The box must be completed indicating the details of the official receiver or court-appointed liquidator (name, date appointed, tax code, appointment code, telephone number), in addition to the court which issued the order with number and date.

Signature of form

The return must be signed by the official receiver or by the court-appointed liquidator.

Undertaking to electronic submission

This section must be completed and signed by the intermediary who transmits the return. The intermediary must state:

- his own tax code;
- if a CAF (Tax Assistance Centre) is involved, enter the CAF roll registration number;
- the date (day, month and year) on which the obligation to transmit the return was assumed.

In addition, in the box regarding the undertaking to submit the return electronically, code 1 must be indicated if the return has been prepared by the receivers or court-appointed liquidators or code 2 if the return has been prepared by the person sending the return.

**SECTION 1
Data relating to the activity**

Line AF1 value of stocks resulting at December 31 of the year preceding bankruptcy or forced administrative liquidation.

Line AF2 value of stocks resulting at date of opening of bankruptcy or forced administrative liquidation proceedings.

The information requested as follows must refer to the period from 01 January to the date of bankruptcy or forced administrative liquidation.

Line AF3 indicate the taxable amount for operations carried out relating to the State and other subjects as set out in article 6, final paragraph, in addition to those carried out pursuant to article 7 of Decree Law no. 185 of 2008 ("VAT cash accounting scheme"), for which VAT becomes payable after the date of bankruptcy or forced administrative liquidation.

Line AF4 indicate the total amount of intra-community transfers of goods not subject to tax, net of negative variations.

The following information must be included in the line:

- considerations for intra-community transfers in accordance with article 41 of Decree Law no. 331 of 30 August 1993, converted by Law no. 427 of 29 October 1993, including those in cases in which the domestic transferor supplies goods on behalf of its own intra-community purchaser in a member State different from the one to which it belongs, and in which the transfer of goods on the part of a domestic subject has them supplied, by its own supplier within the community, to its own transferee in another member State thus encharged with the payment of the tax relative to the operation;
- considerations for intra-community transfers of agricultural products included and not included in table A - first part, enclosed with Presidential Decree no. 633 of 1972 made by agricultural producers falling under the specific regime as set out in article 34;
- considerations for intra-community transfers taken from a VAT warehouse with delivery to another Member State of the European Union (paragraph four, letter f of article 50-bis, Decree Law no. 331/1993).

Line AF5 total amount of transfers made to operators from San Marino.

Line AF6 total amount of intra-community purchases, net of negative variations. The following must also be included:

- considerations for intra-community purchases made without payment of tax, using the *ceiling* in accordance with article 8, 8-bis and 9, referred to by paragraph 1 of article 42 of Decree Law 331/1993;
- considerations for intra-community purchases objectively not taxable, made without using the *ceiling*, including those relating to goods to be deposited in VAT warehouses, pursuant to article 50-bis, paragraph 4, letter a) of Decree Law no. 331/1993;
- considerations for intra-community purchases of foreign publications on the part of university libraries, not subject to tax;
- considerations for intra-community purchases exempt from tax according to article 10, referred to by paragraph 1 of article 42 of Decree Law no. 331/1993;
- considerations for intra-community purchases, net of VAT, from which, according to article 19 bis 1, or other measures, tax deduction is not permitted.

Line AF7 amount of purchases of goods from San Marino.

Line AF8 must be completed indicating in fields from 1 to 12 (corresponding to the twelve months of the year) output VAT arising from periodic payments made during the period preceding the commencement of bankruptcy procedure of compulsory administrative liquidation. In field 13 indicate any amount due on account. For further clarifications refer to the instructions for completing part VH of the annual VAT return.

SECTION 2 Operations

Line AF10 total amount of taxable operations, transfers of goods and services (field 1), and of the relative tax (field 2), including those made in preceding years for which the tax has become payable.

Line AF11 total of non-taxable operations.

Line AF12 total of exempt operations.

Line AF13 total purchases of goods to be resold or used to supply goods or services (field 1) and relative tax (field 2).

Line AF14 total of other purchases and imports relevant for VAT purposes (field 1) and total tax relative to taxable operations (field 2).

SECTION 3 Payment of tax

Line AF20 amount of VAT relating to taxable operations, carried forward from line AF10, field 2.

Line AF21 amount of VAT payable in relation to the following types of operations for which, on the basis of specific enactments, VAT is owed by the transferee:

- operations carried out in Italy by non-residents with operators established in Italy (who must issue a self-invoice, which must be recorded in both the register of invoices issued and in the purchases register), including goods brought into the country from the Vatican City or from the Republic of San Marino;

- payments made by urban public transport operators (article 74, paragraph 1, letter e) in accordance with the decree of 30 July 2009;
- commissions paid by travel agencies to intermediaries (article 74-ter, paragraph 8);
- goods drawn from VAT warehouses in accordance with article 50-bis of Decree Law no. 331/1993;
- domestic and intra-community purchases and imports of scrap, industrial gold, pure silver and investment gold that have become taxable as a result of the choice made;
- intra-community purchases of goods;
- purchases of truffles from occasional sellers without VAT number (in accordance with article 1, paragraph 109, of Law no. 311/2004);
- purchase of services provided by subcontractors in the construction sector without tax in accordance with article 17, paragraph 6, letter a) (cp. Circular Letter no. 37 of December 29, 2006);
- sales of buildings or commercial properties as referred to in article 10, no. 8-ter, letters b) and d);
- sales of cellular phones and microprocessors as provided for by article 17, paragraph 6, letters b) and c) (see Circular Letter no. 59 of 2010).

Line AF22 total of output VAT, resulting from the sum of the amounts indicated in the lines AF20 and AF21.

Line AF23 amount of admissible deductible VAT, considering the limits set out by articles 19, 19-bis, 19-bis1 and 19-bis2.

The line must also include any VAT deducted on the part of agricultural producers who have made non-taxable transfers of agricultural products in accordance with paragraph 1 of article 8, article 38-*quater* and article 72, as well as intra-community transfers of agricultural products included in the Table A - first part (so-called theoretical VAT). The amount to indicate in this line must be calculated by applying the flat-rate payments which would have applied had they been made on domestic territory.

Line AF24 deductible VAT for occasional operations that fall under the regime provided for by article 34-bis for connected agricultural activities.

Line AF25 total of deductible VAT resulting from the sum of the amounts indicated in lines AF23 and AF24.

Line AF26 tax payable (to be indicated in column 1), calculated from the difference between line AF22 and line AF25, or credit tax (to be indicated in column 2), worked out from the difference between line AF25 and line AF22.

Line AF27 refunds requested during the year. The amount of infra-annual refunds requested (art. 38-*bis*, paragraph 2) must be specified, even if the refunds, duly requested, have not yet been paid (in full or in part).

Line AF28 the amount to indicate corresponds to deductible surpluses relating to both the tax year preceding the bankruptcy or forced administrative liquidation order and to the first three quarters of the year in which the bankruptcy proceedings began, utilised as set-off with the F24 form until the date of the bankruptcy or forced administrative liquidation order.

Line AF29 total amount of interest due to quarterly payments.

Line AF30 VAT credit for the year preceding bankruptcy or forced administrative liquidation for which a refund has not been requested and credit for which a refund was requested in previous years for which the relevant Office has formally denied the entitlement to a refund but has authorised the taxpayer to use the same credit for the year in which the bankruptcy proceeding began when making periodic payments or filing the annual return (see also Presidential Decree no.443 of 10 November 1997 and Circular no. 134/E of 28 May 1998).

Line AF31 must include:

- the total amount of special tax credits used during the year in which the bankruptcy proceeding began in the deduction of periodic payments and of the payment on account;
- the credits used during the year in which the bankruptcy proceeding began, transferred by savings management companies as provided for by article 8 of Decree Law no. 351 of 2001.

Line AF32 indicate the total amount of periodic payments, including the payment of VAT on account and quarterly interest, as well as tax paid following amendment as provided for by article 13 of Legislative Decree no. 472 of 1997, relating to the year in which the bankruptcy proceeding began.

Line AF33 total output VAT, to be indicated if the sum of the debit amounts in column 1 (from AF26 to AF29) is greater than the sum of the credit amounts in column 2 (from AF26 to AF32). The relative data is obtained from the difference between the aforementioned amounts.

Line AF34 total input VAT, to be indicated if the sum of the credit amounts in column 2 (from AF26 to AF32) is greater than the sum of the debit amounts in column 1 (from AF26 to AF29).