[IT] AGCOM Public consultation on identification of emerging platforms for the purpose of marketing audiovisual sports rights

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On 9 July 2015, the Italian Communications Authority (Autorità per le garanzie nelle comunicazioni - AGCOM) approved Resolution no. 414/15/CONS, launching a public consultation related to the identification of emerging platforms for the purpose of marketing audiovisual sports rights. According to Section 14, paragraph 1, of Legislative Decree no. 9 of 9 January 2008, AGCOM identifies periodically, and at least every two years, emerging platforms (for previous consultations, see IRIS 2012-2/27).

With reference to the marketing of audiovisual rights intended for emerging platforms, the aforementioned Legislative Decree no. 9/2008 sets forth a series of conditions which are more advantageous compared to the conditions related to other platforms, with the aim of stimulating effective competitiveness and to foster the growth of the relevant platforms thanks to the exploitation of rights on sport events.

In particular, the law states that (i) audiovisual rights intended for emerging platforms are offered on a non-exclusive basis; (ii) the organiser of the competition, in order to support the development and the growth of emerging platforms, must directly licence to said emerging platforms' audiovisual rights - including a significant quota of rights related to first broadcasting - suited to the technological features of each platforms at prices which are proportionate to the users' actual use; and (iii) the audiovisual rights intended for emerging platforms must be licenced for each platform in order to avoid the creation of dominant positions.

Moving in the same direction as Section 14 of Legislative Decree no. 9/2008, Section 10 of Annex A to AGCOM Resolution no. 307/08/CONS sets forth that every two years in December AGCOM verifies the development of the technologies used as distribution systems of audiovisual products, in order to individuate emerging platforms.

By means of the public consultation launched through Resolution no. 414/15/CONS, AGCOM aims at acquiring comments, information and documents on the scheme of resolution related to identification of emerging platforms intended for the marketing of audiovisual sports rights attached to the Resolution

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at hand as annex A. In order to participate in the public consultation, interested parties must submit their proposals within 45 days from the publication of the Resolution on AGCOM's website (which occurred on 31 July 31 2015).

Delibera n. 414/15/CONS, Consultazione pubblica concernente 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/documentazione/documento?p_p_auth=fLw7zRht&p_p_id=101_INSTANCE_kidx9GUnIodu&p_p_lifecycle=0&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_kidx9GUnIodu_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_kidx9GUnIodu_assetEntryId=2477965&_101_INSTANCE_kidx9GUnIodu_type=document

Resolution no. 414/15/CONS, Public consultation relating to the identification of emerging platforms for the purpose of marketing audio-visual sports rights as provided under Section 14 of Legislative Decree no. 9 of January 9, 2008 and Section 10 of the Regulation adopted by means of Resolution no. 307/08/CONS

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