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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(30.6.2025)

The Commission is aware of the phenomenon of telemarketing in Italy mentioned by the Honourable Members.

Directive 2002/58/EC¹ (ePrivacy Directive) regulates unsolicited communications, including direct marketing via phone calls.

In the case of direct marketing using automatic calling machines (i.e. where the calls are made by a machine, without human intervention), Article 13(1) of the Directive requires that the subscriber or user has given prior consent to receive such calls.

In the case of unsolicited phone calls made by people, Article 13(3) of the Directive leaves Member States with a choice on whether to require the prior consent of the subscriber or user or to require the possibility for them to object to such calls. This has to be specified by law at Member States' level.

The Member States were required to transpose the ePrivacy Directive into national legislation. The monitoring and enforcement of that Directive falls within the competence of the national authorities and courts, without prejudice to the competences of the European Commission as Guardian of the Treaties. The Commission does not assess complaints on the application of the Directive in individual cases. Those complaints are rather for the competent national authorities and courts.

While the Commission has proposed to withdraw the proposal for an ePrivacy Regulation, the ePrivacy Directive continues to apply.

¹ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) OJ L 201, 31.7.2002, p. 37–47.