

## [IT] AGCOM Imposes a Quota on the Broadcasting of European Works and on Investments in Works of Independent Producers

**IRIS 2009-3:1/35**

*Peter Matzneller  
Institute of European Media Law (EMR), Saarbrücken/Brussels*

In a decision of 13 February 2009 (Delibera n. 66/09/CONS), the Italian communications sector regulatory authority *Autorità per le Garanzie nelle Comunicazioni* (AGCOM) adopted a quota arrangement that obliges broadcasters to transmit European works and invest in works by independent producers.

Based on the relevant provisions of Directive 2007/65/EC on audiovisual media services (now 2010/13/EU, codified version) and following a consultation among interested broadcasting company representatives, the arrangement, which incorporates the basic provisions of Legislative Decree No. 177 on broadcasting of 31 July 2005, covers the following key aspects:

- Both public and private broadcasters must reserve more than half their transmission time for European works and divide this time up among the various genres.
- Private broadcasters and pay-TV providers must reserve at least 10 percent (public service broadcasters 20 percent) of their transmission time for European works produced in the last five years, and 20 percent of these works (public service broadcasters 10 percent) must be cinema films in Italian as the original language. These provisions apply especially at prime time, which is defined as the time between 7.30pm and 11.30pm.
- Within the aforementioned quotas, 6 percent of the transmission time must be given over to children's programmes and 20 percent to programmes suitable for children, but in this case the rules concerning prime time do not apply.
- Any exceptions to the quotas concerned must be justified, subject to a check by AGCOM on the actual availability of the material to be broadcast and taking into account the particular situation of special-interest channels.

The rules contain additional provisions on quotas for investments made by broadcasters:

- Private operators and pay-TV providers must invest at least 10 percent (public service broadcasters 15 percent) of their net annual revenues in the

programming, production, financing and acquisition of European works by independent producers.

- Within this quota, private providers must reserve at least 30 percent (pay-TV providers at least 35 percent and public service broadcasters at least 20 percent) for works in Italian as the original language.

Responsibility for supervising compliance with the provisions concerned lies with AGCOM, which carries out its remit by monitoring the programmes broadcast and can impose fines of EUR 10,329 to 258,228 for any infringements it establishes. The provisions in question do not apply to broadcasters limited to a local area.

***Delibera N. 66/09/CONS - Regolamento in materia di obblighi di programmazione ed investimento a favore di opere europee e di opere di produttori indipendenti adottato ai sensi degli articoli 6 e 44 del decreto legislativo 31 luglio 2005, n. 177***

<http://www.agcom.it/Default.aspx?DocID=2872>

*AGCOM Decision N. 66/09/CONS of 13 February 2009*

***Allegato A alla delibera n. 66/09/CONS del 13 febbraio 2009***

<http://www.agcom.it/Default.aspx?DocID=2873>

*Appendix to the Decision No. 66/09/CONS of 13 February 2009*

