[IT] Ministerial Decree Sets Transmission Time and Investment Quotas for Italian Works

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On 22 February 2013, the Ministry of Economic Development and the Ministry of Cultural Heritage and Activities, upon consultation with the relevant Parliamentary Committees, adopted a Ministerial Decree defining the notion of “cinematographic work of original Italian expression” and specifying the transmission time and investment quotas that broadcasters subject to Italian jurisdiction must reserve for such works, as per Section 44(2) and (3) of the Consolidated Law of Audiovisual and Radio Media Services (CLARMS). These “Italian quotas” are framed as sub-quotas of the transmission time and revenues that Italian broadcasters must devote to European works pursuant to those provisions.

The notion of “cinematographic work of original Italian expression” (“Italian works”) comprises films, whatever their place of production, whose original version is, for more than 50% of its duration, in Italian, in one of Italy’s dialects, or in one of Italy’s minority languages (if a film is set in or includes characters associated with Italian Regions inhabited by language minorities). The above criteria must be applied having regard to a film’s spoken sequences only. Interested parties may request the Directorate General for Cinema (established within the Ministry for Cultural Heritage and Activities) to certify a given film’s status as Italian work.

The Ministerial Decree sets different transmission time quotas that the public service broadcaster (PSB) and other broadcasters must reserve for Italian works produced in the last five years. In this connection, the notion of “transmission time” does not include the time allotted to news, sports events, games, advertising, teletext services and teleshopping. The PSB must devote to Italian works produced in the last five years: 4% of its transmission time and, in the case of dedicated theme channels; 1.3% of its transmission time, in the case of non-thematic channels. The PSB, moreover, must schedule an adequate proportion of such works at all the times of the day. Other broadcasters, instead, must reserve for such works: 3% of their transmission time, in the case of dedicated theme channels; and 1% of their transmission time, in the case of non-thematic channels.

The Ministerial Decree also sets different investment quotas that the PSB and other broadcasters must devote to Italian works. Those quotas are calculated: for

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the PSB, on the basis of its revenues from licence fees and advertising, excluding revenues from contracts with public entities and from the sale of goods and services; for other broadcasters, having regard to their annual revenues from advertising, teleshopping, sponsorship, agreements and contracts, public funding, and premium offers of non-sports programmes broadcast under their editorial responsibility. The PSB must devote: 3.6% of its revenues to the production, financing, pre-acquisition or acquisition of Italian works; 0.75% of its revenues to animation works for the education of children. Other broadcasters must reserve 3.2% of their revenues to the production, financing, pre-acquisition or acquisition of Italian works by independent producers. However, those broadcasters must devote 70% of that sub-quota (i.e., 2.24% of their revenues) to Italian works transmitted within 5 years of their production.

Finally, the Ministerial Decree lays down transitional arrangements for the phasing in of the above quotas. The transmission time quotas are reduced by 40% in the second half of 2013, by 30% in 2014 and by 15% in 2015. The investment quotas are reduced by 30% in the second half of 2013 and by 15% in 2014. The quotas set in the Ministerial Decree may be modified in the future by another Decree adopted pursuant to the same procedure.

Decreto del Ministero per lo Sviluppo Economico e del Ministero per i Beni e delle Attività Culturali del 22 febbraio 2013

https://www.cinema.beniculturali.it/uploads/DA/2013/decretoquote_22313.pdf

Decree of the Ministry of Economic Development and the Ministry of Cultural Heritage and Activities of 22 February 2013

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