[IT] Agcom Regulation on Short News Reports of Events of Major Interest to the Public

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On 17 December 2010 the Autorità per le garanzie nelle comunicazioni (Italian Communications Authority - Agcom) adopted a regulation concerning short news reports of events of major interest to the public, which are transmitted on an exclusive basis by a broadcaster under Italian jurisdiction. The regulation was adopted after a public consultation launched in June 2010, pursuant to Article 32-quater of the Italian audiovisual and radio media services Code (legislative decree no. 177/2005, as amended in 2010: see IRIS 2010-2/25 and IRIS 2010-4/31), which implements Article 15 of the Audiovisual Media Services Directive.

An “event of major interest to the public” is defined (Article 1) as a single event, such as a sports match, or a cultural, artistic or religious happening, whose importance to the public is well recognized and which is organized in advance by an event organizer who is legally entitled to sell its rights.

With a view to granting access to information on events of major interest, the aim of the regulation (Article 2) is to lay down a procedure for the exercise of the right to inform and to be informed. The right of accessing these events, when transmitted on an exclusive basis, is guaranteed to any broadcaster for the purpose of transmitting short news reports, which may solely be used within news programs, including those with a thematic character (Article 3). Local broadcasters may have access to highlights of events of high interest related to the local area covered by their transmissions. These extracts must be provided on a fair, reasonable and non-discriminatory basis, taking due account of exclusive rights.

Using images of the event for short news reports is allowed for a maximum of three minutes for each event, for a period from 1 to 48 hours after the conclusion of the event. In the case of events of very short duration, short extracts should have a proportionate extent and not exceed 3% of the entire duration of the event.

With regard to technicalities, the regulation outlines two alternative ways (Article 4) in which broadcasters can acquire the images of the event:

- the organizer of the event may make the whole event available for broadcasters through an electronic system that enables them to view the same event in its

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entirety and to extrapolate short news reports;

- if the above-mentioned system does not exist, broadcasters may access the broadcast signal of the licensee and freely choose the images for short news reports. In this case, broadcasters need to indicate the sources for the whole duration of the extract.

Such terms of use should be communicated by the organizer not later than one week before the event takes place, to give broadcasters enough time to exercise such a right. Any compensation, where it is provided for, may not exceed the additional costs directly incurred in providing access.

Should there be a disagreement between broadcasters regarding transmissions of an event as defined above, with reference to e.g., the qualifying of the event as being of a major interest to the public, the definition of the technical procedures of transmission of short extracts, the payment of fair compensation for the access to the signal of the licensee or to the location of the event, the regulation lays down a specific dispute resolution procedure whereby Agcom can adopt a binding decision if both parties agree (Article 5).

Delibera no. 667/10/CONS of 17 December 2010, Regolamento concernente la trasmissione di brevi estratti di cronaca di eventi di grande interesse pubblico

http://www.agcom.it/Default.aspx?DocID=5441

Regulation concerning broadcasting of short news reports events of major interest

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