



13 November 2017

(17-6151)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>ITALY</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Ministero dello sviluppo economico Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Ministry for economic development General Directorate for Market, Competition, Consumer, Vigilance and Technical Standardization Division XIII - Technical standardization 00187 Roma I – Via Sallustiana, 53 tel. ++39 06 4705.5386 ucn98.34.italia@mise.gov.it European Commission TBT Enquiry Point: GROW-EU-TBT@ec.europa.eu
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Internet access services; software and digital content. Communication terminal devices.
5. Title, number of pages and language(s) of the notified document: Draft law laying down measures concerning the provision of Internet services for the protection of competition and freedom of access for users (Senate Act No 2484) (8 page(s), in Italian)
6. Description of content: The draft law is composed of six articles. Article 1 contains the definitions used for the application of the law; Article 2 establishes the qualification requirements for access services or connectivity to the Internet and specifications relating to the content of contractual documentation to be provided to users of these services. Article 3 establishes, consistent with guidelines for the implementation of Article 3(5) of Regulation (EU) 2015/2120, rules concerning limits to traffic management; it governs the provision by network access service operators of value-added services to prioritise traffic classes in their own access network segment and the fixing of the prices for such services; the procedures to be adopted in the event of damage to the integrity or security of the Internet network or to the service or terminal of other users caused by traffic from another end user of the same operator; it provides that the Italian Communications Authority establishes minimum levels of service quality, which must be respected and adequately publicised by providers of electronic communications services. Article 4 governs the rights of users in terms of choice and selection of software available online and for uninstalling software and removing content from their devices that is not of

<p>interest to them; it prohibits operators of platforms from limiting or restricting those rights to the acquisition or use of specific software, content or services through contractual, technological, economic tools or user experience.</p> <p>Article 5 stipulates rules on transparency, imposing the obligation on network or electronic communications service providers to publish on their own website in the price transparency section, within 30 days of the date of entry into force of the law, offers under the scope of application of Articles 2 and 3.</p> <p>Article 6 lays down rules governing penalties for cases violating the obligations imposed by the draft law.</p>
<p>7. Objective and rationale, including the nature of urgent problems where applicable: The specifications, limitations and other requirements set out in the notified draft law are designed to govern the supply of Internet services in terms of protection of competition and freedom of access for users.</p>
<p>8. Relevant documents:</p> <ul style="list-style-type: none"> • Legislative Decree No 70 of 9 April 2003: implementation of Directive 2000/31/EC; • Legislative Decree No 259 of 1 August 2003 - Articles 25 and 98: annexes; • Decree Law No 7 of 31 January 2007, converted, with amendments, by Law No 40 of 2 April 2007 - Article 1: annex; • Legislative Decree No 206 of 6 September 2005 - Articles 22 and 27(1): annexes.
<p>9. Proposed date of adoption: 7 February 2018 Proposed date of entry into force: 22 February 2018</p>
<p>10. Final date for comments: 25 January 2018</p>
<p>11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>Text on line at: http://ec.europa.eu/growth/tools-databases/tris/en/search and/or at: http://ec.europa.eu/growth/tools-databases/tbt/en/search https://members.wto.org/crnattachments/2017/TBT/ITA/17_5062_00_x.pdf https://members.wto.org/crnattachments/2017/TBT/ITA/17_5062_01_x.pdf https://members.wto.org/crnattachments/2017/TBT/ITA/17_5062_02_x.pdf https://members.wto.org/crnattachments/2017/TBT/ITA/17_5062_03_x.pdf</p>