[IT] European Delegation Law setting criteria and principles for AVMSD implementation

IRIS 2021-6:1/32

Ernesto Apa& Marco Bassini
Portolano Cavallo

On 21 April 2021 the Italian Parliament passed the 2019-2020 European Delegation Law (Law No. 53/2021). The European Delegation Law vests in the Executive the power to adopt, by a legislative decree, a set of provisions implementing in the Italian legal system the directives that Italy is bound to transpose according to the EU Treaties. When providing for such delegation of powers the law also establishes the criteria and principles that the national norms, to be adopted by the Executive branch, shall comply with.

Article 3 of the 2019-2020 European Delegation Law provides the criteria and principles for the implementation of Directive (EU) 2018/1808, which significantly revisited the Audiovisual Media Services Directive (Directive 2010/13/EU). Among others, Article 3 ensuress that the implementing norms shall:

result in the approval of a new AVMS Code (i.e. Legislative Decree No. 177 of 31 July 2005) containing provisions and definitions (including those on online video-sharing services) consistent with the market and technological evolution; include measures that provides adequate protection for human dignity and minors with respect to audiovisual content, including user generated content, and commercial communications broadcast by video sharing service providers; the relevant measures may vest in the Italian Communications Authority the power to promote self-regulatory and co-regulatory procedures; include measures for the protection of consumers' rights, including out-of-court redress mechanisms or amicable dispute settlement procedures, in case audiovisual media service providers fail to comply with their obligations under the AVMS Directive; promote European works, including in the context of on-demand audiovisual media services, by simplifying and reordering the existing measures and establishing transparency requirements applicable to audiovisual media service providers; provide measures ensuring compliance with the provisions on commercial communications applicable also to video-sharing service providers and revisiting the duration limits on advertising according to criteria such as flexibility, proportionality and competitiveness; provide measures for limiting the sound level of commercial communications and messages delivered by public and private broadcasters in accordance with the relevant resolutions of the Italian Communications Authority; provide measures ensuring that audiovisual media service providers, including social networks, shall provide users with sufficient information with respect to the content, including advertising, which may likely harm the physical, mental, and moral development of minors,

© European Audiovisual Observatory (Council of Europe) 2026

including gambling advertising; in addition to that, they shall provide specific measures to counter the use of false accounts, whether belonging to non-existing individuals or to other individuals, to alter the exchange of opinions, to raise public alarm or to take advantage of the dissemination of fake news; provide measures ensuring that audiovisual media service providers provide adequate information on the content that may harm the physical, mental, or moral development of minors, associating to them a sound alert when they are delivered on mobile devices; safeguard the protection of minors from non-appropriate content, including advertising, delivered during programs targeting children, related to food or beverages, including alcoholic beverages, which contain nutrients and substances with a nutritional or physiological effect, of which excessive intakes in the overall diet are not recommended; and provide adequate measures for promoting self-regulatory and co-regulatory mechanisms aimed to reduce the risks for minors deriving from audiovisual commercial communications; encourage digital literacy by audiovisual media service providers and video-sharing content providers; update the tasks of the Italian Communication Authority, further strengthening its independence; update the provisions on the administrative sanctions provided by the AVMS Code in light of the new obligations set by Directive (EU) 2018/1808, in accordance with the principles of reasonableness, proportionality and effectiveness.

Legge 22 aprile 2021, n. 53 - Delega al Governo per il recepimento delle direttive europee e l'attuazione di altri atti dell'Unione europea - Legge di delegazione europea 2019-2020

http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2021-04-22;53!vig=2021-05-08

2019-2020 European Delegation Law (Law no. 53/2021) of 22 April 2021

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026