

[IT] The Italian Government adopts the Corrective Decree amending the Italian Audiovisual Media Services Code

IRIS 2024-5:1/9

Eugenio Foco & Fabiana Bisceglia

The corrective decree (“Corrective Decree”), which supplements and amends Legislative Decree No. 208 of November 8, 2021 (“AVMS Code”), was published in the Italian Official Gazette on April 17, 2024.

The approval of the Corrective Decree has followed a complex legislative itinerary, during which the Advisory Section for Regulatory Acts of the Council of State and the *ad hoc* commissions of the Senate and the Chamber of Deputies rendered interesting opinions on the legislative novelties introduced.

The Corrective Decree introduced a vast array of amendments which cannot be properly summarised in this article. Therefore, it aims to provide a general overview of the newly introduced provisions.

Among the novelties is the introduction of the concept of an “audio-only content sharing platform service”, defined as a service having identical characteristics as a video-sharing platform service in which, however, “the shared content consists of sound programmes or user-generated audio, or both, intended for the general public”. Consequently, where applicable, the provisions laid down in the AVMS Code will also apply to such services.

Furthermore, the Corrective Decree has opened the possibility for radio service providers to own, at the same time, an authorisation to provide digital radio services both at a national and local level. Indeed, the Corrective Decree repealed the long-standing provision forbidding such practice.

Interestingly, the Corrective Decree requires that a new Self-Regulation Code for the Protection of Minors be adopted by 31 December 2024. The previous Code on Media and Minors will, therefore, be repealed upon its approval.

Video-sharing platform providers will now be required to communicate to the Italian Communications Authority (*Autorità per le Garanzie nelle Comunicazioni* —AGCOM) whether they operate in Italy or intend to begin operating in Italy.

Other amendments concern, primarily, the AVMS Code provisions on commercial communications.

Notwithstanding the above, the primary novelties introduced through the Corrective Decree are represented by the new provisions regulating the programming and investment obligations for audiovisual media services and, in particular, for on-demand providers.

While the 30% programming quota in European works applicable to on-demand providers remained unvaried, the Corrective Decree significantly amended the investment obligations. In particular, the investment quota for European works produced by independent producers has been decreased from 20% to 16% of the Italian turnover. At the same time, the sub-quota for works of Italian original expression anywhere produced by independent producers in the last five years has increased to 11.2% of the Italian turnover (of the quota for European works). In addition, of such 11.2% sub-quota, an additional sub-quota of approx. 3% must be reserved for cinematographic works of Italian original expression anywhere produced by independent producers in the last five years.

In addition to the above, the Corrective Decree has eliminated the possibility for the Ministry of Enterprises and Made in Italy (MiMiT) and the Ministry of Culture (MIC) to increase the existing sub-quotas or to introduce new ones.

Decreto Legislativo 25 marzo 2024, n. 50 - Disposizioni integrative e correttive del decreto legislativo 8 novembre 2021, n. 208

<https://www.gazzettaufficiale.it/eli/id/2024/04/17/24G00067/sg>

Legislative Decree No. 50 of 25 March 2024 laying down the supplementary and corrective provisions to Legislative Decree No. 208 of 8 November 2021

