[IT] Developments in Italian legislation concerning the promotion of European works

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On 30 December 2018 the Italian Parliament passed the 2019 Budget Law, which contains a variety of provisions affecting the legal framework applicable to audiovisual media services and electronic communications.

Regarding legislation concerning audiovisual media services, Parliament has postponed the entry into force of some obligations introduced by Legislative Decree no. 203 of 7 December 2017 as part of the Franceschini Reform. In particular, the application of certain obligations has been postponed from 1 January 2019 to 1 July 2019, namely:

- The increase of the quota (from 50% to 53% of the of the broadcasting time) that broadcasters must reserve to European works (Article 44-bis, para. 1, lit. a);

- The obligation for broadcasters to reserve to audiovisual works of Italian original expression, produced anywhere, a quota (i.) of 50% of the quota for European works (i.e., 26.5% of the broadcasting time) for public service broadcaster; (ii.) of one third of the quota for European works (17.7% of the broadcasting time) for private broadcasters (Article 44-bis, para. 2);

- The increase (from 10% to 12.5% of the net annual revenue) of the investment quota that private broadcasters must reserve to the pre-acquisition, acquisition, or production of European works, of which at least five sixths to be reserved for works produced by independent producers (Article 44-ter, para. 1, lit. a);

- The increase (from 3.2% to 3.5% of the net annual revenue) of the investment sub-quota that private broadcasters must reserve to cinematographic works of Italian original expression produced anywhere by independent producers (Article 44-ter, para. 2, lit. a);

- The increase (from 15% to 18.5% of the net annual revenue) of the investment quota that the public service broadcaster RAI must reserve to the pre-acquisition, acquisition, or production of European works, of which at least five sixths to be reserved to works produced by independent producers (Article 44-ter, para. 3, lit. a);

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- The increase (from 3.6% to 4% of the net annual revenue) of the investment sub-quota that the public service broadcaster RAI must reserve to cinematographic works of Italian original expression produced anywhere by independent producers (Article 44-ter, para. 4, lit. a);

- The obligation for VOD service providers targeting Italian consumers, even if based abroad, to reserve at least 20% of the net annual revenue gathered in Italy to European works produced by independent producers, in particular to recent works (i.e., produced within the last five years) (Article 44-quarter, para. 2);

- All the relevant catalogue share and investment obligations for VOD providers provided for by Legislative Decree no. 203/2017 and to be regulated in detail by an ad-hoc regulation to be approved by the Italian Communication Authority (Article 44-quarter, para. 6).

Legge 30 dicembre 2018, n. 145, Bilancio di previsione dello Stato per l'anno finanziario 2019 e bilancio pluriennale per il triennio 2019-2021

http://www.gazzettaufficiale.it/eli/id/2018/12/31/18G00172/sg

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