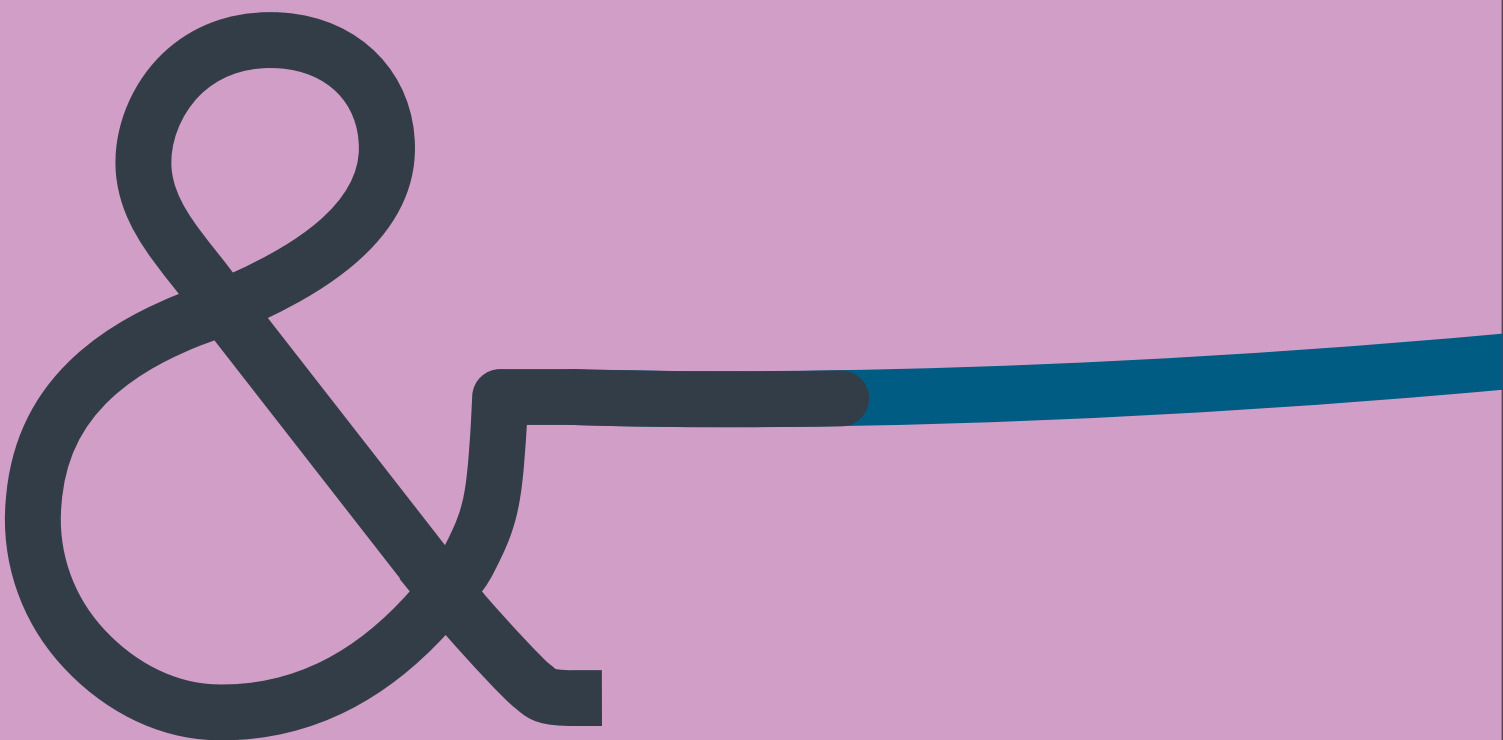


Bird & Bird

P2B Regulation

AGCOM's best practices on the internal complaints management system requirement

28 March 2024



P2B Regulation: AGCOM's best practices on the internal complaints management system requirement

After the publication of the first set of best practices concerning the requirement of the availability of terms and conditions, the Italian Communications Authority ("AGCOM") published the best practices concerning the internal complaints handling system.

On 20 March 2024, AGCOM published the best practices for implementing the internal complaint handling system required by EU Regulation 1150/2019 ("P2B Regulation"), to which online intermediary service providers (other than SMEs) are obliged. This follows the **first set which was published** on 10 January 2024.

The internal complaint handling system must be based on the principles of transparency and equal treatment, as well as being free of charge, easily accessible and ensuring that complaints are handled within a reasonable timeframe in a manner proportionate to their importance and complexity.

To this end, AGCOM have provided the following guidelines to best meet the needs encountered in practice by business users:

- distinguish information on the complaints management system for business users from that for consumers, e.g. by creating dedicated areas for the business users on the website;
- make available to business users information on how to access the internal complaint handling system also in the reserved area of the platform/website, in addition to the T&Cs;
- include references in the T&Cs to the contact point (e.g. a link to an online form, e-mail address and/or telephone number, chat or other) to access the complaints management system;
- provide individual feedback (in Italian) to the business user on the outcome of the complaint;
- make available to the business user a dedicated resource to provide information and clarification on the reasons supporting the outcome of the complaint;
- make available dedicated contact points for more advanced and specialised second-level assistance from suitably qualified staff able to interact correctly in the language of the business user on the subject of the complaint;
- diversify the complaints section by subject or type of problem encountered, so that the business user can direct the complaint to the most appropriate area for efficient handling of the report received.

The best practices contain indications that are in addition to those already expressed by AgCom in the Guidelines for the adequate and effective application of the P2B Regulation (pursuant to AgCom Resolutions 156/22/CONS and 406/22/CONS) on the same subject.

In any case, the further provisions of EU Regulation 2022/2065 on digital services (the "Digital Services Act" or "DSA") applicable to online platforms always with reference to the internal complaints management system remain unaffected.

In light of the above, we recommend that online intermediation service providers take the utmost account of the best practices published by AGCOM on how to make information relating to the access modalities and the functioning of their internal complaint handling system available to business users.

Finally, we remind you that in the coming months AGCOM will publish further best practices with specific reference to the provisions of the P2B Regulation on mediation and the positioning of business users.

Get in touch with our team for clarifications and updates on the measures adopted by AGCOM to ensure the correct application of the P2B Regulation in Italy, and assistance in implementing the relevant recommendations provided by AGCOM.

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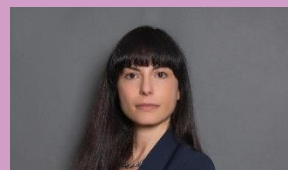
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