

[IT] AGCOM amends the Economic Information System regulation to exclude online intermediation and search engine service providers established in other EU member states

IRIS 2026-9:1/20

*Ernesto Apa & Eugenio Foco
Portolano Cavallo*

On 10 September 2026, the Italian Communications Authority (*Autorità per le Garanzie nelle Comunicazioni* – AGCOM) adopted a new resolution on the so-called Economic Information System (*Informativa Economica di Sistema* – IES).

The IES is an annual declaration that communications operators are required to submit to AGCOM, aimed at collecting updated registry data and economic data relating to the last year of activity, both of which are necessary for the exercise of AGCOM's institutional functions in the various sectors falling within its competence.

In 2021, AGCOM had extended the IES submission obligation to online intermediation service providers and online search engine providers, including those established in other EU member states.

The Court of Justice of the European Union, in its judgment of 30 May 2024, rendered in Cases C-663/22 and C-665/22, held that Regulation (EU) 2019/1150 (Platform to Business Regulation) does not justify the adoption by member states of measures requiring online intermediation service providers to periodically transmit to a national authority a document concerning their economic situation. The Court further held that, with respect to providers established in another member state, such measures are also precluded by Article 3 of Directive 2000/31/EC (E-Commerce Directive), since the conditions for a derogation from the country-of-origin control principle are not met.

Those principles were subsequently applied by the Italian first instance administrative court of Lazio (*Tribunale amministrativo regionale per il Lazio* – TAR Lazio) which, in judgment Nos. 19376/2024 and 19930/2024, annulled the 2021 AGCOM resolution insofar as it extended the IES submission obligation to online intermediation service providers and online search engine providers not established in Italy. The TAR Lazio judgments were then upheld by the Council of State (*Consiglio di Stato*), the highest Italian administrative court, which, in judgment Nos. 2389/2026 and 2449/2026, confirmed that such obligations cannot be imposed on providers not primarily established in Italy.

In compliance with the above judgments, AGCOM adopted a new resolution, restricting the IES submission obligation to online intermediation service providers and online search engine providers that are established or resident in Italy. Providers not established in Italy may nonetheless remain subject to the IES obligation insofar as they carry out other activities falling within the scope of AGCOM Resolution No. 397/13/CONS.

Delibera n. 212/26/CONS recante “Modifiche alla delibera n. 397/13/CONS del 25 giugno 2013 “Informativa Economica di Sistema”

<https://www.agcom.it/provvedimenti/delibera-212-26-cons>

AGCOM Resolution No. 212/26/CONS amending Resolution No. 397/13/CONS on the “Economic Information System”

