



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2023/0123/I (Italy)

“Start of a public consultation on the draft resolution amending the regulation concerning the protection of copyright on electronic communication networks and implementation procedures in accordance with Legislative Decree No 70 of 9 April 2003, referred to in Resolution No 680/13/CONS’ as well as the “Draft amendments to the regulation concerning the protection of copyright on electronic communication networks and implementation procedures in accordance with Legislative Decree No 70 of 9 April 2003, referred to in Resolution No 680/13/CONS as amended”, referred to in Resolution No 445/22/CONS

Date received : 22/03/2023

End of Standstill : 23/06/2023 (closed)

Message

Message 002

Communication from the Commission - TRIS/(2023) 00698

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2023/0123/I

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéseket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera oρόζnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202300698.EN)

1. MSG 002 IND 2023 0123 | EN 22-03-2023 | NOTIF

2. I

3A. MINISTERO DELLE IMPRESE E DEL MADE IN ITALY

Divisione VI - Normativa tecnica - Sicurezza e conformità dei prodotti

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3B. Autorità per le garanzie nelle comunicazioni (AGCOM)

4. 2023/0123/I - SERV60

5. “Start of a public consultation on the draft resolution amending the regulation concerning the protection of copyright on electronic communication networks and implementation procedures in accordance with Legislative Decree No 70 of



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9 April 2003, referred to in Resolution No 680/13/CONS' as well as the "Draft amendments to the regulation concerning the protection of copyright on electronic communication networks and implementation procedures in accordance with Legislative Decree No 70 of 9 April 2003, referred to in Resolution No 680/13/CONS as amended", referred to in Resolution No 445/22/CONS

6. Live sports audiovisual content covered by copyright disseminated on electronic communications networks

7. -

8. The "Regulation concerning the protection of copyright on electronic communication networks and implementation procedures in accordance with Legislative Decree No 70 of 9 April 2003" referred to in Decision No 680/13/CONS was adopted by the Authority on 12 December 2013 and entered into force on 14 March 2014. The same was adopted following a comprehensive public consultation and takes into account the comments made by the European Commission in the context of notification procedure No 2013/0496/I.

Subsequent notification procedures Nos 2018/0151/I and 2020/0700/I were then notified by this Central Unit of the amendments made to that Regulation following the entry into force of Law No 167 of 20 November 2017 and Law No 77 of 17 July 2020.

The amendment in question here and which is intended, with this letter, to notify the European Commission responds to the need to effectively counter the growing illegal online dissemination of content related to live sports events, which generates significant damage to the sports sector as a whole, putting its organisation and economic sustainability at risk. The proposed amendments are listed in Resolution No 445/22/CONS.

These essentially aim to provide real-time precautionary intervention. The wording of Article 9a was changed ('Precautionary procedure'), by introducing new paragraphs intended to lay down specific provisions concerning the protection of copyright and related rights concerning audiovisual works relating to sports events broadcast live and similar matters.

9. The proposed changes respond to the need, expressed by rightholders for sporting events, to intervene as soon as possible. Moreover, the European Parliament, in its Resolution with recommendations to the Commission on "Challenges of sports events organisers in the digital environment"(2020/2073(INL)), stressed that, unlike other sectors, most of the value of the transmission of a sporting event lies in the fact that it is live and most of that value is lost at the end of the event. The Resolution, in particular, points out that illegal streaming of sports events broadcasts is more harmful in the first 30 minutes they are available online and that therefore, and only in this context, an immediate reaction is needed to end the illegal online broadcasting of sporting events. The European Parliament therefore stressed that the objective to be pursued is real-time removal in cases of illicit broadcasts of live sports events, provided that there is no doubt as to the ownership of the rights and the fact that the broadcast has not been authorised.

10. References to basic texts: The Regulation has already been notified under notification procedure No 2013/0496/I and the subsequent amendments have been notified with procedures Nos 2018/0151/I and 2020/0700/I.

11. No

12. -

13. No

14. No

15. Resolution No 445/22/CONS provides for the public consultation of the amendments proposed today; the final approval decision will include an appropriate assessment including on the basis of the positions of the stakeholders that intervene.



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16. TBT Aspects

NO - The draft has no significant impact on international trade.

SPS Aspects

No - The draft is not a sanitary nor a phytosanitary measure

European Commission

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