[IT] Public consultation on draft guidelines on the definition and scope of exploitation rights for public service broadcaster

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Pursuant to Article 25, paragraph 3 of the service contract (as renewed for the years 2018 to 2022) between the Italian Ministry of Economic Development and the Italian public service broadcaster, RAI, a Commission composed of members of the Ministry and members of RAI has been established and assigned with the task of drafting guidelines. These guidelines aim at underpinning current negotiations between RAI and representative associations of producers on the extension and the scope of the exploitation rights of audiovisual works for radio, television and multimedia platforms.

The Commission was established in 2018 by Decree of the Minister of Economic Development, and dedicated the first months of activity to conduct a deep analysis of the sector, also by meeting the main stakeholders. Those meetings fostered an articulate and inclusive study of factors contributing to the evolution of the Italian audiovisual productions market. This process led to the drafting of the guidelines, which are to be submitted to a public consultation process in order to guarantee transparency and openness; the conclusive document will be binding on RAI only, but it could represent a model for the national market as a whole.

The guidelines set out the following strategic goals: the promotion of transparency in the negotiations between RAI and producers and the encouragement of the development of correct contractual agreements; the promotion of the growth and development of the system of independent audiovisual works (both Italian and European) in the light of the principles of pluralism and efficiency; research into new production models and languages in the light of technological and market development; encouraging the effective circulation of works on new platforms; and fostering the circulation abroad of Italian audiovisual works.

Negotiations regarding exploitation rights will be conducted in accordance with the following criteria: Firstly, by defining the role and the participation of producers in the various stages of developing and realising work, ensuring (within free negotiations and taking into account the specificity of each audiovisual work) equal competition conditions for operators on the market with regard to the

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purchase and pre-purchase, and co-production and production of audiovisual works; Secondly, by determining the length of exploitation rights according to the principles of equity and non-discrimination and taking into consideration the different types of works and the exploitation cycle, the autonomous negotiation of each right will also be considered to facilitate the producer's access to the tax credit, as well as the exploitation of the works on VOD platforms so that the public can freely access RAI's digitised historical archives.

The public consultation will last 30 days and will ensure that the Commission understands the standpoints of all the involved stakeholders regarding topics that are highly relevant to the work of the Ministry of Economic Development, such as the growth of the audiovisual industry and the development of the cultural and entrepreneurial skills around the country.

Schema di line-guida operative sulla definizione di durata e ambito dei diritti di sfruttamento radiofonico, televisivo e multimediale ai sensi dell' articolo 25, comma 3, del contrato nazionale di servizio tra il minister dello sviluppo economico e de la RAI-Radiotelevisione Italiana SPA per il quinquennio 2018-2022

https://www.mise.gov.it/images/stories/documenti/schema%20linee%20guida%20consultazione%20intese%20Rai%20associazioni%20produttori%20per%20i%20diritti%20di%20sfruttamento.pdf

Draft guidelines for the negotiations between RAI and producers' representative associations on the extension and the scope of the exploitation rights of audiovisual works for radio, TV and multimedia platforms

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