



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0578/IT (Italy)

Technical and procedural arrangements for ascertaining the age of majority of users pursuant to Article 13a of Decree-Law No 123 of 5 September 2023, converted with amendments into Law No 159 of 13 November 2023

Date received : 16/10/2024

End of Standstill : 17/01/2025 (17/02/2025)

Message

Message 001

Communication from the Commission - TRIS/(2024) 2834

Directive (EU) 2015/1535

Notification: 2024/0578/IT

Notification of a draft text from a Member State

Notification - Notificación - Notifizierung - Нотификация - Oznámení - Notifikation - Γνωστοποίηση - Notificación - Teavitamine - Ilmoitus - Obavijest - Bejelentés - Notifica - Pranešimas - Paziņojums - Notifika - Kennisgeving - Zawiadomienie - Notificação - Notificare - Oznámenie - Obvestilo - Anmälan - Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20242834.EN

1. MSG 001 IND 2024 0578 IT EN 16-10-2024 IT NOTIF

2. Italy

3A. Ministero delle imprese e del Made in Italy

Dipartimento Mercato e Tutela

Direzione Generale Consumatori e Mercato

Divisione II. Normativa tecnica - Sicurezza e conformità dei prodotti, qualità prodotti e servizi

00187 Roma - Via Molise, 2

3B. Autorità per le garanzie nelle comunicazioni (AGCOM)

4. 2024/0578/IT - SERV60 - Internet services



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5. Technical and procedural arrangements for ascertaining the age of majority of users pursuant to Article 13a of Decree-Law No 123 of 5 September 2023, converted with amendments into Law No 159 of 13 November 2023

6. Information society services involved in the dissemination and/or publication in Italy of pornographic images and videos via websites and video-sharing platform providers subject to age verification

7.

8. Decree-Law No 123/2023 provides that website operators and video-sharing platform providers who disseminate pornographic images and videos in Italy are required to verify the age of majority of users, in order to prevent access to pornographic content by minors under the age of eighteen, and that the Communications Regulatory Authority establishes, with its own measure and after consulting the Data Protection Commissioner, the technical and procedural arrangements that the aforementioned entities are required to adopt to ascertain the age of majority of users, ensuring a level of

security appropriate to the risk and compliance with the minimization of personal data collected for the purpose.

With the measure, the Authority has adopted a technologically neutral approach, which leaves the subjects legally required to carry out age verification processes a reasonable level of freedom of assessment and choice, while establishing the principles and requirements that must be met by the systems introduced (Annex A, Article 2).

The proposed system provides for the intervention of certified independent third parties for the provision of proof of age, through an age verification process that involves two logically separate steps: identification and authentication of the identified person, for each session of use of the regulated service.

The draft regulation defines the process to be implemented by the regulated entities and provides for the provision of 'proof of age' (e.g. by means of an app and/or a web-based service) by an independent third party (Annex A, Article 2(2)). The Authority's specifications provide for an age verification system using the 'double anonymity' model, where providers of proof of age must not be allowed to know for which service the age verification is being performed, that two proofs of age come from the same source of proof of age, or that a user has already used the verification system.

9. The need to adopt the measure arises from the necessity to protect minors by preventing access to pornographic content, as it undermines respect for their dignity and compromises their physical and mental well-being, constituting a public health issue.

10. References to basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission



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