The Special Regularization for ISA Taxpayers under Legislative Decree no. 148/2026 (Omnibus Decree)

With the entry into force on August 12 of Legislative Decree no. 148/2026, the so-called Omnibus Decree, one of the most interesting new provisions is the special regularization reserved for ISA (Synthetic Reliability Indices) taxpayers who renew their adherence to the two-year preventive agreement (Concordato Preventivo Biennale - CPB) for the 2026-2027 period.

This mechanism, already tested in the past, allows eligible taxpayers to settle the fiscal years from 2020 to 2023 through the payment of a substitute tax, benefiting from a significant limitation on the risk of tax audits for the years covered by the regularization.

The measure is part of the legislator's broader plan aimed at encouraging recourse to the two-year preventive agreement, offering taxpayers a dual benefit: on the one hand, the possibility of pre-agreeing taxable income for the 2026-2027 two-year period; on the other hand, regularizing past fiscal years.

Finally, on an operational level, it will be necessary to wait for a specific provision from the Director of the Revenue Agency (Agenzia delle Entrate) to determine the terms and methods for communicating the options.

The new special regularization is a tool closely linked to the renewal of adherence to the CPB for the 2026-2027 two-year period.

Infact, access is restricted exclusively to taxpayers who:

- have applied the Synthetic Tax Reliability Indices (ISA);
- for the 2026-2027 tax period, renew their adherence to the CPB, regulated by Legislative Decree no. 13/2024, by October 31, 2026;
- pay the substitute tax on income taxes and related surtaxes, as well as IRAP (Regional Tax on Productive Activities), in accordance with the procedures set forth in Article 29 of the Omnibus Decree.

The special regularization exclusively concerns the fiscal years from 2020 to 2023. The choice can also cover a single fiscal year or multiple tax periods, provided they fall within the identified timeframe.

How to Calculate the Tax Base

For the calculation of the substitute tax, the tax base consists of the difference between the business or self-employment income (the production value for IRAP purposes) declared in the tax periods from 2020 to 2023, and the value of the same increased by a variable percentage depending on the ISA score achieved.

In particular, the increase is equal to:

- 5%, if the ISA score is equal to 10;
- 10%, if the ISA score is greater than or equal to 8 and less than 10;
- 20%, if the ISA score is greater than or equal to 6 and less than 8;
- 30%, if the ISA score is greater than or equal to 4 and less than 6;
- 40%, if the ISA score is greater than or equal to 3 and less than 4;
- 50%, if the ISA score is less than 3.

Once the tax base is determined, it is necessary to proceed with the calculation of the substitute tax, applying the rates provided by the Omnibus Decree, specifically:

For the years 2022 and 2023, the substitute tax on income taxes and related surtaxes is applied at a rate equal to:

- 10%, for taxpayers with an ISA score equal to or greater than 8;
- 12%, for taxpayers with an ISA score equal to or greater than 6 but less than 8;
- 15%, for taxpayers with an ISA score of less than 6.

For IRAP, a single rate of 3.9% applies instead.

With reference to the years 2020 and 2021, the legislator has provided for further favorable treatment in consideration of the Covid-19 pandemic, recognizing a 30% reduction.

It should also be noted that the total value of the substitute tax to be paid for each fiscal year subject to the option cannot be less than €1,000.

Special Cases

A specific regulation is provided for subjects with revenues not exceeding €5,164,569 who do not determine their income using flat-rate criteria and who, even for one of the years included in the 2020-2023 four-year period, have declared:

a) a cause for exclusion from ISA related to the spread of the Covid-19 pandemic;

b) the existence of a condition of abnormal business activity;

c) a cause for exclusion from ISA related to the exercise of multiple business activities.

For such taxpayers, the tax base is in fact not parameterized to the ISA score but is determined by the difference between the business or self-employment income declared for the relevant year and the value of the same increased by 25%.

A substitute tax of 12.5% applies to the relative increase, while for IRAP purposes the tax base is determined with the same 25% increase and the tax is applied at the rate of 3.9%.

For the years affected by exclusion causes connected to the pandemic, the 30% reduction is also confirmed for these subjects.

Payment Methods

Once the amount due is determined, the taxpayer can choose whether to make the payment in a single lump sum between January 1, 2027, and March 15, 2027, or through installment payments in a maximum number of ten equal monthly installments, increased by interest calculated at the legal rate starting from March 16, 2027.

In the event of installment payment, the special regularization is considered finalized only upon payment of all installments.

The regulation also allows, in the presence of income attributed by transparency to partners or associates, for the payment to be made directly by the company or association in lieu of the individual partners or associates.

Effects of Regularization and Exceptions

The coverage from possible audits, however, is not absolute. Adjustments cannot be made except in the occurrence of one of the following cases:

a) forfeiture of the CPB pursuant to Article 22 of Legislative Decree no. 13/2024;

b) application of personal or real precautionary measures or notification of a committal for trial order for certain tax crimes (with the exception of some cases expressly identified by the norm), committed during the tax years from 2020 to 2023;

c) failure to finalize the regularization following forfeiture from the installment plan;

d) unfaithful declaration of one of the ISA exclusion causes provided to access the special regime (Article 29, para. 7, Omnibus Decree).

Extension of Audit Deadlines

By way of derogation from the prohibition on extending statute of limitations and forfeiture deadlines provided for by the Taxpayer's Rights Statute (Article 3, paragraph 3, Taxpayer Statute), Article 29, paragraph 17, of the Omnibus Decree provides that for subjects who renew their adherence to the CPB for the 2026-2027 two-year period and avail themselves of the special regularization for one or more tax periods between 2020, 2021, 2022, and 2023, the forfeiture deadlines relating to the years subject to settlement are extended until December 31,2029.

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