

Executive Summary

At the Council meeting of 4th February 2021, the *Autorità per le Garanzie nelle Comunicazioni* (AGCOM – the Italian Regulatory Authority for the communications sectors) adopted Resolution (No. 44/21/CONS) launching a survey relating to the services provided by online platforms, identifying Commissioners Laura Aria and Elisa Giomi as Rapporteurs.

The survey is part of an enduring commitment taken by AGCOM as regards the analysis of the digital ecosystem; moreover, the survey aims at innovating the approach to such analysis by means of the adoption of a scientific method for the recognition and evaluation of sectorial disciplines applicable to heterogeneous issues (MAMP methodology - Mapping, Assessing and Making Policies).

It is undeniable that services provided by online platforms offer substantial advantages to contemporary societies. On the one hand, these services play a crucial role in creating digital value in support of EU economic growth, being of great importance for the effective functioning of the digital single market.

On the other hand, online services have also transformed the daily lives of citizens with economic benefits that have stimulated - directly and indirectly - general wellbeing.

The technological developments, the evolution of services and competitive dynamics are accompanied by a continuous update of the regulatory framework, albeit slower than market dynamics: the complexity of the challenges for legislators is evident - at least in - three macro-profiles, embracing the themes of information/democracy, law and economy.

From a factual point of view, the transition to an increasingly interconnected society entails increasing risks for citizens, businesses and public administrations in various ways.

From a regulatory point of view, the matter has the attention of European institutions. In particular, the European Commission has publicly acknowledged that digital transformation requires in-depth reflection regarding the best way in which risks and challenges can be faced and, in response to the acknowledgment of the inefficiencies related to the current regulatory framework for digital services, and has put in place different instruments including two proposals for Regulations (Digital Service Act and Digital Market Act).

Consequently, the national debate must target a twofold objective. Firstly, the need to effectively transpose and enforce the various provisions already adopted at European level in the field of digital services. Secondly, the need to preserve the good functioning of the entire legislative framework since the new proposals do not replace existing sectorial legislations but rather expose emerging intersections.

All in all, this complexity is directly affecting the competences and activities of AGCOM. For this reason, it was considered urgent and necessary to proceed with an analysis of the services offered on online platforms and of the related critical issues, in order to build a solid knowledge base that integrates the experience already gained and allows to identify suitable tools to address the upcoming regulatory challenges.

To this end, the survey has been launched with the aim of: classifying online services; identifying the types of problems and the effects that these could produce in the fields of information/democracy, law and economy; defining the existing regulatory framework for digital services and online

platforms; selecting existing best practices; formulating new methodologies and strategies that AGCOM may follow, to the benefit of the common debate on the regulation of digital environment.

In more detail, the survey is divided into the following lines of activity: a) mapping the services existing in the market; b) identification of the problems generated by or associated with each type of service; c) providing a synoptic representation of the current national, European and international regulatory framework; d) benchmarking the legislative, regulatory or jurisprudential interventions currently in place in each EU Member State and in extra-EU jurisdictions.

The survey makes use of a scientific method that has its representation in an open matrix in which the main services are systemically identified along with the related problems affecting information/democracy, law and economy, together with national, European and international legislative tools.