[IT] AGCOM launches a public consultation on promotion of European works by on-demand audiovisual media service providers

IRIS 2014-8:1/30

Ernesto Apa
Portolano Cavallo Studio Legale

On 6 May 2014 the Autorità per le garanzie nelle comunicazioni (Italian Communications Authority - AGCOM) launched, by Resolution no. 151/14/CONS, a public consultation on the obligations to promote European works applicable to non-linear (i.e., on-demand) audiovisual media service providers (VOD providers).

Article 4-bis of the Regulation approved by AGCOM Resolution no. 66/09/CONS, requires VOD providers to alternatively:

(i) ensure that their catalogue contains at least 20 per cent European works, calculated in terms of the total number of hours of programming made available each year in the same catalogue; or (ii) allocate an annual financial contribution to the production of, or purchase of rights to, European works for their catalogues, representing at least 5 per cent of the revenue specifically attributable to the public provision of on-demand audiovisual content within the same catalogues in the preceding year.

For VOD providers that own or control more than one catalogue, compliance with the two requirements is determined on the basis of all catalogues provided. VOD providers may implement the above requirements gradually, within four years of the regulation entering into force (i.e., May 5, 2011).

The draft amendment proposed by AGCOM and subject to public consultation aims at (a) clarifying that the content and investment quotas apply also to VOD providers who are exempted from the duty to apply for a general authorization, and (b) introducing the option (not the obligation) for the VOD providers to display European works with a certain prominence within the catalogue.

VOD providers will be free to decide whether to adopt measures aimed at giving prominence to European works. VOD providers who will implement such measures (to be set forth through co-regulatory procedures) will benefit from a 20% reduction of the relevant quotas (either content or investment quotas, depending on the choice of the provider, as said above).

The deadline for submission of the responses expired on 4 June 2014; targeted respondents include audiovisual media service providers, associations representing the industry and consumers' associations. AGCOM already held in

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June a hearing with the operators and is going to schedule another hearing in September, to discuss the possible measures suitable to give prominence to European works.

Delibera n. 151/14/CONS, Consultazione pubblica sullo schema di modifiche e integrazioni al regolamento in materia di obblighi di programmazione ed investimento a favore di opere europee e di opere di produttori indipendenti approvato con delibera n. 66/09/CONS

http://www.agcom.it/documents/10179/1260293/Delibera+151-14-CONS/f9547144-56ce-44aa-b1b5-8aa0082985c4?version=1.4

Resolution no. 151/14/CONS Public consultation on the draft amendment to the regulation on programming and investment quotas of European works and works made by independent producers approved by Resolution no. 66/09/CONS

Allegato A alla delibera n. 151/14/CONS: Schema di modifiche e integrazioni al Regolamento

http://www.agcom.it/documents/10179/1260293/Allegato+27-5-2014/40db2a1c-573d-4dc7-9620-fe156add9256?version=1.4

Annex A to Resolution no. 151/14/CONS: Draft amendment to the Regulation

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