



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 301

Communication from the Commission - TRIS/(2025) 0964

Directive (EU) 2015/1535

Notification: 2025/0148/IT

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informácie - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információkérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20250964.EN

1. MSG 301 IND 2025 0148 IT EN 18-06-2025 01-04-2025 COM INFOSUP COM 18-06-2025

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2025/0148/IT - SERV60 - Internet services

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, the Italian authorities notified to the Commission the draft of a “Decision amending the Regulation on the protection of copyright in electronic communications networks and implementing procedures under Legislative Decree No 70 of 9 April 2003” (hereinafter, the “notified draft”), which is subject to public consultation through the Decision 47/25/CONS of the Autorità per le Garanzie Nelle Comunicazioni (AGCOM).

The notified draft represents Annex A to the Decision 47/25/CONS, and is accompanied by Annex B, representing the consolidated text of the Regulation on the protection of copyright in electronic communications networks and implementing procedures under Legislative Decree No 70 of 9 April 2003, and Annex C, representing the public consultation arrangements. The references in the queries below are based on the notified draft as presented in Annex B to Decision 47/25/CONS.

In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the Italian authorities are kindly invited to reply to the following request for supplementary information:

1. The Commission services welcome any explanations on the obligations for service providers under the scope of the Regulation (EU) 2022/2065 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act, hereinafter “DSA”) that would arise from the notified draft.

2. The Italian authorities are kindly invited to clarify whether they deem Articles 8, 8 bis, 9 bis and 10 of Annex B of the notified draft:

(i) act as legal bases under national law to issue orders to act against illegal content pursuant to Article 9 DSA; and

(ii) whether the orders and injunctions issued based on these articles are orders to remove illegal content pursuant to



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Article 9 DSA.

3. If the affirmative, the Italian authorities are kindly invited to clarify whether the orders and injunctions to be issued pursuant to Articles 8, 8 bis, 9 bis and 10 of Annex B of the notified draft meet the minimum conditions listed under Article 9(2) DSA, as well as how the notified draft ensures that the rest of the requirements of Article 9 are met.

4. The Italian authorities are kindly invited to clarify the interplay of Article 8(5) of Annex B to the notified draft, which would impose an obligation on the service provider to redirect the recipient of the service, with the maximum harmonization effect of the DSA.

5. The Italian authorities are kindly invited to clarify the interplay between Articles 8, 8bis, 9 bis and 10 of Annex B of the notified draft and Recital 27 DSA and the Charter, in particular the fundamental right to freedom of expression and information, given the removal of infringing content can also take place at the level of hosting and mere conduit service providers. In particular, the Italian authorities are kindly invited to provide information on the redress mechanisms available to users.

6. The Italian authorities are kindly invited to provide more information as regards the interplay between Articles 8, 8bis, 9 bis and 10 of Annex B of the notified draft and Article 8 of the DSA, in particular as regards preventive measures.

7. The Italian authorities are kindly invited to provide their views on how the notified draft takes into account Article 4(3) DSA in combination with Article 9(1) DSA.

8. The Italian authorities are kindly invited to explain to what extent and how AGCOM verifies the assessment and documentation submitted by the authorised entities under Article 10(4) of Annex B of the notified draft, concerning the reported domain names and IP addresses which are reported as predominantly intended to infringe copyright or related rights. In particular, clarification is sought on the nature of the verifications to be carried out by AGCOM under Article 10(5) of Annex B of the notified draft, including whether personal data are processed, and on how the process works in practice, in relation to the automated functioning of the Piracy Shield platform.

9. The Italian authorities are kindly invited to clarify the relevant parties that can make use of the Piracy Shield platform and on what criteria access is granted to them.

10. The Italian authorities are kindly invited to explain the reason for the six-month timeframe applicable before the release of blocked IP addresses, as provided for in Article 10(11) of Annex B of the notified draft.

The Italian authorities are kindly invited to reply by 14 April 2025.

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