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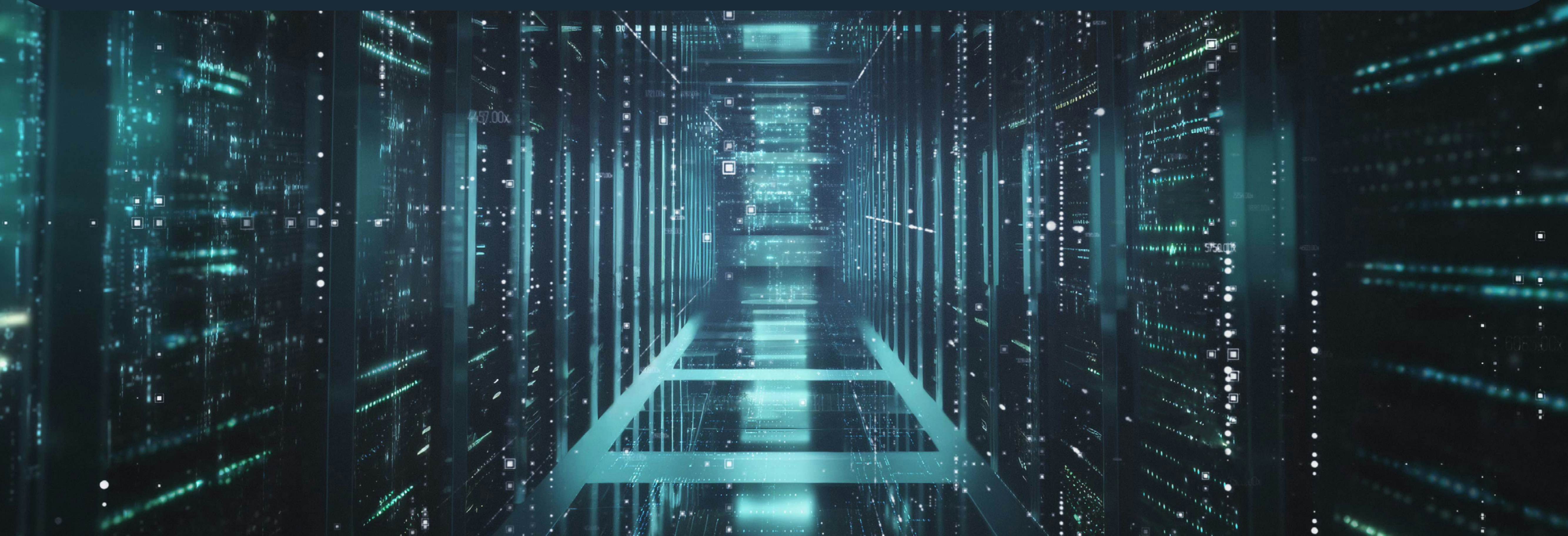
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Legance

*Italy bans unsolicited telephone
marketing in the energy sector:
Law No. 49 of 10 April 2026*



Italy bans unsolicited telephone marketing in the energy sector: Law No. 49 of 10 April 2026 (1/3)

Italian Decree-Law No. 21 of February 20, 2026 on **urgent measures for the reduction of energy costs**, introduces a near-wholesale ban on telephone-based commercial solicitation in the energy sector.

The new paragraph 8-bis, inserted into Article 51 of the Consumer Code, **prohibits energy operators from making commercial solicitations by telephone** – including by message – directed at **proposing or concluding contracts for the supply of electricity and gas**, with effect from the 19th of June. Two **exceptions** apply to the ban: a **telephone contact** is permissible (i) where **the consumer has requested it** directly through the operator's own digital interfaces, or (ii) where the **contact is directed at an existing customer** who has **expressed specific consent** to receive commercial proposals.

Italy bans unsolicited telephone marketing in the energy sector: Law No. 49 of 10 April 2026 (2/3)

Both **exceptions** are therefore **conditional on a prior**, traceable, and affirmative **act by the consumer**; unsolicited outreach, whatever its format or apparent purpose, falls squarely within the scope of the ban, and the **burden of proving the validity of any contact** rests **on the operator**. The law does not specify whether contacts made towards prospects – who are not existing customers – who nonetheless consented to be reached for commercial communications, are permitted: under existing privacy laws, they could be.

Furthermore, according to the new law permitted contacts must be made from a number that uniquely identifies the operator, and contracts concluded in violation of these rules are null and void.

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Consumers may report non-compliant calls to the Italian Data Protection Authority (the “**IDPA**”) and to AGCOM; where AGCOM finds that calls originate from numbers not assigned to the operator, it may order the relevant telecommunications carrier to immediately suspend the use of those lines. The IDPA may also prompt the mentioned suspension where a significant number of reports of calls made without prior consent have been received.

This legislative novel follows a consistent stream of enforcement actions undertaken by the IDPA against telemarketing campaigns held by energy operators; in one of the latest decisions issued in that area, Decision of March 2026, an energy operator was indeed fined over EUR 500,000 for making promotional offers without an adequate legal basis and for failing to implement technical and organizational measures capable of verifying the data subject’s intention to receive commercial communications.

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