Message 103

Communication from the Commission - TRIS/(2026) 1586

Directive (EU) 2015/1535

Notification: 2026/0113/FR

Forwarding of the observations of a Member State (Italy) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

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1. MSG 103 IND 2026 0113 FR EN 09-07-2026 12-06-2026 IT COMMS 5.2 09-07-2026

2. Italy

3A. inistero delle Imprese e del Made in Italy
Dipartimento Mercato e Tutela
Direzione Generale Consumatori e Mercato
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Direzione Tutela dei Consumatori

4. 2026/0113/FR - SERV - INFORMATION SOCIETY SERVICES

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. The notified government bill sets out restrictive preventive measures for online service providers whose services constitute or facilitate the commission of cybercrimes such as fraud, identity theft, the unlawful processing of personal data, and unauthorised access to computer systems.
Firstly, it should be noted that the government bill provides for an additional measure alongside orders for DNS blocking and for blocking search engine indexing, namely the obligation for Internet browser providers to display a message to users regarding the risks of harm associated with accessing online services involved in unlawful activities.
Specifically, the measures include both preventive measures, namely, a formal warning to operators of online communication services (publishers) to cease the unlawful activity, and an order requiring web browser providers to display, without delay and for a period of seven days, a warning message to users informing them of the risk of harm they may suffer by accessing the site, as well as enforcement measures.
In particular, if five days have passed without the service provider complying with the formal notice, or if there is no point of contact for the online service, the law provides for: (i) an order blocking access for Internet service providers and/or domain name resolution providers, (ii) an order blocking the indexing of search engines and online directories, and (iii) an order to Internet browser providers to display the warning message to users for a period of three months.
The undersigned considers that the requirement to display an ‘alert’ message in the web browser regarding the risks associated with accessing the web service is useful for strengthening consumer protection and helping to inform users about the potential risks of unlawful activities carried out via the online service. However, in the undersigned’s view, it is difficult to identify precisely who is subject to these obligations, as many apps allow users to browse directly within the app (i.e., they have built-in web browsers) without needing to use external web browsers. Therefore, to ensure greater effectiveness of the measure, it is considered appropriate to state that these obligations should be extended not only to web browser providers but also to application providers offering integrated web viewers, such as the apps of the main social network services.

Furthermore, about web browser providers that also operate outside France, it is considered that they can distinguish between web browser users in France and those in other countries, ensuring that the information message is displayed only in the former case. However, this distinction does not appear to be technically easy to implement.
We also welcome the measure provided for in Articles 1 and 12 of Law No 2004-575 of 21 June 2004, under which online service providers are required to make their contact details available in an open format and, in the event of failure to publish or provide such data, the designated authority may proceed directly with orders for DNS blocking and de-indexing from search engines and directories. This provision, which therefore requires online service providers to make their contact details available, helps to overcome certain problems, also encountered in Italy, relating to measures adopted to protect copyright and safeguard minors, and connected with the failure of certain online services involved in unlawful activities to provide their contact details, which makes it difficult to serve administrative notices.
Finally, since the provisions of the notified French government bill apply without distinction to service providers wherever they are established, the undersigned considers that, in the case of entities established in other Member States, the substantive and procedural conditions laid down in Article 3(4) and (5) of Directive 2000/31/EC ('the E-Commerce Directive') should be provided for, to ensure compliance with the principle of control by the country of origin and freedom to provide information society services.

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