[IT] Short News Reports Reduced from 3 Minutes to 90 Seconds

IRIS 2012-9:1/29

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On 4 September 2012, the Autorità per le garanzie nelle comunicazioni (Italian Communications Authority - AGCOM) adopted resolution no. 392/12/CONS amending Regulation no. 667/10/CONS on short news reports of events of high interest to the public transmitted on an exclusive basis by a broadcaster under Italian jurisdiction. This regulation was adopted pursuant to Article 32-quarter of the Italian AVMS Code, which implemented Article 15 of the AVMS Directive (see IRIS 2011-8/32 and IRIS Plus 2012-4).

The amendment follows a judgment of 23 March 2012 of the Consiglio di Stato (the High administrative court) declaring the illegitimacy of the envisaged duration of 3 minutes of the extracts instead of 90 seconds as per recital no. 55 of the AVMS Directive, thus confirming a judgment of 13 July 2011 of the Tribunale Amministrativo Regionale (the Regional administrative court) (see IRIS 2012-1/31).

While AGCOM had decided to opt for the length of 3 minutes in order to avoid different regimes for similar cases - taking into account that existing Italian provisions on the use of images from national football and basket championships allow broadcasters to use them up to 3 minutes for information purposes (Art. 5 of Legislative Decree no. 9/2008, which codifies a long-existing practice in Italy for sports events, see IRIS 2012-2/27) - the Court ruled that, in the absence of a clear statement in the Italian AVMS Code, AGCOM had no authority to autonomously extend the length of short news reports but should have followed the recital of the AVMS Directive.

In compliance with this decision, AGCOM therefore approved resolution no. 392/12/CONS, reducing the maximum length of the reports from 3 minutes to 90 seconds.

Delibera n. 392/12/CONS, Modifica al regolamento concernente la trasmissione di brevi estratti di cronaca di eventi di grande interesse pubblico ai sensi dell'art. 32-quater del testo unico dei servizi di media audiovisivi e radiofonici

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Deliberation No. 392/12/CONS amendments to the regulation concerning the broadcasting of short news reports of events of high interest to the public

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