

Bad debt write-offs simplified for FY 2013

The Italian Budget Statute (Legge finanziaria 2014) has introduced a strong simplification for the write-off of bad debts (i.e. those credits that cannot be cashed). A change in article 105 of TUIR (income tax restatement code) has introduced the principle whereby an entity that applies the Italian National Accounting Principles (GAAPs) can set at loss (write-off) bad debts at the time of deletion from the balance sheet without further proving that the credit is certainly irrecoverable. This second rule (previously the general case) implied regularly the need of involvement of third parties such as an attorney in order to acquire enough elements of security on the fact that the loss was...a total loss.

In other words, the old rule whereby the accountant could not “self-certify” the loss of a credit, will be replaced by an opposite one. A case-study is given by an interesting article on “ilSole240re” -> [here](#).

It has to be noted that the elements leading to such evaluation of non-recoverability of a bad debt shall in any case be subject to scrutiny by the tax authorities. Moreover, it has to be noted that the new rule does not apply to taxpayers that operate under International Accounting Standards (IAS). This last point is curious; it should be considered that companies apply the IAS when they are under a non-Italian holding or they consolidate accounts coming from more than a member State of the Union. Exclusion of IAS-based companies from the new simplified rule could thus be considered as a measure contrary to the freedom of establishment (artt. 49-55 TFEU).

Il Garante Privacy annuncia il piano ispettivo per il 1. semestre 2014

Il Garante per la Protezione dei Dati Personali, nella sua [newsletter n. 384 del 25 febbraio](#) 2014 ha annunciato il piano ispettivo per la prima metà dell'anno. L'attenzione dell'Autorità si concentrerà su

- grandi banche dati pubbliche;
- gestione delle reti pubbliche di accesso a Internet in wi-fi;
- marketing telefonico;
- mobile payment;
- call center delocalizzati in Paesi extra Ue;
- sistemi di profilazione dei consumatori;
- **aziende farmaceutiche**;
- centri di assistenza tecnica e recupero dati.

Il piano ispettivo è lo strumento attraverso cui il Garante pianifica l'attività di controllo sulla compliance privacy pur in assenza di ricorsi, reclami o segnalazioni.

Nella stessa newsletter, il Garante indica che, rispetto al 2012, gli accertamenti sono cresciuti del 4%, mentre i procedimenti sanzionatori sono aumentati del 47%, emessi principalmente in materia di telemarketing. Da questi dati emerge che, lungi dall'essere l'Italia uno Stato che tutela "troppo" la privacy, impedendo alle aziende di funzionare, viceversa è caratterizzata da un approccio molto ragionevole di contemperazione delle esigenze della produzione con quelle della vita privata dei cittadini.

ECJ decision in “Digital Rights Ireland” strikes down “data retention directive”

The European Court of Justice, in its Judgment in Joined Cases C-293/12 and C-94/12 “Digital Rights Ireland and Seitlinger and Others”, has declared data retention directive invalid.

The [directive](#) (Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC), according to the judgement (yet unpublished, here you find the [press release](#) anticipated by [Wired](#)) infringes article 52 of the [EU Rights Charter](#) and cannot therefore be upheld. This decision is welcome from a citizen rights’ perspective, but it raises some doubts in terms of security, if we consider that justice-controlled data retention is (was?) one of the major tools given to communications police authority to track down not only intellectual property infringements, but much more hideous crimes such as pedo-pornography. Again, we face an issue: chasing the thieves or locking the house. This round was against chasing the thieves. Let’s hope the answer is not locking the house, so that fewer people can go outside in the brave outer world.