To the clients:

Subject: **IRPEF Tax Exemption – All Pensions for "Victims of Duty", Equivalent Categories and Surviving Family Members – Italian Revenue Agency Resolution No. 68/2025**

Background and Recent Developments

With Resolution No. 68 of 4 December 2025, the Italian Revenue Agency has officially updated its interpretation of the **IRPEF tax exemption** provided for under **Article 1, paragraph 211, of Law No. 232/2016**, applicable to pension benefits granted to **victims of duty, surviving family members and equivalent beneficiaries.**

In the past, although case law had already embraced these principles, the tax exemption was at times applied by the Revenue Agency **only** to "privileged" pension benefits directly **linked to the event** that gave rise to the relevant status (an approach that resulted in extensive litigation).

Resolution No. 68/2025 clarifies instead that the IRPEF exemption applies to all pension benefits deriving from mandatory social security schemes to which the beneficiary is entitled, even where such benefits are not directly connected to the qualifying event.

In this regard, the specialised legal and tax press has noted that the Revenue Agency has "taken note" of the Supreme Court's and aligned its position accordingly, with implications also for pending disputes.

To whom it applies (subjective scope)

The clarification concerns individuals who have been granted the status of:

- **victim of duty;**
- **surviving family member of a victim of duty;**
- **individual equated to a victim of duty, pursuant to the relevant statutory references governing the matter** (Law No. 466/1980, Law No. 302/1990, Law No. 266/2005, as subsequently amended).

Which pensions are exempt (objective scope)

The IRPEF tax exemption applies to **all pension benefits** received by the beneficiary that **derive from mandatory social security enrolments, even where such benefits are not connected** to the event that gave rise to the relevant status.

In practical terms, the exemption covers not only "privileged" pensions, but also any additional pension benefits that may be received (whether direct or indirect), if they fall within the scope of **mandatory social security schemes.**

Effective date

The Resolution reiterates that the tax benefit applies as from **1 January 2017** (the date of entry into force of paragraph 211) **and does not produce retroactive effects** for prior tax years.

Effects on pending proceedings and prior refusals

A particularly significant aspect is that the Revenue Agency **invites its offices to review pending proceedings** affected by the issue, considering the clarifications provided.

The Resolution further specifies that such review must be carried out "in accordance with the applicable procedural rules" and with due regard to the stage and instance of the proceedings, including careful consideration **of litigation costs** (including any potential declaration of cessation of the matter in dispute).

Operational guidance (checklist)

Individuals falling within the above-mentioned categories may, in practical terms, consider the following steps:

1. **Documentary verification of status.**
   Retrieve the administrative decision or certification recognising the relevant status (victim of duty / surviving family member / equivalent beneficiary).
2. **Management of tax withholdings on salary or pension.**
   Where IRPEF withholdings continue to be applied to pension payments, consider submitting

a formal request to the paying entity and/or taking the necessary actions to ensure the correct application of the tax-exempt regime, attaching **Resolution No. 68/2025**.

3. **Recovery of withholdings already applied (from 2017 onwards).**
   Consider filing a **claim for reimbursement** of IRPEF withholdings (and related surtaxes) unduly withheld on tax-exempt pension benefits; where appropriate, also undertake any declaratory or accounting actions consistent with the taxpayer's specific position.
4. **Ongoing litigation or pending applications.**
   File and/or invoke Resolution No. 68/2025 in the relevant proceedings and request a review by the competent tax office, also for the purposes of bringing the dispute to a resolution.

Note: The applicable **time limits** and the most appropriate **procedural instrument** (refund claims, amended tax returns, management of litigation and legal costs) must be assessed on a case-by-case basis, considering the documentation available.

Conclusions

Resolution No. 68/2025 marks a decisive turning point: the IRPEF tax exemption linked to the relevant status **is not limited** to the single pension benefit "caused" by the qualifying event but extends to **all pension benefits** of the beneficiary deriving from mandatory social security schemes, with effect from 2017.

The Firm remains available to provide assistance with:

- verification of eligibility requirements and supporting documentation;
- quantification of recoverable tax withholdings;
- preparation and filing of applications and management of relations with the Tax Authorities;
- assistance in pending proceedings and in the allocation of legal costs.

9 December 2025 Lawyer Dr. Angelo Pisciotta