[IT] AGCOM launches the public consultation on video-sharing platforms: more protections for platforms' Italian users

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With Resolution no. 76/23/CONS of 16 March 2023, the Italian Communications Authority launched a public consultation on the draft regulation for the implementation of Article 41, paragraph 9, of the legislative decree of 8 November 2021, no. 208 (so-called TUSMA). The regulation will apply to programmes, user-generated videos and audiovisual commercial communications addressed to the Italian public and conveyed by a platform whose supplier is established in another Member State. The consultation will last 30 days from 19 April 2023.

In particular, the regulation provides for the removal of audiovisual content broadcast on a video-sharing platform (so-called video-sharing platform) for the following purposes: the protection of minors; the fight against incitement to racial, sexual, religious or ethnic hatred, as well as against the violation of human dignity; and consumer protection, including investors (see IRIS 2019-4/25, 2022-2/3 and 2023-4/21).

Such protection brought by the regulation is in addition to that ensured by the provisions of Articles 14 to 17 of the Legislative Decree. no. 70/03.

In the case of significant and imminent impacts, AGCOM may directly order the platform provider to promptly remove the harmful content. Otherwise, i.e. if there is no urgency, AGCOM may still ask the Authority of the member state in which the video-sharing platform provider is established to adopt measures to remove the content.

The Italian legislator, by the TUSMA (national law on audiovisual media services) transposing Directive 2018/1808, has granted AGCOM with the power to issue this regulation with the aim of ensuring effective and high level protection of fundamental rights of users towards video-sharing platform providers established in another member state, but which target the Italian public (such as, for example, Google's *YouTube*, Meta's *Facebook* and *Instagram*, ByteDance's *Tik-Tok* and Amazon's *Twitch*).

In order to make the protection effective, the text in consultation grants anyone with an interest with the right to report to AGCOM, through a specific electronic

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form, content considered against the aforementioned purposes (although this procedure is anchored to a series of conditions to discourage unfounded initiatives). In addition, AGCOM could, in any case, act *ex officio*, also with the support of the core of the Finance Police and the Postal Police.

The regulation was also notified to the European Commission pursuant to Directive 2015/1535 as it concerns an Italian technical regulation project concerning information society services.

Delibera n. 76/23/CONS Avvio della consultazione pubblica sullo schema di regolamento recante attuazione dell'art. 41, comma 9, del decreto legislativo 8 novembre 2021, n. 208 in materia di programmi, video generati dagli utenti ovvero comunicazioni commerciali audiovisive diretti al pubblico italiano e veicolati da una piattaforma per la condivisione di video il cui fornitore è stabilito in un altro stato membro

https://www.agcom.it/documentazione/documento?p_p_auth=fLw7zRht&p_p_id=101_INSTANCE_FnOw5lVOIXoE&p_p_lifecycle=0&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_FnOw5lVOIXoE_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_FnOw5lVOIXoE_assetEntryId=30213061&_101_INSTANCE_FnOw5lVOIXoE_type=document

Resolution No. 76/23/CONS Launch of the public consultation on the draft regulation implementing Article 41(9) of Legislative Decree No 208 of 8 November 2021 concerning programmes, user-generated videos or audiovisual commercial communications directed at Italian audiences and conveyed by a video-sharing platform whose provider is established in another member state

Dettaglio della notifica

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Notification Detail

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