[IT] AGCOM proceeding aimed at ascertaining dominant positions in the sector of audiovisual media services

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On 12 May 2015, the Italian Communications Authority (Autorità per le garanzie nelle comunicazioni - AGCOM) approved Resolution no. 286/15/CONS starting the proceeding aimed at identifying the relevant market(s), as well as ascertaining dominant positions or positions that otherwise affect pluralism in the sector of audiovisual media services.

According to Article 43, paragraph 2 of Legislative Decree no. 177 of 31 July 2005, upon reporting on an interested topic or on its own periodical initiative, AGCOM: (i) identifies the relevant market in compliance with the principles set forth under Articles 15 and 16 of Directive 2002/21/EC of the European Parliament and Council, and (ii) ascertains the presence in the integrated communications system of dominant positions, as well as the respect of the limits provided by paragraphs 7, 8, 9, 10, 11 and 12 of the same Article 43.

In its assessment, AGCOM takes into account the level of competition of the system, the barriers to entry the market, the dimensions which would improve the economic efficiency of the company and the quantitative index of diffusion of broadcasting programmes, editorial products and cinematographic and photographic works.

On 28 October 2010, by Resolution no. 555/10/CONS, AGCOM identified in the context of the so-called integrated communications system the following relevant markets: the free TV market, the pay-TV market, the radio market, the newspaper market and the magazine market. However, AGCOM did not carry out an assessment of the presence of dominant positions in such markets.

Given the profound changes that the sector of the audiovisual media services has been subject to during the last years, by means of the proceedings at hand, AGCOM’s objective is to carry out a new analysis aimed at identifying the relevant market(s) in such sectors. Therefore, the scope of AGCOM’s analysis will be narrower than the scope of the 2010 analysis, because AGCOM will focus on audiovisual media services only and not also on other sectors belonging to the integrated communications system (for example, this time the press will be out of the scope).

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In addition, AGCOM will assess whether there are dominant positions or positions that otherwise affect pluralism in the relevant market and finally, if this is the case, will adopt the measures provided under Article 43, paragraph 5, of Legislative Decree no. 177/2005.

The proceeding will terminate after 180 days from the publication of the Resolution on AGCOM's website (the publication occurred on 8 June 2015) and may be extended for an additional period of 90 days.

Delibera n. 286/15/CONS, Avvio del procedimento volto all'individuazione del mercato rilevante nonché all'accertamento di posizioni dominanti o comunque lesive del pluralismo nel settore dei servizi di media audiovisivi, ai sensi dell'art. 43, comma 2, del decreto legislativo 31 luglio 2005, n. 177

http://www.agcom.it/documents/10179/1839530/Delibera+286-15-CONS/474c95d1-ec75-4bb5-98a0-a6e4f0322cc8?version=1.0

Resolution no. 286/15/CONS, Start of the proceeding aimed at identifying the relevant market, as well as ascertaining dominant positions or positions that otherwise affect pluralism in the sector of audiovisual media services, as provided under Article 43, paragraph 2 of Legislative Decree no. 177 of 31 July 2005

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