[IT] AGCOM adopts regulations on out-of-court dispute resolution bodies and trusted flaggers under Articles 21 and 22 DSA

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Ernesto Apa & Eugenio Foco
Portolano Cavallo

In the Board meeting of 24 July 2024, the Italian Communication Authority (*Autorità per le Garanzie nelle Comunicazioni* – "AGCOM") approved the Regulations laying down the procedural rules for the certification of out-of-court dispute resolution bodies between online platform providers and service recipients (Resolution No. 282/24/CONS) and for the issuance of the qualification as trusted flaggers (Resolution No. 283/24/CONS) under, respectively, Articles 21 and 22 of Regulation (EU) 2022/2065 ("DSA").

The Regulations, which will enter into force on 15 September 2024, represent the first regulatory acts adopted by AGCOM in its role as Digital Services Coordinator for Italy.

Starting from 15 September 2024, out-of-court dispute resolution bodies established in Italy will be able to apply before AGCOM to obtain the certification necessary to handle disputes concerning decisions adopted by online platform providers regarding content published by users deemed contrary to national and/or European Union law. To obtain the certification, such bodies must meet the requirements set forth under Article 21 DSA.

Therefore, users who report the publication of inappropriate/unlawful content, and those who experience restrictions on the use of their accounts on online platforms (including social networks), will be afforded access to expedited and cost-effective forms of alternative dispute resolution. However, it should still be noted that the decisions adopted by such bodies will not be binding for the parties involved, as expressly provided under Article 21, paragraph (2) of the DSA. Furthermore, to ensure a uniform application of Article 21 DSA, AGCOM is also afforded the power to promote roundtables and the adoption of guidelines and codes of conduct.

In addition, AGCOM has set forth the procedural rules to obtain the qualification as a trusted flagger under Article 22 DSA. The qualification as trusted flaggers will be recognised by any entity established in Italy that meets the requirements provided under Article 22 DSA, among which, *inter alia*, expertise, competence and independence. Online platform providers must take all the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers are given priority and are processed and decided upon without

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undue delay.

AGCOM Delibera n. 282/24/CONS recante "“Regolamento di procedura per la certificazione degli organismi di risoluzione extragiudiziale delle controversie tra destinatari del servizio e i fornitori di piattaforme online ai sensi dell’art. 21 del Regolamento sui servizi digitali”

https://www.agcom.it/sites/default/files/media/allegato/2024/Allegato%20A%20alla%20delibera%20n.%20282-24-CONS.pdf

AGCOM Resolution No. 282/24/CONS laying down the "“Rules of procedure for the certification of out-of-court dispute resolution bodies between service recipients and providers of online platforms pursuant to Article 21 of the Digital Services Regulation”

AGCOM Delibera n. 283/24/CONS recante “Regolamento di procedura per il riconoscimento della qualifica di segnalatore attendibile ai sensi dell’art. 22 del Regolamento sui servizi digitali”

https://www.agcom.it/sites/default/files/media/allegato/2024/Allegato%20A%20Regolamento%20di%20procedura.pdf

AGCOM Resolution No. 283/24/CONS “Rules of procedure for the recognition of the qualification as trusted flagger under Article 22 of the Digital Services Regulation”

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