

Legislative Decree XXX

Supplementary and corrective provisions to Legislative Decree No 208 of 8 November 2021 on the Consolidated Text on Audiovisual Media Services

THE PRESIDENT OF THE REPUBLIC

Having regard to [Articles 76](#) and [87\(5\) of the Constitution](#);

Having regard to [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 (Audiovisual Media Services Directive), in view of changing market realities;

Having regard to [Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010](#) on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive);

Having regard to [Council Directive 89/552/EEC of 3 October 1989](#) as amended by [Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997](#);

Having regard to the [Directive 2002/19/EC, 2002/20/EC, 2002/21/EC, 2002/22/EC of the European Parliament and of the Council of 7 March 2002](#);

Having regard to [Law No 53 of 22 April 2021](#) on the ‘Delegation to the Government for the transposition of European directives and the implementation of other acts of the European Union - European Delegation Law 2019-2020’, and particularly Article 3 thereof;

Having regard to [Law No 234 of 24 December 2012](#) laying down ‘General rules on Italy’s participation in formulating and implementing European Union legislation and policies’, and in particular Article 31(5) thereof;

Having regard to [Legislative Decree No 208 of 8 November 2021](#) on the ‘Consolidated Text on Audiovisual Media Services’

Having regard to the preliminary resolution of the Council of Ministers, adopted at its meeting of ... 2023;

Having obtained the opinion of the Communications Regulatory Authority;

Having obtained the opinion of the Council of State, expressed by the Consultative Section for legislative acts in the meeting of 2023;

Having obtained the opinion of the Joint Conference referred to in [Article 8 of Legislative Decree No 281 of 28 August 1997](#), given in the meeting of 2023;

Having obtained the opinions of the competent committees of the Chamber of Deputies and of the Senate of the Republic;

Having notified the European Commission in accordance with [Directive \(EU\) 2015/1535](#);

Having regard to the resolution of the Council of Ministers adopted at its meeting of ... 2023;

On the proposal of the President of the Council of Ministers and the Minister for Enterprise and Made in Italy, in consultation with the Ministers for Justice, for the Economy and Finance, for Foreign Affairs and International Cooperation, for the Interior, for Culture, and for Regional Affairs and Autonomy;

HEREBY ISSUES

the following legislative decree

CORRIGENDUM TO THE CONSOLIDATED TEXT ON AUDIOVISUAL MEDIA SERVICES pursuant to Legislative Decree No 208 of 8 November 2021

Article 1

Amendments to Legislative Decree No 208 of 8 November 2021

1. The following amendments shall be made to Article 1 of Legislative Decree No 208 of 8 November 2021:
 - a) In paragraph 1:
 - 1) in point (a), the words ‘video-sharing platform’ shall be replaced by the following: ‘platform for the sharing of audiovisual content or even audio-only content’;
 - 2) point (b) shall be replaced by the following: ‘b) the provisions on audiovisual media services and data programmes, including those with conditional access, as well as the provision of associated interactive services and conditional access services on any broadcasting platform, including audiovisual commercial communications and video-sharing platform services’.
 - b) Paragraph 2 shall be deleted.
2. The following amendments shall be made to Article 2 of Legislative Decree No 208 of 8 November 2021:
 - a) In paragraph 1, the words ‘radio concession companies’ shall be replaced by the following: ‘radio broadcasters’;
 - b) In paragraph 2:
 - 1) the words ‘the radio concession companies operates’ shall be replaced by the following: ‘the radio broadcaster operate’;

- 2) in points (a), (b) and (c), the following shall be added after the word ‘audiovisual’: ‘or radio’;
 - 3) point (d) shall be replaced by the following: ‘d) where they have their head office in Italy and a significant proportion of the persons involved in carrying out the audiovisual or radio media service activity linked to the programmes operates both in Italy and in another Member State’;
3. The following amendments shall be made to Article 3 of Legislative Decree No 208 of 8 November 2021:
- a) in paragraph 1:
 - 1) in point (a), the words from ‘pursuant to’ until ‘on 11 December 2018’ shall be deleted and the following shall be added after the word ‘electronic’: ‘, by broadcasting on the radio or on request, pursuant to Article 2(1)(vv) of Legislative Decree No 259 of 1 August 2003’;
 - 2) in point (c), the words ‘video-sharing platform service’ shall be replaced by the following: ‘services of platforms for the sharing of audiovisual content or even audio-only content’ and after the word ‘video’, wherever it is used, the following shall be added: ‘or audio’;
 - 3) in point (d), the following shall be added after the word ‘audiovisual’: ‘or radio’;
 - 4) in point (f), after ‘by satellite’, the words ‘for both television and radio broadcasting’ shall be added
 - 5) in point (g), the following shall be added before the word ‘programme’: ‘audiovisual’;
 - 6) in point (i), the word ‘audiovisual’ shall be deleted;
 - 7) in point (n), the words ‘television or radio broadcaster, whether analogue or digital’ shall be replaced by the following: ‘provider of audiovisual or radio media services, or by a radio broadcaster’ and the word ‘series’ shall be replaced by the following: ‘number’;
 - 8) in point (p), the words ‘television broadcasting’ shall be deleted;
 - 9) in point (s), the words ‘broadcaster, including analogue’ shall be replaced by the following: ‘provider of audiovisual or radio media services or by the radio broadcaster’ and the words ‘, including analogue’ shall be replaced by the following: “or other provisions”;
 - 10) in point (dd), the words ‘corresponding to Level I networks’ shall be replaced by the following: ‘, on Level I networks or on Level II networks’;
 - 11) in point (hh) the following words shall be added after the word ‘authorisation’: ‘for the continuation of the activity, in accordance with Law No 66 of 20 March 2001, which operates’ and in point (3), the following shall be added after the word ‘obligations’: ‘of listing’;
 - 12) the following shall be added after point (ii): “ii(a) ‘community radio media service provider on a national or local basis’: a non-profit-making supplier, who transmits original self-produced programmes referring to cultural, ethnic, political and religious situations for at least 30 % of the daily transmission time between 7 am and 9 pm, which may benefit from sponsorships and which shall not transmit more than 10 % of advertising for each hour of broadcasting’;

- 13) in point (ss), the words ‘video-sharing platform’ shall be replaced by the following:
‘platform for the sharing of audiovisual content or even audio only content’
 - 14) in point (vv), the following shall be added after the word ‘audiovisual’: ‘or radio or by the radio broadcaster’;
 - 15) In point (eee), the following shall be added before the word ‘broadcasters’: ‘radio’ and after the words ‘same group’, the words ‘of broadcasters’ shall be deleted;
4. The following amendments shall be made to Article 4 of Legislative Decree No 208 of 8 November 2021:
 - a) paragraph 1 shall be replaced by the following: ‘1. The system of audiovisual media services, radio services and platform services for the sharing of audiovisual content or even audio-only content complies with the following principles, in order to guarantee users:
 - a. freedom and pluralism of the broadcasting media;
 - b. freedom of expression of every individual, including freedom of opinion and the freedom to receive or communicate information or ideas without borders, respecting human dignity, the principle of non-discrimination and combating hate speech;
 - c. objectivity, completeness, loyalty and impartiality of information;
 - d. countering disinformation strategies;
 - e. protection of copyright and intellectual property rights;
 - f. openness to different political, social, cultural and religious views and tendencies;
 - g. safeguarding ethnic diversity and cultural, artistic and environmental heritage, at a national and local level, respecting freedoms and rights, in particular individual dignity and the protection of personal data, the promotion and protection of well-being, health and harmonious physical, mental and moral development of the child, guaranteed by the Constitution, by European Union law, by international standards in force in Italian law and by state and regional laws’;
 - b) in paragraph 2, point (a), the words ‘user access’ shall be replaced by the following: ‘the universality of user access’;
 - c) paragraph 3 shall be replaced by the following sentence: ‘3. The Ministry, in agreement with the Authority, after consulting the Ministry for Culture, the Ministry for Universities and Scientific Research, the Ministry for Education and Merit and the Political Authority delegated to technological innovation, promotes media and digital literacy, to which, pursuant to Article 1(360) of Law No 197 of 29 December 2022, media service providers and providers for the sharing of audiovisual content or even audio-only content contribute, without prejudice to activities supporting image education and literacy in the techniques and media for the production and dissemination of images referred to in Articles 3 and 27 of Law No 220 of 14 November 2016’;
 - d) in paragraph 4, the second sentence shall be replaced by the following: ‘Every three years, the Ministry shall submit to the European Commission a report on the promotion of literacy on the basis of the regular reports prepared by the Authority’;
 - e) paragraph 8 shall be deleted;
 5. The following amendments shall be made to Article 5 of Legislative Decree No 208 of 8 November 2021:

- a) in paragraph 1, point (d), the words from ‘establishing, in any case’ to ‘local level’ shall be deleted;
- b) in paragraph 1, point (e):
 - 1) number 1 shall be replaced by the following: ‘to make the same platforms and technical information available to radio broadcasters, radio media service providers or audiovisual media service providers, without discriminating on the grounds of whether or not they are affiliated or controlled companies;
 - 2) in paragraph (3), the word ‘broadcaster’ shall be deleted and the following words shall be inserted: ‘providers of radio or audiovisual media services, including on demand, which are not attributable to affiliated or controlled companies’;
 - 3) in point 5.2), the words ‘audiovisual media service providers, including on-demand, or radio services’ shall be replaced by: ‘provider of audiovisual or radio media services, or of on-demand audiovisual media services’ and the words ‘to keep’ shall be replaced by ‘be obliged to’;
6. In Article 6 of Legislative Decree No 208 of 8 November 2021, in paragraph 2, the words ‘guarantees in any case’ shall be replaced by the following: ‘guarantees’;
7. In Article 8 of Legislative Decree No 208 of 8 November 2021, in paragraph 2, the words ‘and radio services’ shall be deleted;
8. In Article 13 of Legislative Decree No 208 of 8 November 2021, the following shall be added after paragraph 1: ‘1.a The provisions of paragraph 1 shall also apply to the activities of network operators for digital broadcasting.’;
9. Article 14 of Legislative Decree No 208 of 8 November 2021 shall be replaced by the following and shall be inserted before the heading called Chapter II: ‘Article 14. Authorisation for network operators on terrestrial frequencies
 1. The authorisation for the activity of television or radio network operators, digitally on terrestrial frequencies both nationally and locally, is granted by the Ministry, on the basis of the provisions laid down in the regulation adopted by the Authority.
 2. Entities holding an authorisation issued in accordance with paragraph 1 shall be required to comply with the obligations laid down for network operators by the Regulation adopted by the Authority’;
10. Under the heading of Chapter II of Legislative Decree No 208 of 8 November 2021 the word ‘broadcaster’ shall be replaced by the following: ‘media service provider’;
11. Article 15 of Legislative Decree No 208 of 8 November 2021 shall be replaced by the following:

‘Article 15. Authorisation for the provision of audiovisual media services on terrestrial frequencies

 1. The authorisation for the provision of audiovisual media services and data intended for digital dissemination on terrestrial frequencies is issued by the Ministry, on the basis of the provisions laid down in the regulation adopted by the Authority.
 2. Entities holding an authorisation issued pursuant to paragraph 1 shall be required to comply with the obligations laid down for audiovisual media service providers by the regulation adopted by the Authority.
 3. For local audiovisual media service providers, the Ministry shall proceed in accordance with Article 1(1033) and (1034) of Law No 205 of 27 December 2017.’

12. Under the heading of Chapter III of Legislative Decree No 208 of 8 November 2021 the following shall be added after the word ‘broadcaster’: ‘and the audiovisual or radio media services provider’;
13. The following amendments shall be made to Article 22 of Legislative Decree No 208 of 8 November 2021:
 - a) in paragraph 1, the following shall be added after the words ‘assigned, by the Ministry’: ‘to the average wave radio network operator’;
 - b) paragraph 2 shall be replaced by the following: ‘2. The Authority shall adopt the Regulation referred to in paragraph 1 of this Article by 31 March 2024.’;
14. The following amendments shall be made to Article 24 of Legislative Decree No 208 of 8 November 2021:
 - a) in paragraph 3, the following shall be added after the word ‘concessions’: ‘and authorisations for the continuation of the activity granted under Law 66 of 2001,’; the words ‘by limited companies’ to ‘limited liability companies are permitted’ shall be replaced by the following: ‘by companies complying with the requirements laid down in Article 21 of this Consolidated Text.’; the words ‘Entities to which more than one concession for sound broadcasting has been granted’ to ‘newly created limited companies’ shall be deleted.
 - b) in paragraph 4, the second sentence shall be replaced by the following: ‘In the event of a transfer of the concession of a national or local sound broadcaster or a change in the legal form of the holder, the concession shall be converted into a community or commercial concession in accordance with the requirements of the new holder.’
 - c) the following subparagraph shall be added after paragraph 6: ‘6a. If the same installation has been the subject of more than one transfer to different broadcasters, the transfer made by a public deed or authenticated private deed on an earlier date shall prevail. On the same date, the transfer which was first notified to the Ministry by means of PEC shall prevail.’
15. The following amendments shall be made to Article 25 of Legislative Decree No 208 of 8 November 2021:
 - a) in paragraph 1, the word ‘peripheral’ shall be replaced by the following: ‘territorial’;
 - b) in paragraph 2, after the words ‘the Ministry authorises’ the word ‘including’ shall be deleted and the word ‘peripheral’ shall be replaced by the following: ‘territorial’;
 - c) in paragraph 3, the word ‘peripheral’ shall be replaced by the following: ‘territorial’ and the words ‘paragraphs 2 and 3’ shall be replaced by the following: ‘paragraphs 1 and 2’;
 - d) in paragraph 4, the following shall be inserted after the words ‘electronic communications’: ‘by decision within 90 days of submission of the application. Article 20 of Law No 241 of 7 August 1990, as amended, shall not apply.’;
 - e) paragraph 5 shall be deleted and paragraphs 6 and 7 shall be renumbered to 5 and 6;
16. The following amendments shall be made to Article 26 of Legislative Decree No 208 of 8 November 2021:
 - a) in paragraph 1, the words ‘including those operating in the same catchment area’ shall be replaced by the words ‘provided they operate in different technical areas’;
 - b) in paragraph 7, the following shall be added after the words ‘the nation’: ‘and for the maximum time specified in paragraph 3’;

17. The following amendments shall be made to Article 27 of Legislative Decree No 208 of 8 November 2021:
 - a) in paragraph 1:
 - 1) after the word ‘Ministry’ the words ‘through their regional bodies’ shall be added;
 - 2) the words ‘Article 7’ shall be replaced by the following: ‘Article 5’;
 - 3) after the words ‘point (f)’, the following shall be added: ‘Broadcast television programmes shall be limited to the technical area in which audiovisual media service providers have acquired transmission capacity.’;
18. In Article 29 of Legislative Decree No 208 of 8 November 2021, in paragraph 5, the words ‘shall lay down the conditions of use for the number allocated’ shall be replaced by the following: ‘shall establish, by special decree, after consulting the Authority, the conditions and procedures for using the number assigned.’;
19. The following amendments shall be made to Article 30 of Legislative Decree No 208 of 8 November 2021:
 - a) in paragraph 1, the first sentence shall be replaced by the following: ‘1. The programming prepared by the providers of audiovisual or radio media services under Italian jurisdiction must not contain any incitement to commit crimes or defence of the same, in particular.’;
 - b) paragraph 2 shall be replaced by the following sentence: ‘2. Binding criteria shall be defined with a special Authority regulation to prevent infringement of the prohibitions referred to in paragraph 1.’;
20. The following amendments shall be made to Article 31 of Legislative Decree No 208 of 8 November 2021:
 - a) in paragraph 1, the word ‘progressively’ shall be deleted;
 - b) paragraph 2 shall be replaced by the following sentence: ‘2. For the purposes of paragraph 1, suppliers shall develop, at least every three years, appropriate action plans and they shall report periodically to the Authority on the implementation of the measures taken.’;
 - c) in paragraph 3, the words ‘by 19 December and, thereafter’ shall be deleted and the words ‘at least every three years’ shall be replaced by the following ‘every three years’;
 - d) in paragraph 4, the words ‘differently abled’ shall be replaced by the following: ‘with disabilities.’;
 - e) in paragraph 5, the words ‘, subject to challenge’ shall be inserted after the following: ‘responsible supplier’;
21. The following amendments shall be made to Article 33 of Legislative Decree No 208 of 8 November 2021:
 - a) in paragraph 4, the words ‘The operator’ shall be replaced by the following ‘the operator and the audiovisual media service provider shall prepare’;
22. The following amendments shall be made to Article 35 of Legislative Decree No 208 of 8 November 2021:
 - a) paragraph 2 shall be replaced by the following: ‘2. Any person who considers themselves to have suffered moral damages, such as in particular their honour and reputation, or material damages from the dissemination of images or the attribution of acts, thoughts, statements or declarations contrary to truth, has the right to request the audiovisual and radio media service provider, including the public radio, television and

- multimedia service concessionaire, the radio broadcaster or the persons delegated by them to control the broadcast, to disseminate corrections, provided that the latter does not give rise to criminal liability.’;
- b) in paragraph 4, the words ‘pursuant to paragraph 3’ shall be replaced by ‘pursuant to paragraph 2’;
23. In Article 36 to Legislative Decree No 208 of 8 November 2021, in paragraph 1, the words ‘television broadcasters’ shall be deleted;
24. The following amendments shall be made to Article 37 of Legislative Decree No 208 of 8 November 2021:
- a) in the heading of this provision, the following shall be added after the word ‘audiovisual’: ‘and radio’;
- b) in paragraph 5, the words ‘the programmes referred to in paragraph 3’ shall be replaced by the following: ‘the programmes referred to in paragraph 1 in the cases referred to in paragraph 3’;
- c) in paragraph 7, the following shall be added before the words ‘media services’: ‘audiovisual’;
- d) in paragraph 10, the words ‘Minister for Economic Development’ and ‘Minister for Education, together with the Authority’ shall be replaced by the following: ‘Minister for Enterprises and Made in Italy’ and ‘Minister for Education and Merit, after consulting the Authority’;
- e) in paragraph 11, the words ‘by broadcasters’ shall be replaced by the following: ‘providers of audiovisual and radio media services’;
- f) in paragraph 12, the words ‘and radio media service providers and radio broadcasters’ shall be deleted;
25. The following amendments shall be made to Article 38 of Legislative Decree No 208 of 8 November 2021:
- a) in paragraph 1, the words ‘after consulting’ shall be replaced by the following: ‘after consulting the Ministry for Enterprises and Made in Italy and’;
- b) in paragraph 2, the following shall be added after the words ‘Media and Minor Self-Regulatory Code’: ‘having informed the Ministry of Enterprises and Made in Italy’;
- c) in paragraph 3, the words ‘in the event of an infringement of the prohibition’ shall be preceded by the following: ‘In addition to the provisions of paragraph 2’ and after the word ‘applies’, the following shall be added: ‘also’;
- d) in paragraph 5, after the words ‘media and minor’ the following shall be added: ‘and the Ministry’;
26. The following amendments shall be made to Article 39 of Legislative Decree No 208 of 8 November 2021:
- a) in paragraph 1, the words ‘television broadcasters’ shall be deleted and after the words ‘Minister for Justice’ the following shall be added: ‘and with the Minister for the Interior’;
27. The following amendments shall be made to Article 40 of Legislative Decree No 208 of 8 November 2021:
- a) the following shall be added after paragraph 5: ‘5a. The provisions of this Article shall also apply to providers of radio media services, to radio broadcasters and to the services provided by them.’;

28. Article 41 of Legislative Decree 208 of 8 November 2021 shall be replaced by the following: ‘Article 41 General provisions
1. Video-sharing platform service providers established within the national territory are subject to Italian jurisdiction.
 2. A video-sharing platform provider that is not established within the national territory pursuant to paragraph 1 shall be deemed to be established within Italy if:
 - a) the parent company or a subsidiary is established in Italy; or
 - b) it is part of a group and another company of that group is established in Italy.
 3. For the purposes of this Article, the ‘group’ shall include the parent company, all its subsidiaries, and all other companies that have organisational, economic, and legal links with them.
 4. For the purposes of applying paragraphs 2 and 3, where the parent company or the subsidiary or other group companies are established in different Member States, the video-sharing platform provider shall be deemed to be established in Italy, if the parent company is established there or, in the absence of this, if one of its subsidiaries is established there or, in the absence this, where a group company is established there.
 5. For the purposes of applying paragraph 4, where there are various subsidiaries controlled by one company and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be established in Italy if one of the subsidiaries first started operating in Italy, provided that it maintains an effective and stable link with the Italian economy.
 6. Video-sharing platform providers established in Italy pursuant to the preceding subparagraphs shall be subject to Articles 3, 4, 5 and Articles 16 and 17 of Legislative Decree No 70 of 9 April 2003, as well as Articles 6 and 8 of the EU Digital Services Regulation 2022/2065.
 7. Without prejudice to Articles 16 and 17 of Legislative Decree No 70 of 9 April 2003, as well as to Articles 6 and 8 of Regulation (EU) 2022/2065, the free movement of programmes, user-generated videos and audiovisual commercial communications conveyed by a video-sharing platform whose provider is established in another Member State and directed to the Italian public may be restricted, by order 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 the following purposes:
 - a) the protection of minors from content that may harm their physical, mental or moral development in accordance with Article 37;
 - b) the fight against incitement to racial, sexual, religious, or ethnic hatred and against the violation of human dignity;
 - c) the protection of consumers, including investors, within the meaning of this consolidated act.
 8. In order to determine whether a programme, a user-generated video or an audiovisual commercial communication are directed to the Italian public, criteria such as, by way of example, the language used, the achievement of a significant number of contacts present in Italy or the achievement of revenues in Italy shall apply.
 9. The procedure for adopting the measures referred to in paragraph 7 shall be defined by the Authority with its own regulation.
 10. The Authority shall draw up and maintain an up-to-date list of video-sharing platform providers established in Italy, notifying the European Commission of the list and any updates, or that are considered to be operating within Italy, indicating which of the criteria referred to in the previous paragraphs the action referred to in paragraph 7 is based on.
 11. If the Authority does not agree with the claim of its jurisdiction by another Member

State, it shall without delay refer the matter to the European Commission.

12. Where an Italian company is controlled by or is part of the same group as a video-sharing platform provider operating or considered to be operating in another Member State, that enterprise shall:
 - a) provide an Italian language version of the terms and conditions of the service referred to in Article 42(7)(a);
 - b) make the transparent and user-friendly mechanisms referred to in Article 42(7)(d) accessible to Italian users;
 - c) ensure that Italian users get the information resulting from the systems referred to in Article 42(7)(e);
 - d) report to the Authority any complaints submitted by Italian users in accordance with the provisions of Article 42(7)(i).
 13. In the event of infringements of Articles 41 and 42 by a video-sharing platform provider established in another Member State, the Authority may send appropriate alerts to the national regulatory authority of that Member State.
 - 13a. The provisions of this Article shall also apply to audio-only content sharing platforms to the extent compatible.’.
29. Article 42 of Legislative Decree 208 of 8 November 2021 shall be replaced by the following: ‘Article 42 Protective measures
1. Without prejudice to Articles 16 and 17 of Legislative Decree No 70 of 9 April 2003, as well as Articles 6 and 8 of EU Regulation 2022/2065, video-sharing platform providers under Italian jurisdiction must take appropriate measures to protect:
 - a) minors from programmes, user-generated videos and audiovisual commercial communications that may harm their physical, mental or moral development in accordance with Articles 37 and 43;
 - b) the general public from programmes, user-generated videos and audiovisual commercial communications that incite violence or hatred against a group of persons or a member of a group on one of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union;
 - c) the general public from programmes, user-generated videos and audiovisual commercial communications that include content the dissemination of which constitutes a criminal offence under the law in force in the Member States of the European Union, with particular reference to public provocation to commit terrorist offences under Article 5 of Directive (EU) 2017/541, offences relating to child pornography within the meaning of Article 5(4) of Directive 2011/93/EU of the European Parliament and of the Council and racist or xenophobic offences within the meaning of Article 1 of Framework Decision 2008/913/JHA.
 2. Video-sharing platform providers under Italian jurisdiction are required to comply with the requirements of Article 43 with regard to audiovisual commercial communications that are commercially promoted, sold or organised. The Authority shall ensure that video-sharing platform providers take appropriate measures to comply with the requirements set out in Article 43 with regard to audiovisual commercial communications that are not commercially promoted, sold or organised by them. Video-sharing platform providers under Italian jurisdiction shall clearly inform users in the event that the programmes and videos generated by users contain audiovisual commercial communications, provided that such communications are declared in accordance with paragraph 7(c), or the provider is otherwise aware of this fact.

3. The Authority, after consulting the Committee Implementing the Media and Minor Self-Regulatory Code, shall promote forms of co-regulation and self-regulation through codes of conduct, in accordance with Articles 4a and 28b of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010, as last amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018. The codes shall be communicated without delay to the Authority, which shall verify their compliance with the law and its regulatory acts and gives them effect with its own approval decision, while also supervising their implementation.
4. The codes of conduct referred to in paragraph 3 shall also identify measures aimed at effectively reducing the exposure of persons under the age of 12 to audiovisual commercial communications relating to foodstuffs, including supplements, or beverages containing nutrients and substances with a nutritional or physiological effect, such as in particular fats, trans-fatty acids, sugars, sodium, and salt, the excessive intake of which in the general diet is not recommended. The codes shall also ensure that audiovisual commercial communications do not emphasise the positive quality of the nutritional aspects of such foods and beverages.
5. The Authority, after consulting the Child and Adolescent Guarantee Authority and the Committee Implementing the Media and Minor Self-Regulatory Code, shall, by its own measure, adopt specific guidelines indicating the specific criteria informing the codes of conduct referred to in paragraph 3, in light of the nature and content of the service offered, the damages that it may cause, the characteristics of the category of persons to be protected as well as all legitimate rights and interests, including those of video-sharing platform providers and the users who have created or uploaded content, as well as the general public interest. The measures do not aim to preventively control and filter content at the time of upload, shall be practicable and proportionate and shall take into account the size of the video-sharing platform and the nature of the service offered. The Authority shall also establish the supervisory procedure for monitoring and periodic assessment of compliance, in accordance with the principles of transparency, non-discrimination, and proportionality.
6. For the purposes of protecting minors referred to in paragraph 1(a), the most harmful content shall be subject to the strictest access control measures.
7. Video-sharing platform providers shall in any case be required to:
 - a) include the requirements referred to in paragraph 1, in the terms and conditions of the video-sharing platform services, whose acceptance by users constitutes a condition of access to the service;
 - b) include and apply, within the terms and conditions of video-sharing platform services, the requirements referred to in Article 9(1) of Directive (EU) 2018/1808 for audiovisual commercial communications not commercially promoted, sold, or organised by video-sharing platform providers;
 - c) have a functionality that allows users uploading user-generated videos to declare whether such videos contain audiovisual commercial communications of which they are aware or can reasonably be expected to be aware of;
 - d) establish transparent and user-friendly mechanisms for users of video-sharing platforms to report or indicate to the platform provider concerned the content referred to in paragraph 1 uploaded to its platform;

- e) establish systems by which video-sharing platform providers explain to users of those platforms the follow-up to the reporting and indication referred to in point (d);
 - f) establish systems to verify, in compliance with the legislation on personal data protection, the age of users of video-sharing platforms with regard to content that may harm the physical, mental or moral development of minors;
 - g) establish user-friendly systems that allow users of video-sharing platforms to evaluate the content referred to in paragraph 1;
 - h) establish parental control systems under the supervision of the end-user as regards content that may impair the physical, mental, or moral development of minors;
 - i) establish transparent, user-friendly and effective procedures for the management and resolution of user complaints against video-sharing platform providers in relation to the implementation of the measures referred to in points (d) to (h);
 - l) to put in place effective media literacy measures and tools and to raise users' awareness of these measures and tools.
8. Personal data of minors collected or otherwise generated by video-sharing platform providers pursuant to paragraph 7, letters f) and h), shall not be processed for commercial purposes.
9. Without prejudice to the possibility of judicial recourse, recourse may be made, for the resolution of disputes arising from the application of this Article, to alternative and out-of-court procedures for the resolution of disputes between users and providers of the mentioned video-sharing platforms, subject to Legislative Decree No 28 of 4 March 2010, by a special regulation issued by the Authority.
10. In the event of infringement, by a provider of video-sharing platform services, of the provisions contained in this article, the administrative penalties referred to in Article 67(9) shall apply, except as provided for in Article 74 of Regulation (EU) 2022/2065 for infringements of the provisions of the same European Regulation.
- 10-a. The provisions of this Article shall also apply to audio-only content sharing platforms to the extent compatible.'
30. In Article 43 of Legislative Decree No 208 of 8 November 2021, in paragraph 5, the following shall be added after the words 'radio broadcasters': ', to radio media service providers';
31. The following amendments shall be made to Article 44 of Legislative Decree No 208 of 8 November 2021:
- a) in paragraph 11, the following shall be added after the words 'radio broadcasters': ', and by radio media service providers.';
32. The following amendments shall be made to Article 45 of Legislative Decree No 208 of 8 November 2021:
- a) in the first paragraph, the words '7 %, and from 1 January 2023' shall be deleted;
 - b) in paragraph 6, the following shall be inserted after the words 'radio advertising messages by': 'by radio media service providers and' and the words of the final part 'sound broadcasting by an analogue' shall be replaced by the following: 'by providers of Community radio media services or radio broadcasters.';
 - c) in paragraph 7, the following shall be added after the words 'referred to in paragraph 6': 'for radio media service providers and for';

- d) in paragraph 8, the words ‘by broadcasters, including analogue broadcasters’ shall be replaced by the following: ‘by audiovisual and radio media service providers and radio broadcasters’;
 - e) in paragraph 9, the phrase ‘broadcasters, whether television or radio, analogue or digital’ shall be replaced by the following: ‘media, audiovisual and radio service providers and radio broadcasters’;
 - f) in paragraph 10, the phrase ‘by public and private radio and television broadcasters’ shall be replaced by the following: ‘by radio broadcasters and providers of public and private media, audiovisual and radio services’;
33. The following amendments shall be made to Article 46 of Legislative Decree No 208 of 8 November 2021:
- a) in paragraph 4, the words ‘of broadcasters, including analogue broadcasters’ shall be replaced by the following: ‘of media, audiovisual and radio service providers and radio broadcasters’;
 - b) in paragraph 7, the following words shall be inserted after ‘also’: ‘to the extent compatible with radio media service providers’.
34. The following amendments shall be made to Article 50 of Legislative Decree No 208 of 8 November 2021:
- a) in paragraph 3, the words ‘sustainable infrastructure and mobility’ shall be replaced by the following: ‘infrastructure and transport’;
 - b) in paragraph 5, the following shall be added after the words ‘the criterion of technical areas is used’: ‘The procedures for adopting and updating the national frequency allocation plans referred to in this paragraph shall be subject to the consultation and transparency mechanism provided for in Article 23(1) of Legislative Decree No 259 of 1 August 2003 as amended and supplemented.’;
 - c) the following shall be added after point 5: ‘5a. The Authority shall adopt the National Frequency Allocation Plan to be allocated to digital terrestrial television, identifying, for local planning, in each technical area, several frequencies in the UHF band for the deployment of networks, including at least one with at least 90 % coverage of the area’s population, aimed at providing transmission capacity to providers of audiovisual media services at a local level.’;
 - d) in the first part of paragraph 11, the words ‘The Authority shall define’ shall be replaced by the following: ‘The Ministry shall, after consulting the Authority, draw up the implementation programme’;
 - e) the following shall be added after point 11: ‘11a. The fees for the use of the radio spectrum by holders of rights to use the frequencies used for the digital sound broadcasting service shall not be due for a period of 5 years from the date of publication of the Authority’s Resolution No 286/22/CONS.
11b. Administrative charges for entities authorised to provide digital sound broadcasting networks and for entities with rights to use the frequencies planned for the digital sound broadcasting service shall not be due for the same period as referred to in the previous paragraph. They are subsequently due in the same way as that laid down for digital terrestrial television in Article 1a of Annex 12 to Legislative Decree No 259 of 1 August 2003, as amended and supplemented, and for the fourth part of the corresponding amounts provided for.’;

35. Articles 52 to 57 of Legislative Decree No 208 of 8 November 2021 shall be replaced by the following: ‘Article 52 General principles for the protection of European and independent audiovisual works

1. Providers of audiovisual media services, whether linear or on-demand, shall promote the development and dissemination of European and independent audiovisual production in accordance with European law and the provisions of this Title.

Article 53 Obligations of programming of European works by providers of linear audiovisual media services

1. Providers of linear audiovisual media services reserve most of their broadcasting time, excluding time spent on news, sports events, television games, advertising, teletext services, and teleshopping, to European works.

2. For Italian-language works, wherever produced, a sub-quota of the European works quota referred to in paragraph 1 shall be reserved to the extent of:

a) at least half, for the public radio, television, and multimedia service concession company;

b) at least one third, for other linear audiovisual media service providers.

3. In the time slot from 6:00 p.m. to 11:00 p.m., the public radio, television, and multimedia service concession company shall reserve at least 12 % of the broadcasting time, excluding time for news, sports events, television games, advertising, teletext and teleshopping services, to cinematographic and audiovisual fiction and animation works, as well as original, Italian-language documentaries, wherever produced. At least one quarter of this quota shall be reserved for Italian-language cinematographic works, wherever produced.

4. The percentages referred to in paragraphs 1, 2, and 3 shall be respected on an annual basis.

Article 54 Obligations to invest in European works of linear audiovisual media service providers

1. Linear audiovisual media service providers, other than the public radio, television, and multimedia service concession company, shall reserve a share of their annual net revenue in Italy of not less than 12.5 % for the pre-purchase or the purchase or production of European works produced by independent producers. These revenues are those that the obliged entity derives from advertising, teleshopping, sponsorship, contracts and agreements with public and private entities, public provision and pay TV offers of non-sports programmes for which it has editorial responsibility, in accordance with the additional specifications contained in the Authority’s regulations.

2. The Regulation or Regulations referred to in Article 57 shall provide that a sub-quota equal to at least half of the quotas referred to in paragraph 1 shall be reserved for Italian-language works, wherever produced, by independent producers in the last five years.

3. Linear audiovisual media service providers other than the public radio, television, and multimedia service concession company, taking into account the schedule, shall also reserve for Italian-language cinematographic works, wherever produced by independent producers, a sub-quota of the quota for European works referred to in paragraph 1 of at least 3.5 % of their annual net revenue, as defined in paragraph 1. The Regulation(s) referred to in Article 57 shall stipulate that a percentage of at least 75 % of this quota shall be reserved for Italian-language works wherever produced by independent producers in the last five years. The provisions referred to in this paragraph shall not apply to parties that programme cinematographic works in a non-significant and marginal manner, according to annual threshold criteria contained in the Authority’s regulation.

4. The public radio, television, and multimedia service concession company reserves a quota of its total annual revenue of not less than 17 % to the pre-purchase or purchase or production of European works produced by independent producers. This revenue is that deriving from the licence fee for the broadcasting offer, as well as the advertising revenue related to the offer, net of the income from agreements with the public authority and the sale of goods and services, and according to the additional specifications contained in the Authority's regulation.
5. The Regulation(s) referred to in Article 57 shall provide that a sub-quota equal to at least half of the quotas referred to in paragraph 4 shall be reserved for Italian-language works, wherever produced, by independent producers in the last five years.
6. The public radio, television, and multimedia service concession company, taking into account the schedule, shall also reserve a sub-quota of the quota for European works referred to in paragraph 4, equal to at least 4.2 % of its total net revenues, as defined pursuant to paragraph 4, to Italian-language cinematographic works, wherever produced by independent producers.
7. The Regulation(s) referred to in Article 57 shall provide that at least 85 % of the quotas referred to in paragraph 6 shall be reserved for the co-production or pre-purchase of Italian-language cinematographic works wherever produced by independent producers.
8. The public radio, television, and multimedia service concession company reserves an additional sub-quota of not less than 7 % of the quota for European works referred to in paragraph 4, to works produced by independent producers and specifically intended for minors of which at least 65 % shall be reserved for animated works.
9. The provisions referred to in this Article shall not apply to entities with a small turnover or audience, in accordance with the threshold criteria contained in the Authority's regulation.
10. The provisions of this Article shall also apply to providers of linear audiovisual media services that have editorial responsibility for offers addressed to consumers in Italy, even if established in another Member State.

Article 55 Obligations of on-demand audiovisual media service providers

1. All catalogues of on-demand audiovisual media service providers subject to Italian jurisdiction must consist of at least 30 % European works that are highlighted.
2. On-demand audiovisual media service providers under Italian jurisdiction shall promote the production of and access to European works by respecting at the same time:
 - a) the obligations to program European audiovisual works produced within the last five years, not less than 30 % of the titles in its catalogue, as provided by the Authority's regulation. For providers of on-demand audiovisual media services which provide for the payment of a specific fee for the use of individual programmes, the obligation to schedule European audiovisual works produced in the last five years shall not apply;
 - b) the investment obligations in European audiovisual works produced by independent producers equal to a percentage of their annual net income in Italy, as provided for by the Authority's regulation, defined as follows: 18 % since 1 January 2023, 20 % since 1 January 2024.
3. The obligations referred to in paragraph 2(b) shall also apply to providers of on-demand audiovisual media services who have editorial responsibility for offers addressed to consumers in Italy, even if they operate in another Member State.
4. The Authority shall regularly draw up a report on the implementation of paragraphs 1, 2 and 3 to be submitted to the European Commission every two years.
5. The requirement for media service providers targeting consumers in Italy referred to in paragraphs 1, 2 and 3 does not apply to media service providers with a small turnover or audience, pursuant to the threshold criteria contained in the Authority's regulation. The waiver of those requirements shall also apply where the requirements

are impracticable or unjustified due to the nature or subject-matter of the audiovisual media services.

6. The Authority's regulation referred to in this Article shall, inter alia, provide for the manner in which the audiovisual media service provider shall adequately highlight European works in the catalogues of the programmes offered and shall define the quantification of obligations with respect to European works produced by independent producers.
7. The Authority's regulation referred to in this Article shall be adopted *mutatis mutandis* in accordance with the provisions of Articles 52, 53, 54 and 56, as well as the principle of the promotion of European audiovisual works. In particular, the Regulation, when defining the arrangements for the fulfilment of programming obligations, provides, irrespective of any methods, processes or algorithms used by providers of on-demand audiovisual media services for the customisation of user profiles, including the adoption of tools such as the provision of a dedicated section on the main access page or a specific category for searching for works in the catalogue and the use of a quota of European works in advertising or promotion campaigns for the services provided. For on-demand audiovisual media service providers that require the payment of a specific fee for the use of individual programmes, the methods for fulfilling the obligations also include granting the holder of the right remuneration linked to the commercial success of the work and the costs incurred for the digital distribution of the work on the digital platform.
8. A quota of not less than 50 % of the percentage for European works stipulated in paragraphs 1, 2, and 3 respectively shall be reserved for Italian-language works, wherever produced, in the last five years, by independent producers. The Regulation(s) referred to in Article 57 shall provide that a percentage equal to at least one fifth of the investment sub-quota referred to in this paragraph shall be reserved for Italian-language cinematographic works, wherever produced, in the last five years by independent producers.
9. The provisions of Articles 53 and 54 shall apply to providers of linear audiovisual media services, which achieve not less than 80 % of their annual net income from that activity and who also carry out the activity of providing on-demand media services.
Article 56 Attributions to the Authority
 1. One or more regulations of the Authority, issued in its capacity as an independent regulatory authority, shall also lay down:
 - a) the specifications relating to the definition of an independent producer referred to in Article 4(1)(q);
 - b) the further definitions and specifications of the items that are included in the net income and total annual revenue referred to in Article 54(1) and (4), with particular reference to the calculation methods in the case of aggregate offers of paid content attributable to entities that are at the same time providers of audiovisual media services and commercial platforms, without prejudice to compliance with the principle of editorial responsibility;
 - c) without prejudice to the provisions of Article 57(3), the technical arrangements for the fulfilment of the obligations referred to in Articles 53, 54, and 55, taking into account the development of the market, the availability of the works, as well as the types and characteristics of audiovisual works and the types and characteristics of the schedules and editorial lines of audiovisual media service providers, with particular reference, in the case of schedules that include cinematographic works, to European cinematographic works;
 - d) measures aimed at strengthening market mechanisms for increased competition, including through the adoption of specific rules aimed at avoiding situations of conflict

- of interest between producers and agents representing artists and to encourage the plurality of publishing lines;
- e) the procedures aimed at ensuring both the adoption of simple and transparent mechanisms in the relations between audiovisual media service providers and the Authorities, including through the preparation and online publication of the appropriate forms, and an effective monitoring and control system;
 - f) the details of the investigation procedure and the graduation of the formal reminders to be communicated prior to the imposition of the penalties, as well as the criteria for determining those penalties on the basis of the principles of reasonableness, proportionality, and appropriateness, also taking into account the differentiation between planning and investment obligations.
2. Audiovisual media service providers may apply to the Authority for waivers to the obligations referred to in this Title, stating the reasons therefore and providing any useful supporting evidence where one or more of the following circumstances arise:
 - a) the thematic nature of the schedule or catalogue makes it impossible to comply with the quotas referred to in this Title;
 - b) the audiovisual media service provider has a market share or turnover below a certain threshold set by the Authority by regulation;
 - c) the audiovisual media service provider has not made any profit in each of the last two years of operation;
 - d) the obligations are, in any case, impracticable or unjustified in the light of the nature or subject-matter of the audiovisual media service provided by certain providers.
 3. The obligations under this Title shall be checked on an annual basis by the Authority in accordance with the procedures and criteria laid down by the Authority in its own regulation. In any event, where an audiovisual media service provider has not fully discharged its obligations during the year in question, any missed quota, within a maximum of 15 % of the quota due in that year, shall be recovered in the following year in addition to the obligations due for that year. Where the audiovisual media service provider has exceeded the quota due annually, the excess quota may be counted for the purpose of achieving the quota due in the following year.
 4. For the purposes referred to in paragraph 3, the Authority shall annually inform each audiovisual media service provider of the achievement of the annual quota or any missed quota to be recovered in the following year or any exceeding of the quota to be counted in the following year.
 5. The penalties referred to in Article 67 shall remain valid in the event of non-recovery of the missed quota in the following year or an annual deviation of more than 15 % of the quota due in the reference year.
 6. The Authority shall submit to the Chambers, by 31 March each year, a report on the fulfilment of obligations for the promotion of European and Italian audiovisual works by providers of linear and paid audiovisual media services, the measures taken, and the penalties imposed. The report also provides micro and macroeconomic data and indicators of the sector that are relevant for the promotion of European works, such as production volumes in terms of hours broadcast, turnover of production companies, revenues from audiovisual media services, the quota and indication of European and Italian-language works in the schedules and catalogues, the number of employees in the audiovisual media services production sector, the international circulation of works, the number of waivers requested, accepted and rejected, together with the reasons for this, as well as the summary tables indicating the percentages of the investment obligations fulfilled by the various providers offering services to the Italian public, with the relevant European and Italian-language works.

Article 57 Provisions applying to Italian-language audiovisual works

1. With one or more regulations of the Minister for Enterprises and Made in Italy and the Minister for Culture, adopted pursuant to Article 17(3) of Law No 400 of 23 August 1988, having consulted the Authority, the following shall be established, on the basis of the principles of proportionality, adequacy, transparency and effectiveness:
 - a) the definition of Italian-language audiovisual works, wherever produced, with particular reference to one or more elements such as culture, history, identity, creativity, language, or places;
 - b) the sub-quotas reserved for the works referred to in letter a) pursuant to Articles 53(2) and (3), 54(2), (3), (5), and (7), and 55(8), in any case to the extent not below the percentages provided for therein.
 2. The Regulation(s) referred to in this Article, taking into account the characteristics and content of the schedules of audiovisual media service providers and the levels of turnover they make, may provide for additional sub-quotas in favour of particular types of audiovisual works produced by independent producers, with specific reference to works produced within the last five years, cinematographic and audiovisual works of fiction, animation or original documentaries or other types of audiovisual works, with a view to simplifying the system.
 3. In the case of Italian-language cinematographic and audiovisual works of fiction, animation or original documentary works produced by independent producers, the Regulation(s) referred to in this Article shall provide that the investment obligations referred to in Articles 54 and 55 shall be fulfilled through the purchase, pre-purchase, or co-production of works. The Regulation(s), taking into account any special agreements concluded between the associations of audiovisual media service providers or between individual audiovisual media service providers and the trade associations most representative of Italian film and audiovisual producers, shall also provide for:
 - a) specific arrangements for the fulfilment of the obligations referred to in Articles 53, 54, and 55, with particular reference to the conditions of purchase, pre-purchase, production, and co-production of works. In particular, the methods for fulfilling contractual and production obligations and arrangements relating to Italian-language cinematographic and audiovisual works of fiction, animation or original documentary works, wherever produced, must ensure that the role and contribution of independent producers is not a purely executive role;
 - b) the criteria for the temporal limitation of the rights of use and exploitation of works and for the methods of showcasing them on the different platforms.
 4. The Regulation(s) referred to in this Article shall be adopted by 30 June 2024 and shall be updated at least every three years, including on the basis of annual reports prepared respectively by the Authority pursuant to Article 56(6) and by the Directorate-General for Cinema and Audiovisual Works, of the Ministry for Culture, in accordance with Article 12(6) of Law No 220 of 14 November 2016 as well as the results achieved by the works promoted through the fulfilment of the investment obligations and the effectiveness of the contractual conditions used.'
36. The following amendments shall be made to Article 59 of Legislative Decree No 208 of 8 November 2021:
- a) in paragraph 1, the words 'Article 7' shall be replaced by the following 'Article 6';
 - b) in paragraph 2, the words 'Article 8(4)' shall be replaced by the following: 'Article 6(4)'
 - c) in paragraph 2(q), the words 'Article 32(7)' shall be replaced by the following: 'Article 31;';
 - d) in paragraph 7, the words 'paragraph 4' shall be replaced by the following: 'paragraph 6';

37. The following amendments shall be made to Article 67 of Legislative Decree No 208 of 8 November 2021:
- a) in point (b) of the first paragraph, the words ‘content providers’ shall be replaced by the following: ‘media service providers;’;
 - b) in paragraph 4, the words ‘with regard to the television broadcaster or radio broadcaster, including analogue broadcaster’ shall be replaced by ‘with regard to the provider of audiovisual or radio media services or to the radio broadcaster’;
 - c) in paragraph 11, the words ‘, or the radio broadcaster, including digital broadcaster’ shall be replaced by the following: ‘or radio services or radio broadcaster,’;
 - d) the following is added after paragraph 13: ‘13a. In case of conflict, the penalty provisions laid down in Regulation (EU) 2022/2065 shall take precedence over the sanctioning provisions set out in this Consolidated Text.’;
38. In Article 68 of Legislative Decree No 208 of 8 November 2021, paragraph 2 shall be replaced by the following: ‘The administrative penalties provided for in Article 30 of the Electronic Communications Code, referred to in Legislative Decree No 259 of 1 August 2003, as amended, shall be reduced to one tenth in respect of broadcasters and local television network operators.’;
39. In Article 71 of Legislative Decree No 208 of 8 November 2021, the following is added after paragraph 5: ‘5a. The provisions of this Legislative Decree are without prejudice to the rules laid down in Regulation 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Regulation).’

ARTICLE 2

Formal amendments to the Legislative Decree of 8 November 2021

1. In Legislative Decree No 208 of 8 November 2021, the following formal amendments shall be made:
 - a) the words ‘Ministry for Economic Development’ shall, wherever they occur, be replaced by the following: ‘Ministry for Enterprises and Made in Italy’ and the words ‘Minister for Economic Development’ shall be replaced by the following: ‘Minister for Enterprises and Made in Italy’.
 - b) in Article 2(2)(a), (b), (c), (d) and (e), the word ‘has’ shall be replaced by the following: ‘have’; in points (a) and (e) the word ‘its’ shall be replaced by ‘their’; in point (c), the words ‘while having’ shall be replaced by the following: ‘has’; after the word ‘third’ the word ‘and’ is added;
 - c) in Article 3(1):
 - 1) in point (q), the words ‘at the time chosen’ shall be replaced by the following: ‘chosen at the time’;
 - 2) in point (t), the word ‘i.e.’ between numbers (1) and (2) shall be deleted;
 - 3) in point (v), in Italian, the words ‘ai quali’ shall be replaced by the following: ‘al quale’;

- 4) in point (aa), the words ‘on all distribution platforms’ shall be inserted after the following: ‘audiovisual and multimedia’;
 - 5) in point (dd), the word ‘peripheral’ shall be replaced by the following: ‘peripheral’;
 - 6) in point (rr), the word ‘of’ before ‘services’, ‘name’, ‘brand’ and ‘activity’ shall be deleted;
- d) in Article 5(1)(e), in point (3), the words ‘affiliated and controlled’ shall be replaced by the following: ‘affiliated or controlled’; in point (4), after the words ‘radio services’, a comma is added and in point (5.1) and (5.2), the word ‘for’ is deleted and the words ‘to adopt’ shall be replaced by the following: ‘shall adopt’;
 - e) in Article 6, paragraph 1, the comma shall be deleted after the following words: ‘radio services’;
 - f) in Article 7(2), in point (e), in Italian the word ‘nazionali’ after ‘sicurezza’ shall be replaced by the following: ‘nazionale’; in paragraph 3(c), the comma is deleted after the word ‘contradictory’ and the word ‘own’ is deleted; in paragraph 5, the words ‘with European Union law’ shall be replaced by the following: ‘with the law of the European Union’; in paragraph 6, after the word ‘article’ the comma shall be deleted; in paragraph 12(a)(3), in Italian, the word ‘nazionali’ shall be replaced by the following: ‘nazionale’;
 - g) the heading of Article 8 entitled ‘Functions of the Ministry for Economic Development’ shall be replaced by the following: ‘Functions of the Ministry for Enterprises and Made in Italy’;
 - h) in Article 11(2), the comma is deleted after the word ‘local’ and the word ‘where’ is replaced by the following: ‘when’;
 - i) in Article 26(6), the comma shall be deleted;
 - j) in the heading of Article 28, the word ‘Conditional’ shall be replaced by ‘conditional’; in paragraph 1, the words ‘are subject’ shall be replaced by the following: ‘is subject’;
 - k) in Article 30(3), the comma shall be deleted after the words ‘point (q)’;
 - l) in Article 33(3), the comma shall be deleted after the words ‘point (b)’;
 - m) in Article 35(1), the comma shall be deleted after the following words: ‘newspapers and periodicals’;
 - n) in Article 36(3), the words ‘that is’ shall be deleted and the words ‘at the same time’ shall be replaced by the following: ‘simultaneously’;
 - o) in Article 37(10), the words ‘with’ shall be deleted and in paragraph 11, the comma is deleted after the word ‘European’;
 - p) in Article 42, in paragraph 2, after the words ‘Article 43’, the comma shall be deleted and the phrase ‘to comply with the requirements of Article 43’ shall be replaced by the following: ‘for this purpose also’; in paragraph 8, the comma shall be deleted after the words ‘points (f) and (h)’; in paragraph 9, the comma shall be deleted after the words ‘this article’;
 - q) In Article 43(4), a comma shall be added after the words ‘radio broadcasters’ and ‘video platforms’;
 - r) In Article 55(4), the words ‘of paragraph’ shall be replaced by the following: ‘of paragraphs’.

ARTICLE 3

Final provisions

1. Article 3(24) of Law No 249 of 31 July 1997 shall be repealed.

ARTICLE 4

Financial provisions

1. The implementation of the provisions of this Legislative Decree must not result in new or increased burdens on public finances.
2. The administrations concerned shall ensure the fulfilment of the tasks resulting from the implementation of this Legislative Decree with the human, instrumental and financial resources available under current legislation.