[IT] AGCOM intervenes in the broadcasting of the Italian Serie A Championship on the DAZN platform

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This year, the OTT platform DAZN, operating under German authorisation, has acquired the audiovisual rights to the Italian Serie A Championship, obtaining the possibility of broadcasting all Serie A football matches (380 in total) for three years (2021-2024), of which 70% would be broadcast on an exclusive basis.

The Autorità per le Garanzie nelle Comunicazioni (Authority for Communications Guarantees — AGCOM) welcomed the web-broadcasting of such a major sporting event in Italy as an important step towards the digitalisation of the country. It also pointed out that this represented a convenient time for the regulation of digital platforms.

For this reason, over the last few weeks, AGCOM has paid keen attention to several related issues, including the quality of streaming services, consumer protection and audience rating systems.

Notably, through Resolution No. 206/21/CONS, AGCOM has provided guidance inviting DAZN and all telco operators to cooperate in order to avoid an overload of the network during the broadcast of football matches with the aim of: (i) protecting the quality of streaming services provided to DAZN users; and (ii) avoiding harm to the users of other electronic communications networks caused by the uncontrolled increase in the Internet traffic. It is of note that AGCOM reserved the right to adopt precautionary measures if necessary to avoid any possible network inefficiencies and, as a consequence, the degradation of the Internet service quality for all end-users.

In response to the above, DAZN developed the DAZN Edge, a content delivery network, and published the DAZN Service Charter on its website.

However, according to AGCOM, the DAZN Service Charter does not fully comply with Italian law on transparency obligations, indemnities, complaints and customer assistance. In this regard, AGCOM clarified that DAZN, as the provider of the DAZN Edge network, has to comply with the Italian Code of Electronic Communications.

Lastly, on 7 October 2021, AGCOM issued a press release stating that it had issued an order against DAZN requiring the latter to adopt any behaviour

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necessary to guarantee users' rights. In particular, AGCOM pointed out that DAZN had to adopt measures aimed at preventing malfunctioning related to the television signal broadcast in live streaming and implement an efficient help center that included the possibility for users to directly contact a physical person.

Furthermore, through Resolution No. 268/21/CONS, AGCOM also initiated an investigation into DAZN to assess the reliability of its audience rating systems in light of AGCOM's Resolution No. 194/21/CONS. Indeed, as underlined by AGCOM, audience ratings not only have a strong impact on planning advertising and future investments but, in particular, under Section 26 of Law Decree No. 9/2008, they were also relevant for the distribution of revenues deriving from the commercialisation of the audiovisual rights on the Serie A Championship.

Audizione del presidente dell'Autorità per le garanzie nelle comunicazioni Giacomo Lasorella sulle questioni regolatorie relative alla trasmissione del campionato di calcio sulla piattaforma Dazn

https://www.agcom.it/documents/10179/24308804/Documento+generico+15-09-2021/ec7f7a7f-58e2-4f00-987d-15b2bb8f7cfc?version=1.0

Hearing of the president of the Italian Commnications Authority, Giacomo Lasorella, on the regulatory issues pertaining to the broadcasting of the soccer championship on the DAZN platform

DELIBERA N. 206/21/CONS. ATTO DI INDIRIZZO PER IL CORRETTO DIMENSIONAMENTO E LA DISLOCAZIONE GEOGRAFICA DELLA RETE DI DISTRIBUZIONE (CDN) DELLE PARTITE DI CALCIO DI SERIE A PER LE STAGIONI 2021-2024 IN LIVE STREAMING

https://www.agcom.it/documents/10179/23165504/Delibera+206-21-CONS/d53a7e75-2566-44f8-98a3-99bd2a5bce4b?version=1.0

Resolution No. 206/21/CONS. GUIDANCE ACT FOR THE CORRECT SIZING AND GEOGRAPHICAL DISLOCATION OF THE DISTRIBUTION NETWORK (CDN) OF THE SERIE A FOOTBALL MATCHES FOR THE SEASONS 2021-2024 IN LIVE STREAMING

DELIBERA N. 268/21/CONS. AVVIO DI UNA ISTRUTTORIA NEI CONFRONTI DELLA SOCIETÀ DAZN AVENTE AD OGGETTO LA VERIFICA DELLA METODOLOGIA DI RILEVAZIONE DEGLI ASCOLTI

https://www.agcom.it/documents/10179/24159700/Delibera+268-21-CONS/af399d06-4c77-4c9a-935f-85a617e5ac1e?version=1.0

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RESOLUTION NO. 268/21/CONS. INITIATION OF A PRELIMINARY INVESTIGATION INTO DAZN CONCERNING VERIFICATION OF THE METHOD USED TO MONITOR AUDIENCE RATINGS

COMUNICATO STAMPA. AGCOM: PROCEDIMENTO D'URGENZA A DAZN

https://www.agcom.it/documents/10179/24540622/Comunicato+stampa+07-10-2021/33a17876-1dda-4f49-8fd9-a3dadb304f44?version=1.0

PRESS RELEASE. AGCOM: URGENT PROCEEDING AGAINST DAZN

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