

DDL No 1136

Article 1

(Scope of application)

1. To ensure a high level of protection for minors, the provisions of this Act apply to users of online social media services under the age of fifteen.

Article 2

(Provisions for prohibiting minors from accessing social media services and video sharing platforms)

1. In accordance with Article 2-*quinquies* of the Personal Data Protection Code, referred to in Legislative Decree No 196 of 30 June 2003, as amended by Article 4 of this Law, the access of minors to social media services and video sharing platforms, as defined, respectively, by Article 2(7) of Regulation (EU) 2022/1925 and by Article 3(1)(c) and *c-bis* of Legislative Decree No 208 of 8 November 2021 is permitted to persons over the age of fifteen. The age of the persons is verified by each service provider, referred to in Article 1 of this Law, in the manner it wishes to adopt taking into account the future European Digital Identity Portfolios (EUDI), as well as the expected adoption of the guidelines issued by the European Commission, in line with the dictates of Regulation (EU) 2022/2065, with particular regard to Article 28.

Article 3

(Validity of contracts for information society services and supervision)

1. Contracts relating to accounts already created and held by children under the age of fifteen with the providers referred to in Article 2 must be adapted under the same conditions as those set out therein and as soon as possible and, in any case, no later than 180 days after the entry into force of this law.

2. Contracts with the providers referred to in Article 2, concluded by children under the age of fifteen, if not adapted to the requirements contained in this rule within 30 days of its entry into force, are null and void and may not constitute an appropriate legal basis for the processing of personal data, under Article 6(1)(b) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016.

3. The Data Protection Authority shall impose the penalties provided for in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 in cases of infringement by the providers referred to in this Article.

4. The Communications Regulatory Authority shall monitor the correct application of the aforementioned Article 2 and shall intervene in accordance

with the procedures laid down in Article 15 of Decree Law No 123 of 15 September 2023, with particular regard to Articles 57, 58, 59, 60 and 85 of Regulation (EU) 2022/2065.

Article 4

(Consent of the child)

1. In Article 2-*quinquies* of the Personal Data Protection Code, referred to in Legislative Decree No 196 of 30 June 2003, the word: 'fourteen', wherever it occurs, is replaced by the following: 'fifteen'.

Article 5

(Regulation of online promotional activities by minors)

1. Within 180 days of this law coming into force, the Communications Regulatory Authority shall issue guidelines on influencers under the age of 15. The guidelines must include a defining framework, the measures necessary to ensure compliance with the principles of transparency and fairness of information, the rules on the protection of minors involved and the fundamental rights of the individual, and the provisions on commercial communications and product placement aimed at making any promotional purposes pursued transparent to the public, as set out in Legislative Decree No 208 of 8 November 2021.

2. The non-occasional dissemination of the image of a child under the age of 15 through a social media service, where the child is the main subject, must be authorised by the person who exercises parental responsibility over the child or is his or her guardian, as well as by the competent territorial labour inspectorate. The Communications Regulatory Authority shall, within the guidelines referred to in paragraph 1, establish the parameters on the basis of which authorisation is required, as well as the quantification of direct and indirect revenues. Revenues received from the date on which the relevant threshold is exceeded shall be paid into a bank account held in the name of the relevant minor.

3. In the authorisation referred to in paragraph 2, the competent territorial labour inspectorate shall, where the conditions are met, lay down:

- a. the maximum time and duration of use of the child for the realisation of the content referred to in paragraph 1;
- b. the measures to be taken by those exercising parental responsibility over minors to limit the risks, particularly psychological, associated with the dissemination of the content referred to in paragraph 1;

c. the necessary measures to enable regular and successful schooling and the child's compulsory attendance.

4. The proceeds of the current account, referred to in paragraph 2, in the name of the child who is the protagonist of the content may under no circumstances be used by the person exercising parental responsibility over the child. Notwithstanding the first sentence, such proceeds may be used in the exclusive interest of the child, subject to the authorisation of the guardianship judge of the competent ordinary court or juvenile court.

5. An advertiser requesting the inclusion of their product or service in content where the main subject is a child under fifteen years of age, intended to be broadcast on a platform referred to in Article 2, shall verify compliance with paragraphs 1, 2 and 3 of this Article and shall make payment of the corresponding sum, and of any other amount of money for any reason whatsoever, exclusively to the current account referred to in paragraph 2.

6. Failure by the persons referred to in this Article to comply with the obligations provided for therein shall be punished under Article 26 of Law No 977 of 17 October 1967.

Article 6

(Measures to strengthen child safety in the digital environment)

1. Within 90 days of the entry into force of this law, the Presidency of the Council of Ministers shall adopt a decree in agreement with the Ministry of Education and Merit, after consulting the Communications Regulatory Authority and the Ministry of Enterprise and Made in Italy. This decree will establish the implementation methods to promote annual campaigns aimed at strengthening the digital and media literacy of minors. These methods will also promote the dissemination and use of parental control tools, as well as information campaigns on conscious use of the internet and the risks associated with it. These campaigns will be aimed at minors and those exercising parental responsibility. The methods will also enable minors to immediately activate communication with emergency numbers. Initiatives will be launched in close and fruitful collaboration with online social media service providers.