



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2023/0208/I (Italy)

**Launch of the public consultation on the draft regulation implementing Article 41(9) of Legislative Decree No 208 of 8 November 2021 on programs, user-generated videos or audiovisual commercial communications addressed to the Italian public and conveyed by a video-sharing platform whose supplier is established in another Member State, as referred to in resolution No 76/23/CONS of 16 March 2023**

Date received : 21/04/2023

End of Standstill : 24/07/2023 (closed)

**Message**

Message 002

Communication from the Commission - TRIS/(2023) 01126

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2023/0208/I

No abre el plazo - Nezhajuje 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 - Atidējimai nepradedami - Nem nyitja meg a késéket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - 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: 202301126.EN)

1. MSG 002 IND 2023 0208 I EN 21-04-2023 I NOTIF

2. I

3A. MINISTERO DELLE IMPRESE E DEL MADE IN ITALY

Direzione generale per il mercato, la concorrenza, la tutela del consumatore e la normativa tecnica

Divisione VI - Normativa tecnica - Sicurezza e conformità dei prodotti

00187 Roma - Via Molise, 2

tel. +39 06 4705.2554 - e-mail: ucn98.34.italia@mise.gov.it

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

Direzione servizi digitali

Roma

4. 2023/0208/I - SERV60

5. Launch of the public consultation on the draft regulation implementing Article 41(9) of Legislative Decree No 208 of 8 November 2021 on programs, user-generated videos or audiovisual commercial communications addressed to the Italian public and conveyed by a video-sharing platform whose supplier is established in another Member State, as



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referred to in resolution No 76/23/CONS of 16 March 2023

6. Programs, user-generated videos and audiovisual commercial communications conveyed by a video-sharing platform.

7. -

8. The above-mentioned regulation aims at ensuring the application of the provisions of Article 41(7) of the TUSMA (the Act on audiovisual media services) under which, without prejudice to Articles 14 to 17 of Legislative Decree No 70 of 9 April 2003, it is provided that the free movement of programs, user-generated videos and audiovisual commercial communications, conveyed by a platform whose video-sharing provider is established in another Member State and addressed to the Italian public may be limited by decision of the Authority, in accordance with the procedure referred to in Article 5(2), (3) and (4) of Legislative Decree No 70 of 2003, for certain purposes: a) protection of minors from content that may harm their physical, mental or moral development; b) countering incitement to racial, sexual, religious, or ethnic hatred and the violation of human dignity; c) consumer protection, including investors.

The intervention of the Authority may take place: (1) immediately and directly, in cases where there is a situation of urgency within the meaning of Article 5(4) of Legislative Decree 70/01 or (2) by means of an alert to the competent national authority.

9. In line with the provisions of Article 5(2), (3) and (4) of Legislative Decree No 70 of 2003 (which transposes Directive 2000/31/EC), the Authority may intervene through the limitation of programs, user-generated videos and audiovisual commercial communications conveyed by a video sharing platform whose provider is established in another Member State exclusively to ensure the following general purposes: a) protection of minors from content that may harm their physical, mental or moral development; b) countering incitement to racial, sexual, religious, or ethnic hatred and the violation of human dignity; c) consumer protection, including investors.

10. References to basic texts: Legislative Decree No 208 of 8 November 2021 on the 'Implementation of Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities'

By procedure 2021/676/I, Italy has already notified the draft legislative decree on the 'Implementation of Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, in view of the evolution of market realities'. This regulation is provided for in implementation of Article 41(9) of the above-mentioned text.

11. No

12. -

13. No

14. No

15. The impact analysis is contained in Annex C to resolution No. 76/23/CONS, on 'APPLICATION OF THE IMPACT ASSESMENT OF THE REGULATION PURSUANT TO RESOLUTION NO°125/16/CONS'

16. TBT Aspects

No - the draft is neither a technical regulation nor a conformity assessment procedure

SPS Aspects



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

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European Commission

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