

[IT] New legislation on the protection of minors in the audiovisual sector

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On 28 December 2017, the final version of the legislative decree implementing the reform of the film review and governing the protection of minors in the audiovisual sector (Legislative Decree No. 203 of 7 December 2017) was published on the Official Journal. An article on the draft of this decree was included in IRIS 2017-10/24.

In particular, the decree on the protection of minors introduces some significant provisions. First of all, distributors and producers are now required to classify cinematographic works with a view to balancing freedom of expression and the protection of minors. Depending on the recipient public, cinematographic works can be classified as follows: a) works suitable for all age ranges; b) works not suitable for minors under 6; c) works prohibited to minors under 14; d) works prohibited to minors under 18. Minors can nevertheless see works under c) and d) with parents/guardians.

In order for this classification to be carried out, distributors and producers are required to submit a copy of the relevant work to the competent Committee with the Directorate General of cinematographic works at least 23 days before the first release. Within 20 days, the competent Committee issues its opinion on the proposed classification of the work; the applicant is notified of this by the Directorate General. If no opinion is given within the aforementioned term, producers and distributors are permitted to release the cinematographic work. Applicants can appeal the opinion of the Committee within 15 days of the release of the same.

Finally, the decree delegates the Italian Communication Authority (AGCOM) to adopt a regulation governing the classification of audiovisual works and video games that are released on the Internet. The Ministry of Cultural Heritage shall be consulted before the approval of the regulation that aims at balancing the protection of minors and freedom of expression. Also, the forthcoming regulation, to be issued within 120 days of the date of publication of the decree, shall take into account the existing legislation concerning, among other things, the definition of appropriate technical measures of parental control and the existing international standard and best practices in the sector.

Decreto legislativo 7 dicembre 2017, n. 203 - Riforma delle disposizioni legislative in materia di tutela dei minori nel settore cinematografico e audiovisivo, a norma dell'articolo 33 della legge 14 novembre 2016, n. 220

http://www.beniculturali.it/mibac/multimedia/MiBAC/documents/1513686188865_d_l_gs_7_dicembre_2017_Riforma.pdf

Legislative Decree no. 203 of 7 December 2017 - Reform of legislative provisions regarding the protection of minors in the cinema and audiovisual sector, pursuant to Article 33 of the Law of 14 November 2016, n. 220

