

G-Regs™

Italy - AGCOM deliberations (606/2010 and 607/2010)

**Full title:**

Deliberation of 25/11/2010 no. [606/10/CONS](#) concerning the provision of linear audiovisual media or radio services over other electronic communications networks according to Art. 21-1bis of the Audiovisual Media Services Code.

Deliberation of 25/11/2010 no. [607/10/CONS](#) concerning the provision of on-demand audiovisual media services pursuant to Art. 22-bis of the Audiovisual Media Services Code.

The deliberations (606/2010 & 607/2010) have confirmed that the regulations (AVMS Code – LD 177/2005) will apply to those media service providers who have editorial responsibility and whose annual turnover exceeds 100,000 euros. As defined by AVMS Directive, editorial responsibility is determined by the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Both conditions must be met. In the case of UGC platform providers such as YouTube, Vimeo and Daily Motion it was held that they cannot make an ex ante selection of content which would involve them deliberately picking out specific programmes to insert into its content. So websites that can only provide an indexing activity of the content uploaded by users, will not fall under the scope of the regulations. On this basis, the regulations will apply to web TV for instance provided the annual income of the provider exceeds €100,000; they will be subject to the same rules on advertising as for analogue/ digital TV (start-ups are given one year to verify whether their revenues exceed the economic threshold).

Deliberation 606/2010 confirmed that linear services include audiovisual media and radio services conveyed through electronic communications networks. The scope is limited to linear services intended for the general public, providing a weekly schedule of at least 24 hours and does not include cable TV services in limited areas, such as railway stations, metros, airports.

Audiovisual media services:

- TV broadcasting (linear audiovisual media services) – analogue and digital TV; on internet live streaming, webcasting and near VOD (multiple copies of a programme broadcast over short time intervals – using pay-per-view technique, i.e. Sky Box Office)
- On-demand/non-linear audiovisual media services – i.e. video-on-demand; (the scope is limited to catalogues accessible to the general public)
- Audiovisual commercial communications

URL of source:

Deliberation of 25/11/2010 no. [606/10/CONS](#) concerning the provision of linear audiovisual media or radio services over other electronic communications networks according to Art. 21-1bis of the Audiovisual Media Services Code.

Deliberation of 25/11/2010 no. [607/10/CONS](#) concerning the provision of on-demand audiovisual media services pursuant to Art. 22-bis of the Audiovisual Media Services Code.