

## TRIS Notification Procedure

# Concerns regarding proposed amendments to the Italian Piracy Shield platform

May 2025

## Introduction

The Computer & Communications Industry Association (CCIA Europe) welcomes notification [2025/0148/IT](#) of the Italian public consultation on the draft resolution amending the regulation on the protection of copyright in electronic communications networks and implementing procedures (draft resolution 47/25/CONS) (the ‘Regulation’).

The proposed changes aim to formally incorporate and expand the use of the Piracy Shield platform – a system implemented by Autorità Garante per le Comunicazioni (AGCOM) to facilitate expedited blocking of websites that allegedly infringe copyright – into Italy’s regulatory framework.

The Piracy Shield allows copyright holders to request site-blocking orders to be executed within 30 minutes, with limited transparency or recourse for affected parties.<sup>1</sup> These amendments, most notably changes to Article 10 and Article 8(3-bis) of the Regulation, further consolidate the Shield’s role, including extraterritorial content-removal capabilities without clear coordination with EU law, particularly the Digital Services Act (DSA)<sup>2</sup>.

CCIA Europe believes that several elements of these amendments, and the Piracy Shield platform, at large should be assessed by the European Commission. In particular, the:

- I. Lack of procedural safeguards and transparency in the Piracy Shield platform
- II. Risk of overblocking and collateral damage
- III. Questionable legal basis for cross-border removal
- IV. Ineffectiveness of network-level blocking, and better alternatives

Given the serious implications of these proposals for the EU internal market, the freedom to provide cross-border services, and fundamental rights such as freedom of expression and due process, CCIA Europe urges the Commission to issue a detailed opinion under the TRIS procedure.

In addition to the concerns raised in this document, CCIA Europe has also responded directly to AGCOM’s consultation, which we will include as an attachment to this contribution.<sup>3</sup> The Piracy Shield platform is facing growing criticism from a broad range of stakeholders, including from within AGCOM itself, notably [one of its Commissioners](#).

<sup>1</sup> Mathilde Adjutor and Claudia Canelles Quaroni, Italy’s Piracy Shield: Lessons Learned and Mistakes to Avoid, 18 September 2024, available [here](#).

<sup>2</sup> Regulation (EU) 2022/2065 of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), available [here](#).

<sup>3</sup> CCIA Europe Response – IT Public Consultation Piracy Shield (EN), 7 April 2025, available [here](#).

## I. Lack of procedural safeguards and transparency in the Piracy Shield platform

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The Piracy Shield mechanism allows rightsholders to request the blocking of websites suspected of hosting or transmitting infringing content, with AGCOM issuing blocking orders to service providers to act within a 30-minute window. However, this process lacks clear legal safeguards, including:

- It does not seem that AGCOM checks the accuracy of requests for blocking orders. The Piracy Shield processes copyright owner's requests automatically.
  - In October 2024, a copyright owner's blocking request (see herein below), resulted in the Piracy Shield blocking various perfectly legitimate websites (including Google Drive).
  - Based on the warning sent by AGCOM to the then claimant (AGCOM's resolution No. 400/24), it appears that the documentation was filed too soon after the event, raising doubts about its accuracy.
- No meaningful opportunity is provided for platforms, users, or service providers to contest blocking orders before their enforcement.
- There is no independent review or appeal mechanism that operates in a timely manner.
- Technical specifications and operational protocols of the Shield have never been made public.
- The development and governance of the Shield have lacked stakeholder inclusivity. The system was built by a company affiliated with Lega Serie A, a direct beneficiary of the platform.
  - Only a limited number of local stakeholders were involved in its creation, without any involvement of service providers targeted by the Piracy Shield.

Indeed, the entire setup of the platform is incompatible with the principles of proportionality and due process as enshrined in EU law.

## II. Risk of overblocking and collateral damage

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The Piracy Shield platform relies heavily on IP address-based enforcement, which has already resulted in the overblocking of legitimate, non-infringing services such as Google Drive. This occurs because sites using the same proxy infrastructure or content delivery network (CDN) as infringing platforms may share IP addresses.<sup>4</sup>

Given that modern hosting and content-delivery practices frequently rely on shared infrastructure, this approach poses a high risk of unjustified interference with lawful online

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<sup>4</sup> CCIA Europe, Overblocking From Anti-Piracy Measures Across EU Raises Concerns, 18 February 2025, available [here](#).

content and services. Additionally, domain name blocking heightens the potential for overreach and content censorship, particularly when a single domain may host a mix of infringing and non-infringing content.

Furthermore, the 30-minute timeframe provides internet service providers (ISPs) with no practical opportunity to verify the scope, accuracy, or technical feasibility of blocking orders – undermining their ability to apply any discretion or ensure legality.

### III. Questionable legal basis for cross-border removal

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AGCOM's new proposal introduces a provision empowering itself to issue orders for the removal of content hosted in other EU Member States, vaguely referring to the Digital Services Act (DSA) as a legal basis. This raises several concerns:

- The DSA provides for structured cross-border cooperation mechanisms and does not grant national authorities carte blanche to take direct enforcement action against hosting services in other Member States.
- The proposal lacks clarity on which provisions of the DSA are being invoked and how these powers align with Articles 8 and 9 of the DSA, which govern the issuance and enforcement of orders to act against illegal content.
- This extraterritorial enforcement risks undermining the DSA's country-of-origin principle and creates legal uncertainty for service providers operating across the EU.

AGCOM's existing powers under Article 8(4) of the Regulation already allow for ISP-level blocking when content is hosted outside of Italy. The relationship between this existing competence and the newly proposed authority in Article 8(3-bis) of the Regulation remains unclear.

### IV. Ineffectiveness of network-level blocking, and better alternatives

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Network-level blocking is easily circumvented and does not remove infringing content from the internet. It can also serve to obscure, rather than address, the root causes of piracy. Rather than investing in fast-track blocking mechanisms, national enforcement strategies – including Italy's – should instead focus on:

- Strengthening cooperation with hosting services and platforms to take down illegal content at the source.
- Targeting actual distributors and beneficiaries of infringing content.
- Enhancing transparency, due process, and appeal mechanisms within any copyright enforcement framework.

Unlike the Piracy Shield, this approach would be significantly more consistent with the DSA's goals of promoting a balanced digital single market that protects fundamental rights while adequately addressing illegal content online.

## Conclusion

In light of the concerns outlined above, CCIA Europe respectfully urges the European Commission to issue a detailed opinion. In particular, because the proposed amendments:

- Lack adequate safeguards and transparency
- Introduce disproportionate enforcement mechanisms that risk overblocking
- Raise serious questions about their compatibility with EU law, including the DSA and the Charter of Fundamental Rights
- Threaten to fragment the internal market by introducing extraterritorial enforcement without a clear legal basis or coordination with EU frameworks

A detailed opinion is essential to ensure that Italy's national measures do not create unjustified barriers to the provision of information society services, nor undermine legal certainty and the principles underpinning the European Single Market.

CCIA Europe remains available to provide additional input and technical expertise as needed.

## About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009. CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.

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