[IT] AGCOM adopts new age verification mechanisms for websites and VSPs disseminating adult content

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On 12 May 2025, the Italian Communications Authority (AGCOM) adopted the new technical and procedural measures that website operators and video-sharing platforms which disseminate adult content in Italy must adopt to verify the age of users (Regulation).

The Regulation was adopted pursuant to Article 13-bis of Law Decree No. 123 of 15 September 2023 which provides that "minors are prohibited from accessing pornographic content, as it undermines their dignity and compromises their physical and mental well-being, constituting a public health issue". That same provision then expressly required AGCOM to identify the technical and procedural measures needed for age verification mechanisms.

It is worth noting that the adoption of the Regulation was preceded by a public consultation launched by AGCOM on 6 March 2024. Various operators, including social media platforms, web operators and social institutions participated in the public consultation and contributed to shaping the final text of the Regulation.

With reference to the scope of application of the Regulation, it is interesting to note that it also applies to website operators and video-sharing platforms that disseminate adult content (images and videos) in Italy, whether established in Italy or, under certain conditions, in another member state.

In particular, the Regulation identifies specific criteria (only one of which needs to be met), based on which a given provider established in another member state is deemed to disseminate content aimed at the Italian public. Such conditions include, by way of example, the prevailing use of the Italian language within the online service or the fact that the online service reaches "a significant average number of unique monthly users in Italy".

Of additional relevance, as specified in the same Regulation, is the fact that all operators falling within its scope of application are identified in a list collected and updated by AGCOM and communicated by the latter to the European Commission.

Delibera 96/25/CONS recante "Adozione delle modalità tecniche e di processo per l'accertamento della maggiore età degli utenti in attuazione della legge 13 novembre 2023, n. 159".

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https://www.agcom.it/sites/default/files/provvedimenti/delibera/2025/delibera%2096-25-CONS.pdf

AGCOM Resolution No. 96/25/CONS laying down the "Adoption of technical and procedural methods for verifying the age of users in accordance with Law No. 159 of 13 November 2023".

https://www.agcom.it/sites/default/files/provvedimenti/delibera/2025/delibera%2096-25-CONS.pdf

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