[IT] Linear and Non-Linear AVMS to Be Authorised according to Agcom Regulations

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On 25 November 2010 the Autorità per le garanzie nelle comunicazioni (Italian Communications Authority - Agcom) adopted two regulations on the authorisation of linear and non-linear audiovisual media services (deliberations no. 606/10/CONS and 607/10/CONS), pursuant to legislative Decree no. 44/2010 implementing the Audiovisual Media Services Directive into Italian legislation.

For the purposes of licensing, linear services include audiovisual media and radio services conveyed through electronic communications networks other than coaxial cable, satellite and terrestrial platforms, which are regulated by separate provisions (deliberations no. 127/00/CONS and 435/01/CONS, see IRIS 2000-4/16 and IRIS 2002-1/18). The scope is limited to linear services intended for the general public, providing a weekly schedule of at least 24 hours and does not include cable TV services in limited areas, such as railway stations, metros, airports. As far as on-demand services are concerned, the scope is limited to catalogues accessible to the general public, excluding catch-up TV or archive services of content already broadcast on a linear basis, which are considered as ancillary to linear services. No rules are provided with reference to on-demand radio.

In addition, in order to determine presumptively which economic activity is in real competition with broadcasting, a threshold of yearly revenues above EUR 100,000 has been introduced and user-generated content posted on websites that do not provide for ex ante selection, but only an indexing activity of the content uploaded by users, would not fall under the scope of the regulations.

The authorisation system is different for the two kinds of services: for on-demand services it is sufficient to notify a declaration on the same day that the activity started, whereas for linear services it is necessary to wait for a thirty day period to elapse to get a general authorisation.

Existing services may continue to be supplied while awaiting authorisation; start-up activities are allowed a one year term to verify whether yearly revenues exceed the EUR 100,000 threshold.

The authorisations last for 12 years and are renewable. Authorised operators are subject to a one-time fee of EUR 500 for audiovisual media services and EUR 250

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for radio and on-demand services. There are no annual fees, but authorised providers are subject to the general annual contribution to Agcom that applies to all operators falling within its competence.

Delibera 25 November 2010, no. 606/10/CONS, Regolamento concernente la prestazione di servizi di media audiovisivi lineari oradiofonici su altri mezzi di comunicazione elettronica ai sensi dell'art. 21, comma1-bis, del Testo unico dei servizi di media audiovisivi e radiofonici

http://www.agcom.it/default.aspx?DocID=5416

Regulation concerning the provision of linear audiovisual media or radio services over other electronic communications networks according to Art. 21-1bis of the Audiovisual Media Services Code

Delibera 25 November 2010, no. 607/10/CONS, Regolamento in materia di fornitura di servizi di media audiovisivi a richiesta ai sensi dell'articolo 22-bis del Testo unico dei servizi di media audiovisivi e radiofonici

http://www.agcom.it/default.aspx?DocID=5417

Regulation concerning the provision of on-demand audiovisual media services pursuant to Art. 22-bis of the Audiovisual Media Services Code

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