

**G-Regs™**

## Italy – LD on Information Society Services



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**Full title:** Legislative Decree of 9th April 2003, No. 70 (OJ No. 87 del 14-4-2003 – Ordinary Supplement No. 61)

Implementation of Directive 2000/31/EC of 8th June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2003-04-09;70!vig=>

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**Title of relevant sections:** Articles 7, 8, 9, 12 1a-f and 13

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**Article 7****Mandatory general information**

1. In addition to the information obligations identified for specific goods and services, the provider shall make the following information easily accessible to the recipients of the service and competent authorities, directly and permanently:

- a) The name, denomination or company name;
- b) The domicile or registered office;
- c) The essential data enabling rapid contact with the provider and direct and effective communication therewith, including the email address;
- d) The directory registration number of the economic activities, Administrative and Economic List or register of companies;
- e) The identification details as well as the essential data of the competent supervisory authority if an activity is subject to a concession, licence or authorisation;
- f) With regard to regulated professions:

- 1) The professional association or similar institution with which the provider is registered and the registration number;
- 2) The professional qualification and member State in which it was issued;
- 3) The reference to the professional standards and any codes of conduct in force in the Member State of establishment and the methods of consulting them;

- g) The VAT number or other identification number deemed equivalent in the Member State, if the provider carries out an activity liable to tax;
- h) A clear and unequivocal indication of the prices and charges of the different information society services provided, showing whether they include taxes, costs of delivery and additional items to be specified;
- i) Indication of the activities permitted to the consumer and recipient of the service and the contract conditions if an activity is subject to authorisation or the object of the service is provided on the basis of a user licence agreement.

2. The provider must update the information referred to in paragraph 1.

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3. Registration of an online publication [*testata editoriale telematica*] is only mandatory for activities for which the service providers intend to make use of the provisions of Law No. 62 of 7 March 2001.

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**Article 8****Information obligations for marketing communications**

1. In addition to the information obligations stipulated for specific goods and services, marketing communications that constitute an information society service or form an integral part thereof must contain specific information, from first dispatch, clearly and unequivocally, aimed at indicating:

- a) That this is a marketing communication;
  - b) The individual or corporation on behalf of which the marketing communication is effected;
  - c) That this is a promotional offer with discounts, prizes or gifts and the relative conditions of access and
  - d) That this concerns promotional contests or games, if permitted, and their terms of participation.
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**Article 9****Unsolicited marketing communications**

1. Without prejudice to the obligations provided for in Legislative Decree No. 185 of 22 May 1999 and Legislative Decree No. 171 of 13 May 1998, unsolicited marketing communications emailed by a provider must be identified as such clearly and unequivocally from the time that the recipient receives them and must inform the recipient of the message may object to the receipt of such communications in future.

2. The provider shall be responsible for supplying evidence that the marketing communications are solicited.

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**Article 12****Information aimed at the conclusion of an agreement**

1. In addition to the information obligations stipulated for specific goods and services, as well as those established by Article 3 of Legislative Decree No. 185 of 22 May 1999, and unless otherwise agreed by parties that are not consumers, the provider must supply the following information clearly, comprehensibly and unequivocally, prior to the dispatch of the order by the recipient of the service:

- a) The various technical phases to be followed for the conclusion of the agreement;
- b) The way in which the agreement concluded will be stored and the relative terms of access;
- c) The technical means provided to the recipient for identifying and correcting data entry errors prior to forwarding the order to the provider;
- d) Any codes of conduct to which it adheres and how to access them electronically;
- e) The languages available for concluding the agreement in addition to Italian and
- f) Stipulation of the means for settling disputes.

2. Paragraph 1 is not applicable to agreements concluded solely via the exchange of emails or equivalent individual communications. 3. The clauses and general terms of the agreement proposed to the recipient must be made available in such a way that the storage and reproduction thereof is possible

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**Article 13****Transmission of the order**

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1. The rules on the conclusion of agreements shall apply in the cases in which the recipient of information society goods or services transmits his order electronically.
  2. Unless otherwise agreed by parties other than consumers, the provider must acknowledge receipt of the order from the recipient, without undue delay and electronically, containing a summary of the general and particular terms applicable to the agreement, the information relating to the essential characteristics of the goods or service and detailed price information, payment methods, withdrawal, delivery costs and applicable taxes.
  3. The order and receipt shall be deemed to have been received when the parties to which they are addressed are able to access them.
  4. The provisions referred to in paragraphs 2 and 3 shall not apply to agreements concluded solely via the exchange of emails or equivalent individual communications.
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