



NEWSLETTER NO. 16 - 2025

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5.0 TRANSITION PLAN

The Italian legislative decree 175 of 21 November 2025 introduced urgent measures regarding the 5.0 Transition Plan. These measures are effective as of 22 November 2025.

The decree sets forth that the notices relating to the 5.0 Transition Plan, as provided for under article 38 (10) of the Italian law-decree 19/2024, may be submitted by 27 November 2025.

If data were not uploaded correctly or if the documents and information submitted prove to be incomplete or unreadable, notices submitted from 7 November 2025 until 27 November 2025 (by 6 PM) may be supplemented, at the request of the Italian energy authority (GSE), by the applicants, within the peremptory deadline, and in any case by 6 December 2025.

If companies fail to comply with requests for supplementary information or for remedy within the deadlines set forth, the procedure for the utilization of the tax credit will not be completed.

Furthermore, the decree sets forth that article 38 (18) of the Italian law-decree 19/2024 - according to which the 5.0 Transition tax credit cannot be combined with the tax credit in new tangible capital goods pursuant to article 1 (1051 et seq.) of the Italian law 178/2020 - is to be interpreted as meaning that, for the purpose of complying with the prohibition on combination, **the company may not submit**, for the same eligible assets, an application for both of the following tax credits:

- the tax credit regulated therein,
- the tax credit for investments in new tangible capital goods pursuant to article 1 (1051 et seq.) of the Italian law 178/2020.

Therefore, companies that, on the date of entry into force of this decree (i.e. 22 November 2025), have applied for both tax credits, must opt electronically for one of the two tax credits by 27 November 2025.

If the company opts for the tax credit pursuant to article 38 of the Italian law-decree 19/2024 and is not recognized the tax benefit due to the expenditure cap being exceeded, its right to access the tax credit for investments in new capital goods pursuant to article 1 (1051 et seq.) of the Italian law 178/2020 remains unaffected thereof, and is subject to verification of the necessary requirements and to the limits of the resources made available.

If reservations have been made for both tax credits, the beneficiary company, upon submission of the notice of completion of the investment and upon receipt of a request from the Italian energy authority (GSE), must notify – within five days of said receipt, on penalty of forfeiture – its waiver of the resources reserved for the tax credit not utilized.

Yours sincerely,

HAGER & PARTNERS