

[IT] Parliament strengthens parental control and filtering in electronic communications

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By way of Law No. 70 of 25 June 2020, the Italian Parliament has introduced a new provision, namely Article 7-bis, into Law Decree No. 28/2020. The Italian Government adopted the aforesaid decree (also known as the 'Justice Decree', '*Decreto Giustizia*') with a view to providing urgent measures concerning, among others, civil, criminal and administrative proceedings as well as the national contact tracing system, both related to the COVID-19 emergency.

The introduction of Article 7-bis, entitled 'Systems for the protection of minors from the risks of cyberspace', triggered a significant debate, as it provides new obligations for electronic communication service providers with respect to the filtering of explicit content delivered via their services.

The provision aims at reducing the negative consequences of minors' exposure to violent contents and pornography as well as to content which is harmful to the development of a minor's personality.

In particular, paragraph 1 of the provision establishes an obligation for electronic communication service providers (regulated under the so-called 'Code of Electronic Communications', '*Codice delle Comunicazioni Elettroniche*', that is, Legislative Decree No. 259/2003) to incorporate within the terms and conditions of the relevant agreements the operation, as pre-activated services, of parental control measures or measures for the filtering of contents inappropriate for minors or for blocking contents intended for adults only. Pursuant to paragraph 2, these services must be provided free of charge and can be disabled at any time upon request of the consumer, who is the subscriber of the agreement.

Additionally, paragraph 3 establishes that providers of telephone, television network and electronic communication services shall promote consumers' awareness of the pre-activated services in question in order to make sure that consumers make duly-informed decisions in this respect.

In case of failure to comply with the above obligations, the Italian Communications Authority shall order the relevant provider to bring to an end the violation and to return any cost unduly charged to consumers. Compliance with such orders is required within a term of no more than 60 days.

This provision comes into play at a moment when the Italian Parliament will soon have to discuss the so-called European Law (*'legge di delegazione europea'*), which would mean delegating to the Executive branch the power to adopt legislative decrees for the transposition of some key EU law in the field of digital media, namely the Copyright DSM Directive and the revision of the AMVS Directive, which, among other things, also include important measures to be adopted by video-sharing platforms for the protection of consumers, including minors, from inappropriate content.

Decreto legge 30 aprile 2020, n. 28, convertito con modificazioni dalla Legge 25 giugno 2020, n. 70.

<https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2020-04-30;28!vig=>

Law Decree 30 April 2020, No. 28, changed with amendments by Law 25 June 2020, No. 70.

