[IT] AGCOM Procedure for Detecting the Emerging Platforms for Audiovisual Sport Rights Marketing

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On 17 November 2011 the Autorità per le Garanzie nelle Comunicazioni (Italian Communications authority - AGCOM) started an investigation procedure, to be concluded by 12 March 2012, aimed at detecting emerging platforms for the sale of audiovisual sports rights. Prior to the launch of a public consultation audiovisual media service providers operating on different distribution platforms had been asked to provide information on the media services they offer and the technological standards and equipments they employ.

To support the development and growth of emerging platforms, Legislative decree no. 9/2008, which gave AGCOM new powers regarding audiovisual sports rights for championship events, cups and tournaments involving professional teams, has obliged the organisers of the named competitions to license sport broadcasting rights directly to these platforms on a non-exclusive basis, suiting the rights to the technological skills of the concerned platforms and selling them at prices that are proportionate to the effective consumption of audiovisual content on each platform.

More generally, the main innovation of this Decree is the shift from a system focused on the ownership of rights by the individual sports clubs to a new system based on co-ownership rights shared between the organisers of the competitions and the clubs. In this context AGCOM regulates and monitors (ex officio or upon receiving a complaint) the correct application of the measures adopted and may impose fines in case of violation of the rules on the exercise of sport information adopted by Regulations nos. 405/09/CONS and 406/09/CONS.

As to the procedure, pursuant to Article 14 of the above-mentioned decree, AGCOM is required to conduct a biennial procedure, analysing the evolution of technologies (such as distribution systems and distribution of audiovisual products) to identify the emerging platforms, which can acquire the broadcasting rights over sports events on more favourable terms. The procedure must be conducted using the methodologies for market analysis in the electronic communications sector. With this new investigation, AGCOM has to verify if the platforms considered to be emerging following the last analysis adopted by Deliberation no. 665/09/CONS - namely IPTV, Mobile (GSM-GPRS/EDGE and UMTS/HSDPA) and DVB-H - can still be qualified as such.

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Delibera n. 598/11/CONS - "Avvio del procedimento per l'individuazione delle piattaforme emergenti ai fini della commercializzazione dei diritti audiovisivi sportivi, ai sensi dell'art. 14, del d.lgs. 9 gennaio 2008, n. 9 e dell'art. 10 del regolamento adottato con delibera n. 307/08/CONS"

http://www.agcom.it/default.aspx?DocID=7553

Agcom Deliberation no. 598/11/CONS, Procedure for the detection of emerging platforms for audiovisual sports rights' marketing, pursuant to Article 14, Legislative Decree no. 9/2008

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