[IT] Illegal content online: AGCOM designates first trusted flagger in Italy under the Digital Services Act

IRIS 2025-2:1/15

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On 22 January 2025, AGCOM (Italy's communications authority and Digital Services Coordinator, see IRIS 2023-9:1/11) approved its first resolution (26/25/CONS) recognising the categorisation of trusted flagger pursuant to Article 22 (see IRIS 2024-8:1/18) of the Digital Services Act (DSA).

Specifically, this designation was granted to Argo Business Solutions S.r.l., which will be responsible for reporting illegal content to online platform providers. The focus will primarily be on violations of intellectual property and other commercial rights, as well as addressing online fraud and scams.

Under Article 16 of the DSA, online platform providers are required to ensure that such reports are prioritised and acted upon without undue delay.

AGCOM awarded this categorisation after confirming that Argo Business Solutions met the criteria set forth in Article 22, paragraph 2 of the DSA: 1) possessing specific skills and expertise for identifying, detecting, and notifying illegal content; 2) maintaining independence from online platform providers; and 3) being capable of submitting reports in a diligent, accurate, and objective manner.

The recognition also includes a requirement for the trusted flagger to submit an annual report to AGCOM, which must be clear and detailed. This report should explain the procedures followed to ensure the independence of the reporting process.

Nonetheless, AGCOM retains the authority to reassess, either on its own initiative or based on a report, whether the trusted flagger continues to meet the requirements outlined in Article 22, paragraph 2 of the DSA. This includes considering any relevant guidelines adopted by the European Commission under Article 22, paragraph 8 of the DSA.

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