[IT] AGCOM sets forth criteria for the categorization of audiovisual works delivered via the Internet and video-games for the protection of minors

IRIS 2019-6:1/17

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On 6 March 2019, the Italian Communication Authority (AGCOM) adopted resolution no. 74/19/CONS, by which, in accordance with Law no. 220/2016 (so-called Franceschini Law), it established the criteria to categorize audiovisual works delivered via the Internet and video-games in order to protect minors from inappropriate content. The notion of audiovisual content delivered via the Internet includes all the works that are primarily distributed via electronic communication services and networks. Video-games are defined as interactive multimedia works having recreational nature that users can enjoy via any media.

Pursuant to the Franceschini Law, categorization is a prerequisite for the audiovisual works delivered via the Internet and video-games to be distributed through electronic communication services and networks. It the responsibility of the relevant providers to ensure that audiovisual works delivered via the Internet and video-games conform to the categorization and to the relevant criteria established by AGCOM.

The categorization of audiovisual works primarily delivered via the Internet is based on two factors, namely the definition of different age groups and the adoption of thematic descriptions.

As to the first criterion, audiovisual works can be categorized as follows:

-works suitable for all audiences;

-works not suitable for minors under the age of 6;

-works not suitable for minors under the age of 12;

-works not suitable for minors under the age of 15;

-works not suitable for minors under the age of 18 (including subject to restricted circulation).

The thematic descriptions for categorizing audiovisual works include the following: discrimination and incitement to hatred, drugs, dangerous and easily imitable

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conducts, language, nudity, sex, threats, violence.

In addition to the above, AGCOM resolution provides for different pictograms to be featured in correspondence of the works falling within the said categories:

- in the case of works suitable for all audiences, the relevant pictogram consists of a green circle, which is featured for the entire duration of the works;

- in the case of works not suitable for audiences under the age of 6, 12, and 15, the relevant pictogram consists of an orange circle featuring, respectively, the number 6, 12, and 15 in white plus the wording Programma non adatto ai minori di anni 6/12/15 (Content not suitable for audiences under the age of 6/12/15); the symbol is featured for the entire duration of the works, whereas the wording must appear in full screen format for at least 12 seconds prior to the beginning of the transmission;

- in the case of works not suitable for audiences under the age of 18, the relevant pictogram consists of a red circle featuring the number 18 in white, plus the wording Programma non adatto ai minori di anni 18 (Content not suitable for audiences under the age of 18); the symbol is featured for the entire duration of the works, while the wording appears in full screen format prior to the beginning of the transmission and is displayed at the bottom of the screen for the entire duration of the works;

- in the case of works not suitable for audiences under the age of 18 subject to restricted circulation, the relevant pictogram consists of a red circle featuring the number 18 and the letter “R” in white, plus the wording Programma non adatto ai minori di anni 18 R (Content not suitable for audiences under the age of 18 - restricted); the symbol is featured for the entire duration of the works, while the wording appears in full screen format prior to the beginning of the transmission and is displayed at the bottom of the screen for the entire duration of the works.

The resolution also requires operators providing audiovisual media service by electronic communication means, and hosting service providers that make available to the public duly categorized works, to take the appropriate technical measures to restrict or prevent the circulation of content in accordance with the categorization thereof. Such measures include, among others: technical identifying devices suitable for recognition by parental control mechanisms; technical devices creating barriers to entry; time restrictions on the transmission of content; implementation of security software; and age verification systems.

Furthermore, video-games are subject to categorization depending on different age groups, namely:

-AGCom 3: video-games suitable for all audiences;

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-AGCom 4-6: video-games suitable for audiences from the age of 4 to the age of 6;

-AGCom 7: video-games suitable for audiences from the age of 7;

-AGCom 12: video-games suitable for audiences from the age of 12;

-AGCom 16: video-games suitable for audiences from the age of 16;

-AGCom 18: video-games suitable for adults only.

Like audiovisual works, video-games are categorized on the basis of a variety of thematic descriptions, including: profanity, discrimination and incitement to hatred; drugs; fear; gambling; sex; violence; and purchases as part of the video-game.

All the video-games already subject to categorization pursuant to the Pan European Game Information's (PEGI) procedure are considered to comply with the requirements set forth in the resolution.

For the categorization of both audiovisual works distributed via electronic communication services and networks, and video-games, AGCOM will establish an ad-hoc co-regulation technical committee (Tavolo tecnico di co-regalamentazione). It will also release guidelines specifying the criteria for categorizing audiovisual works and video-games respectively within 90 days as of the adoption of the resolution.

Autorità per le garanzie nelle comunicazioni, All. A, Regolamento sulla classificazione delle opere audiovisive destinate al web e dei videogiochi di cui all'art. 10, commi 1 e 2, del decreto legislativo 7 dicembre 2017, n. 203, recante "Riforma delle disposizioni legislative in materia di tutela dei minori nel settore cinematografico e audiovisivo, a norma dell'art. 33 della legge 14 novembre 2016, n. 220"

https://www.agcom.it/documents/10179/14174217/Allegato+17-4-2019/c8e379cb-2849-46fc-ba39-78784a273e56?version=1.0

AGCOM, Annex A, Regulation on the classification of audiovisual works intended for the web and video games referred to in art. 10, paragraphs 1 and 2, of Legislative Decree no. 203 of 7 December 2017, on "Reform of the legislative provisions on the protection of minors in the film and audiovisual sector, pursuant to art. 33 of Law no. 220 of 14 November 2016"

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