

[IT] AGCOM launches the public consultation on dispute resolution procedures between users and video-sharing platforms

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With Resolution no. 22/23/CONS of 8 February 2023, the Italian Communications Authority (Agcom) launched a public consultation on the issue of resolving disputes between users and video-sharing platforms (VSPs).

In the national regulatory provision which transposes in Italy the new Article 28-b of the AVMS Directive, AGCOM has been given the task of setting up an alternative system of dispute resolution between users and VSP providers for violations of the principles established by Article 42 of the TUSMA (the consolidated Law on Audiovisual Media Services), other than the right of judicial appeal.

The public consultation concerns the measures to be taken to ensure the protection of minors and the general public towards content considered harmful. It is an intervention of a conciliatory nature, on a voluntary and non-compulsory basis. The Regulation applies to the suppliers of VSPs established or considered to be established in Italy according to the provisions of Article 41 TUSMA (based on the provisions of Article 28-a of the AVMS Directive). To these VSP providers, the consultation adds those "which are considered to operate on the national territory", pursuant to the procedure referred to in Article 5, paragraphs 2, 3 and 4 of legislative decree no. 70/2003 implementing Directive 2000/31/EC on e-commerce (E-commerce Directive).

Likewise, the consultation provides that both users who upload content on the platforms and those who use such content through platforms are entitled to activate the dispute resolution procedures against VSP providers.

With regard to the identification of the bodies responsible for managing the procedures, it is envisaged that the most appropriate solution to offer users of video-sharing services an effective and easily accessible dispute resolution system, is to allow the performance of the conciliation procedures through the ConciliaWeb platform.

The latter platform was designed by AGCOM in 2018 to manage, in a completely electronic way, the conciliation requests between users and telecommunications operators (to which, from 1 March 2023, were also added critical issues with

service providers). Alternatively, the user can still contact the bodies registered in the register kept by the Ministry of Justice and in the list of Alternative Dispute Resolution bodies kept by AGCOM for the resolution of disputes.

Delibera n. 22/23/CONS "Avvio del procedimento e della consultazione pubblica inerente alla modifica del quadro regolamentare in materia di procedure di risoluzione delle controversie tra utenti e operatori di comunicazioni elettroniche o fornitori di servizi di media audiovisivi per l'attuazione dell'articolo 42, comma 9, del TUSMA con riferimento ai servizi di piattaforme di condivisione di video"

https://www.agcom.it/documentazione/documento?p_p_auth=fLw7zRht&p_p_id=101_INSTANCE_FnOw5IVOIXoE&p_p_lifecycle=0&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_FnOw5IVOIXoE_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_FnOw5IVOIXoE_assetEntryId=29754517&_101_INSTANCE_FnOw5IVOIXoE_type=document

Resolution n. 22/23/CONS "Initiation of the procedure and public consultation concerning the modification of the regulatory framework on the dispute resolution procedure between users and operators of electronic communications or audiovisual media service providers for the implementation of article 42, paragraph 9, of the TUSMA with reference to video sharing platform service

