

RESOLUTION NO 390/24/CONS

GUIDELINES ON THE PROMINENCE OF AUDIOVISUAL AND RADIO MEDIA SERVICES OF GENERAL INTEREST

THE AUTHORITY

AT the Council meeting of 9 October 2024;

HAVING REGARD TO Law No 249 of 31 July 1997 *establishing the Communications Regulatory Authority and laying down rules relating to the telecommunications and radio-television systems* (hereinafter the '*Founding Law*');;

HAVING REGARD TO Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of the rules on Information Society services (codification);

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 (hereinafter the '*Audiovisual Media Services Directive*');;

HAVING REGARD TO Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (hereinafter the '*European Electronic Communications Code*');;

HAVING REGARD TO Legislative Decree No 207 of 8 November 2021 *implementing Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)* (hereinafter the '*Electronic Communications Code*');;

HAVING REGARD TO Legislative Decree No 208 of 8 November 2021 *implementing 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 consolidated law on the provision of audiovisual media services in view of changing market realities (hereinafter ‘TUSMA’);

HAVING REGARD TO *Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)* (hereinafter the ‘*European Media Freedom Act*’);

HAVING REGARD TO Resolution No 401/10/CONS of 22 July 2010 *regulating the time limits for proceedings*, as last amended by Resolution No 118/14/CONS;

HAVING REGARD TO Resolution No 223/12/CONS of 27 April 2012, *adopting the new Regulation on the organisation and operation of the Authority*, as last amended by Resolution No 332/24/CONS of 11 September 2024;

HAVING REGARD TO Resolution No 383/17/CONS of 5 October 2017 *adopting the Regulation governing access pursuant to Articles 22 et seq. of 7 August 1990, No 24 and Articles 5 et seq. of Legislative Decree No 33 of 14 March 2013;*

HAVING REGARD TO Resolution No 107/19/CONS of 5 April 2019, *adopting the Regulation on the consultation procedures in proceedings falling under the Authority’s competence;*

HAVING REGARD TO Resolution No 116/21/CONS of 21 April 2021 *updating the automatic numbering plan for digital terrestrial television channels, the arrangements for allocating numbers to providers of audiovisual media services authorised to broadcast audiovisual content in digital terrestrial technology and the associated conditions of use;*

HAVING REGARD TO Resolution No 149/22/CONS of 19 May 2022, *initiating the proceedings concerning the prominence of audiovisual and radio media services of general interest and the automatic numbering system for digital terrestrial television channels;*

HAVING REGARD TO Resolution No 266/22/CONS of 19 July 2022 *approving the Guidelines on the content of additional obligations for the public radio, television and multimedia service pursuant to Article 59(6) of Legislative Decree No 208 of 8 November 2021. (Five-year period: 2023-2028);*

HAVING REGARD TO Resolution No 14/23/CONS of 25 January 2023, on the “*Public consultation on the prominence of audiovisual and radio media services of*

general interest and accessibility of the digital terrestrial television channel automatic numbering system”;

HAVING REGARD TO Resolution No 294/23/CONS of 22 November 2023 on the *Regulation on the accessibility of the automatic numbering system for digital terrestrial television channels*;

HAVING REGARD TO Resolution No 312/23/CONS of 5 December 2023, *extending the deadline for the conclusion of the proceedings initiated by Resolution No 149/22/CONS concerning the prominence of audiovisual and radio media services of general interest and the accessibility of the automatic numbering system for digital terrestrial television channels*;

HAVING REGARD TO Resolution No 118/24/CONS of 30 April 2024, *extending the deadline for the conclusion of the proceedings initiated by Resolution No 149/22/CONS concerning the prominence of audiovisual and radio media services of general interest and the accessibility of the automatic numbering system for digital terrestrial television channels*;

HAVING REGARD TO Resolution No 259/24/CONS of 10 July 2024, *defining the icon for accessing digital terrestrial television channels* (hereinafter the ‘*DTT Icon Regulation*’);

HAVING REGARD TO the contributions made by the associations ANDEC - Associazione Nazionale Importatori e Produttori di Elettronica Civile, Anitec-Assinform - Associazione Italiana per l’Information and Communication Technology (hereinafter also Anitec- Assinform), Associazione Aeranti-Corallo hereinafter also Aeranti-Corallo), Associazione Disabili Visivi APS-ETS (ADV), Associazione italiana ciechi di guerra ETS, Associazione Media Audiovisivi Europei, Associazione Nazionale delle Famiglie delle persone con Minorazioni Visive APS-ETS, Associazione OMitaliane (hereinafter also OMitaliane), Associazione Retina Italia ODV-ETS, Associazione TV Insieme (hereinafter also TV Insieme), Assoutenti APS, Confindustria Radio Televisioni (hereinafter also CRTV), Radio Nazionali Associate (hereinafter also RNA), Unione Italiana dei Ciechi e degli Ipovedenti ETS-APS (UIC), Web Radio Associate (hereinafter also WRA), of the company DAZN Limited (hereinafter also DAZN), Discovery Italia S.r.l. (hereinafter also Discovery), Paramount Global, Rai – Radio Televisione Italiana S.p.A. (hereinafter also Rai), Reti Televisive Italiane S.p.A. (hereinafter also RTI), RTL 102,500 HIT RADIO S.r.l. (hereinafter also RTL), Sky Italia S.r.l. (hereinafter also Sky), Still S.r.l. (hereinafter also Still), TIM S.p.A. (hereinafter also TIM), Vodafone Italia S.p.A. (hereinafter also Vodafone) and by Mr Giorgio Marsiglio;

HAVING REGARD TO the requests for hearings from the associations Aeranti-Corallo, Anitec-Assinform, CRTV, OMItaliane, RNA, WRA and the companies DAZN, Discovery, Rai, RTI, RTL, Sky, TIM;

HAVING HEARD, on 30 March 2023, the company RTI;

HAVING HEARD, on 30 March 2023, the company Sky;

HAVING HEARD, on 31 March 2023, the association OMItaliane;

HAVING HEARD, on 31 March 2023, the company TIM;

HAVING HEARD, on 31 March 2023, the association WRA;

HAVING HEARD, on 3 April 2023, the association Anitec-Assinform;

HAVING HEARD, on 3 April 2023, the association Aeranti Corallo;

HAVING HEARD, on 3 April 2023, the company Discovery;

HAVING HEARD, on 04 April 2023, the association RNA;

HAVING HEARD, on 04 April 2023, the company RTL;

HAVING HEARD, on 12 April 2023, the company Rai;

HAVING HEARD, on 13 April 2023, the association CRTV;

HAVING HEARD, on 26 April 2023, the company DAZN;

HAVING REGARD TO the contributions and the observations made by the stakeholders regarding the draft measure during the hearings, which are summarised below:

General comments

- In order to make the tools for the use of audiovisual media content accessible, numerous consumer associations [Associazione Disabili Visivi APS-ETS (ADV), Associazione italiana ciechi di guerra ETS, Associazione Nazionale delle Famiglie delle persone con Minorazioni Visive APS-ETS, Assoutenti APS, Retina Italia ODV-ETS, Unione Italiana dei Ciechi e degli Ipovedenti ETS-APS (UIC), WRA] highlight the desirability of supplementing the provisions submitted for national consultation with specific guidelines on the accessibility of remote controls and icons on the home pages of devices.



- Two entities [Aeranti-Corallo and CRTV] invite the Authority to specify the definitions of numeric key, home page, box or icon, logo, and click. One entity [CRTV] suggests inserting a specific section dedicated to definitions in order to better identify the context and standardise the terminology used in the Regulation referred to in Annex A and in the guidelines referred to in Annex B to the resolution submitted for consultation. One entity [WRA] believes that it is appropriate to clarify to users, through information campaigns, the meaning of the term 'prominence' and suggests using the corresponding term in Italian.
- One entity [Anitec-Assinform] notes that the devices for use of audiovisual media content that each producer makes available in different target countries are developed on hardware and software platforms that are standardised globally, the realisation of which requires timeframes that cannot be shortened for the design, testing, production, and placing on the market. The same entity [Anitec-Assinform] points out that the proposed regulation would require manufacturers to develop devices and interfaces characterised by an exclusive Italian profile, which would not be marketable outside our country, while creating a barrier to entry to the national market for products of European origin, in breach of the general principle on the free movement of services in the European single market and the principle of the country of origin established by the *Audiovisual Media Services Directive*. One entity [Sky] considers that the documents submitted for national consultation are affected by both national and EU-level illegalities, lack an adequate market impact assessment and technical feasibility assessment for the proposed measures, and propose measures that are not proportionate to the purpose of the provision on which they are based.
- With a view to guaranteeing adequate prominence to audiovisual and radio media services of general interest provided by any means of reception or access and by any platform, as provided for by the *TUSMA*, one entity [OMItaliane] considers that private medium-wave amplitude modulation radio broadcasters, as legitimated to broadcast under the *TUSMA*, must enjoy the same rights granted to analogue radio broadcasters in frequency modulation (FM) and digital in DAB+, pointing out that medium-wave transmissions can also be made using the digital DRM30 standard. Finally, OMItaliane believes that user interfaces should give prominence to services of general interest (SGIs) without requiring payment from media service providers.
- One entity [Paramount] considers it essential that adequate space be left for existing agreements with the operators of user interfaces and with the manufacturers of devices suitable for receiving the television signal, provided that such agreements are carried out in compliance with competition rules and other regulations, including those relating to the automatic numbering plan for digital terrestrial television channels (LCN - *Logical Channel Numbering*), in order to

stimulate innovation and the improvement of supply and to avoid potential distortions of competition resulting from a process of attributing visibility by administrative means.

- One entity [Rai] appreciates the approach aimed at recognising, as is the case at EU level, public service programming as a natural recipient of the protection guaranteed by the legislation on prominence.
- One entity [RNA] reports that, as a result of the incessant development of DAB services, the number and variety of different devices that allow their use have increased, and often, when the model changes, they generate lists of operators or programmes that differ from each other during the tuning phase.
- One entity [RTI] agrees with both the factual and legal analysis, as well as the approach and fundamental content of the measure subject to national consultation.
- One entity [Sky] points out that the forecasts contained in the guidelines can at most indicate a series of options, freely selectable by the recipient, and not unambiguous and binding forecasts, which leave no margin of choice to the recipients.

Annex B to Resolution No 14/23/CONS – Q8: Do you agree with the definition of the basket of services of general interest?

- Several entities [Rai, RTI, Still and TV Insieme] share the Authority's view.
- One entity [Aeranti-Corallo] considers that, as far as local broadcasting is concerned, two types of entities should automatically be included among SGIs: i) FSMAs, holders of broadcasting licenses and LCN numbers that broadcast teleshopping for less than 70% of the daily programming time; ii) providers of radio content authorised pursuant to Article 3(12) of Resolution No 664/09/CONS, as amended, to provide digital radio programmes on local terrestrial frequencies, who are newspaper publishers.
- One entity [CRTV] proposes to include in the basket of SGIs local commercial audiovisual services broadcast free of charge on digital terrestrial, satellite, and online, which have a newspaper registered with the competent court, and radio media services broadcast free of charge by licensed radio broadcasters authorised to broadcast in analogue on terrestrial frequencies and simulcasting their content on digital terrestrial frequencies (DAB+), satellite, and online, which have a newspaper registered with the competent court. The same entity [CRTV] considers it necessary to explicitly mention the online distribution environments and that the public service concessionaire and audiovisual and radio media service

providers shall communicate to the Authority the online distribution environment — application or website — allowing access to the respective online SGIs.

- One entity [Rai] considers that all services disseminated by Rai, as a public service concessionaire, should be included in the basket of SGIs, regardless of the distribution platform and the way in which they are used, whether linear or on demand, offered live or provided in the future, and highlights the case of television and/or multimedia distribution platforms of a commercial and editorial nature — i.e., which organise content — and which intend to broadcast public service programming, for which the rules of prominence are to be applied only as a result of the conclusion of fair and non-discriminatory commercial agreements with Rai.
- One entity [RTI] suggests explicitly distinguishing between the following three categories of services: i) free audiovisual and radio media services of the public concessionaire; ii) free national commercial audiovisual and radio media services with generalist, semi-generalist, and thematic ‘information’ programming; iii) free local commercial audiovisual media services on DTT, specifying that all these services are considered ‘of general interest’, without the need for an assessment procedure by the Authority. The same entity [RTI] also suggests clarifying what is meant by *‘catalogues available free of charge corresponding to commercial services in broadcasting’*.
- One entity [DAZN] considers that the identification of an event as being of general interest cannot be carried out solely by an administrative, *one-off* determination, but must be carried out and updated periodically, according to predetermined criteria. In addition, the same entity [DAZN] considers that the basket of SGIs should include all events of social interest or of great public interest offered, live or deferred, free or paid, to the Italian public, as enshrined in Article 33 of the *TUSMA*, using the criterion of general recognition by television or radio audiences measured in terms of expected and foreseeable viewership.
- One [TIM] entity considers it appropriate to clarify that the definition of SGI refers to the level of the individual channel of a television broadcaster and not to the individual content of the channel nor to the entire programming of a broadcaster.
- One entity [Vodafone] points out that access to the retransmission of content for content aggregators is neither open nor free, but is subject to commercial agreements and that it would be more appropriate to refer to the content and not to the publisher in the definition of the basket of SGIs, possibly providing for prominence according to the following criteria: time dedicated to information, time dedicated to news programmes and programmes of a social, educational and

cultural nature, and the share of European works.

- One entity [TIM] considers that public service channels should be included in the basket of SGIs only if they meet the same requirements as other providers. One entity [RNA] invites the Authority to provide clarification on the inclusion of public service services in the basket of SGIs, i.e. whether they are included in this set regardless of the type of content disseminated. One entity [RTL] proposes a new definition that provides for the inclusion of the public service in the basket of SGIs only in the case of services with generalist, semi-generalist, and thematic ‘informative’ programming and which have a newspaper registered with the competent court, as well as a different division of commercial services, between audiovisual and radio, and between national and local radio stations.
- One entity [Discovery] considers that the inclusion of national audiovisual commercial services in the basket of SGIs should not be made conditional on holding a publishing title.
- One entity [MAVE] invites the Authority to guarantee and promote equal dignity and importance to the services offered by national and local broadcasters. One entity [TV Insieme] considers that the local television sector, insofar as it is subject to the legislation of Presidential Decree 146/17 and the obligations resulting therefrom, in itself constitutes a service of general interest.
- Two entities [Giorgio Marsiglio and OMItaliane] point out that the Authority’s forecast excludes commercial radio services in broadcasting, broadcast free of charge on medium-wave amplitude modulation (AM), radio frequencies which, as recognised by the legislator on an equal footing with others, also contribute to ensuring media pluralism and cultural and opinion diversity.
- Two entities [CRTV and RTI] call on the Authority to provide for the inclusion, among SGIs, of free thematic channels belonging to the ‘children/youth’ category — as they fulfil an important socio-cultural function, for the benefit of a category of subjects subject to specific regulatory provisions for protection — and free DTT channels of the so-called ‘radiovision’, which host information programmes corresponding to the information programming of the reference radio channel. Another entity [Discovery] entity also calls for the introduction of an icon allowing access to the list of DTT channels with ‘*children and youth*’ programming type, in order to protect these linear channels, which represent the most complete, plural and rich offer of entertainment for children, completely free and regulated and supervised by the Authority. One entity [WRA] points out that the proposed definition of the basket of SGIs does not seem to include linear audiovisual media services or radio services on other electronic means of communication, i.e. web

radio.

Annex B to Resolution No 14/23/CONS – Q9: Do you agree with the provision of an ad hoc procedure for the assessment of the inclusion of additional commercial services in the basket of general services agreed upon? Do you agree with the identified indicators?

- Numerous entities [CRTL, DAZN, Discovery, Giorgio Marsiglio, OMItaliane, Rai, RTI, Vodafone] agree with the provision of an *ad hoc* procedure for the inclusion of additional commercial services in the basket of SGIs.
- One entity [Aeranti-Corallo] considers that the possible inclusion of additional services in the basket of SGIs should be subject not only to the fulfilment of the requirements laid down in Annex B to the resolution submitted for consultation, but also to the possession of an LCN number for digital terrestrial television.
- One entity [DAZN] invites the Authority to consider further indicators such as general recognition by the television audience measured in terms of expected and projected audiences, international events organised in Italy and, in general, sporting events, regardless of whether they are broadcast free of charge or not and regardless of the mode of transmission (streaming, on demand, live, etc.).
- One entity [OMItaliane] calls for greater relevance for the indicators ‘time dedicated to information’ and ‘time dedicated to news programmes and programmes of a social, educational and cultural nature’, with particular attention, for the second indicator, to local territorial realities.
- One entity [Rai] suggests specifying the following aspects: *i)* the rules for the calculation of indicators (the reference period, the metrics used); *ii)* the thresholds for each of the indicators; *iii)* the verification procedures that the Authority intends to adopt for self-declarations made by entities that formally request an assessment.
- Two entities [CRTL and RTI] suggest: *i)* assigning each indicator a different weighting depending on the type of service being assessed; *ii)* modulating the parameter ‘share of European works’ differently depending on the type of programming; *iii)* clarifying the actual meaning of the parameter ‘percentage of accessible offers’.
- One entity [WRA] invites the Authority to define precisely the indicators relating to entertainment and information programmes, as well as those relating to the cultural and public service offer. The same entity [WRA] also suggests including an additional criterion, namely the time dedicated to independent reporting.



- One entity [Discovery] proposes a modification of the indicators identified, i.e. the elimination of the indicator relating to the share of European works and the inclusion of the indicator ‘enhancing pluralism, freedom of expression, cultural diversity and the effectiveness of information for the widest possible audience’.
- One entity [TIM] shall invite the Authority to define: i) with regard to the indicators identified, including the respective weightings and the consequent weighting criterion, in order to provide a predictable understanding of the inclusion rules; ii) how the interfaces of individual televisions and decoders are updated (e.g. by means of an IT communication from the Authority to each supplier of decoders or interface).
- One entity [RTL] invites the Authority to further specify the selection criteria, as it considers the second criterion to be too general and believes that, in the case of exempted entities, the score applied to the criterion relating to the share of European works should be the highest possible.
- One entity [RNA] considers it necessary to define more precisely the indicators referred to in point 7 of Annex B to the resolution submitted for consultation, as well as to adapt them to the radio context, in order to avoid the inclusion of an excessive amount of radio content in the basket of SGIs.
- One entity [Still] believes that it is unclear: i) what is meant by ‘commercial’ services; ii) whether digital terrestrial services distributed via the HBB+ protocol meet the definition of services ‘in broadcasting’; iii) whether commercial television broadcasts focusing on cultural events and/or works of art can meet the indicator for programmes of a cultural nature.
- One entity [TIM] agrees with the projection concerning the annual assessment for access to the basket of SGIs.
- One entity [TV Insieme] agrees with the Authority’s projection as long as local television stations are considered to be of general interest.

Annex B to Resolution No 14/23/CONS – Q10: Do you agree with the identification of the interfaces and devices prominence measures are to be implemented shared?

- Several entities [Aeranti-Corallo, CRTV, Discovery, Rai, RTI, RTL and TV Insieme] share the Authority’s view.
- Two entities [Aeranti-Corallo and DAZN] invite the Authority to clarify that the devices also include tablets and similar devices.

- One entity [Anitec-Assinform] invites the Authority to: i) explicitly exclude non-Internet-connected devices from the scope of the regulation; ii) restrict the scope for devices connecting to a television set or screen, by providing for the explicit exclusion of smartphones, tablets, personal computers and monitors.
- One entity [MAVE] proposes to include car dashboards in the list of devices and interfaces, as they are not expressly specified, deeming it appropriate that car entertainment systems should have at least one icon allowing access to apps for aggregating streaming radio flows. Another entity [OMItaliane] considers that radio receivers and infotainment systems installed in Category ‘M’ and ‘N’ vehicles, which allow the reception of commercial radio services in the user interface, broadcasting free of charge on medium-wave amplitude modulation (AM) radio frequencies, both in analogue and digital mode, should also be included.
- Given that radio content has been available for several years from any device on the market, two entities [RNA and RTL] emphasise that the prominence of radio content should be extended to all devices, especially the car radio, and not, therefore, be limited to the television set alone. The same entities [RNA and RTL] invite the Authority to provide for the prominence of radio services accessed via car radios and devices suitable for receiving audio content, a separate path from other services, with the establishment of an *ad hoc* technical panel.
- One entity [Rai] invites the Authority to provide further details on the devices and interfaces covered by the forecast, considering that they include, but are not limited to, gaming consoles, dongles, external set-top boxes, car radios, in-car infotainment systems, both connected and non-connected, aggregators, and aVOD services. In addition, the same entity [Rai] considers that this scope should be reviewed periodically, in view of the continuous evolution of the technological and user-supply environment.
- One entity [Andec] considers that certain ancillary products, such as external tuners for personal computers, should be excluded from the obligation.
- One entity [Vodafone] shares the Authority’s forecast, subject to the existence of commercial agreements with publishers.
- One entity [WRA] suggests including in the list of interfaces and devices on which prominence measures must be implemented, websites providing radio and television aggregation services, known as aggregators.
- As already pointed out in reply to question Q2 of Annex A to the resolution

submitted for public consultation, one entity [Still] considers that restricting it to user interfaces and applications that ‘allow access’ may give rise to circumvention practices.

- One entity [TIM] notes that the proposed regulation — being characterised by the concept of ‘free’ referring to the media service that can be qualified as an SGI, and, consequently, to the type of devices and interfaces that allow access to SGIs — should not apply to paid on-demand audiovisual media services and, consequently, to the devices and interfaces that allow their use.

Annex B to Resolution No 14/23/CONS – Q11: Do you agree with the identification of the recipients of the prominence obligations?

- Several entities [Aeranti-Corallo, CRTV, Discovery, Rai, RTI, RTL, Still, TV Insieme and Vodafone] share the Authority’s view.
- One entity [DAZN] considers that providers of audiovisual media content on devices suitable for receiving audiovisual signals should also be included.
- One entity [OMItaliane] agrees with the Authority’s proposal, subject to the inclusion also of operators of commercial radio services in broadcasting, broadcast free of charge on medium-wave amplitude modulation (AM) radio frequencies, both in analogue and digital mode. Another entity [Giorgio Marsiglio] believes that all radio operators should be included.
- One entity [Rai] invites the Authority to periodically review the scope of the recipients of the obligations, in view of the continuous evolution of the technological and user offering context.
- One entity [TIM] considers that on-demand media service providers and devices prepared for the use of the on-demand service should be excluded, but if there were obligations in this regard, it would consider it correct that the obliged entities be identified as the producers of the device and the players that define user interfaces.
- One entity [WRA] considers it appropriate to specify who the recipients of the measures are (such as, for example, radio aggregators, operating systems for smart TVs or for cars, search engines).

Annex B to Resolution No 14/23/CONS – Q12: do you agree with the implementation methods defined to ensure the prominence of audiovisual and radio services of general interest broadcast on digital terrestrial, satellite, and online?

Annex B to Resolution No 14/23/CONS – Q13: Do you suggest any other implementation method to ensure the prominence of audiovisual and radio services of general interest?

- One entity [Aeranti-Corallo] considers that it is necessary to provide simultaneously, on each type of device, different ways of accessing the different local and national FSMAs and the different providers of local and national radio content. In particular, with regard to FSMAs, the first screen of the home page of the device must display: *i)* the icons of all national and local FSMAs in the first LCN numbering range, sorted according to the first LCN assigned to the relevant publisher; Below, an icon to access the national and local FSMA icons placed in the LCN numbering arcs following the first one (for local FSMAs, technical modalities must be defined that allow receiving, according to the specified order, only the FSMAs of the technical area where the receiving device is located); *ii)* a virtual remote control with a numeric keypad, allowing access to national and local FSMAs; *iii)* a digital terrestrial television icon, providing access to a unique icon for national FSMAs and a unique icon for local FSMAs (both sorted according to their respective LCN numbers); *iv)* a unique icon for the local FSMAs of the various technical areas, providing access to an icon of the local FSMAs of each individual technical area (sorted according to their respective LCN numbers). As regards the providers of radio content (especially with regard to the devices used to listen to radio services on board automotive vehicles), the first screen of the home page of the device must display: *i)* an icon through which the icons of national and local radio content providers (which are also analogue FM concessionaires) can be accessed, in alphabetical order (accompanied by the 'find' function); *ii)* an icon providing access to an icon of national radio content providers (which are also analogue FM concessionaires), as well as an icon, for each region, of local radio content providers (which are also analogue FM concessionaires), and an icon of the national and local digitally native radio content providers, all arranged in alphabetical order; *iii)* an icon of the aggregator Radio Player Italia.
- One entity [Andec] agrees with the intention to give maximum prominence to the contents of the DTT in the 'smart' receivers which have a home page, while for traditional devices, where the DTT channel is displayed when switching on, no change should be required. Concerning the two click limit, the same entity [Andec] refers to what was said in response to question Q3 of Annex A to the resolution submitted for public consultation, considering that a logic of best effort should rather be applied. With regard to the creation of a content indexing system grouped by type, the same entity [Andec] considers that its development and maintenance should be carried out by a single entity at the national level, which would then make it available to producers in the form of an app for smart TVs, in order to ensure uniformity of treatment for all users and the certainty of constant

updating.

- An entity [Anitec-Assinform] considers it feasible to present an icon immediately visible on the home page of the device (first level of offer) dedicated to access to SGIs, but proposes to use the term ‘services of general interest’ instead of ‘featured’, as the latter could potentially mislead users. In addition, the same entity [Anitec- Assinform] considers the grouping of services within the first level icon to be unfeasible on software platforms, as the icons of the second navigation level are specifically addressed to the context of the national offer, and a grouping in the same field (third level) of a variety of heterogeneous services from different distribution sources (digital terrestrial/satellite/IP) is envisaged, presenting a degree of complexity that is not manageable at the level of the operating system, but only at the level of apps dedicated to individual services or publishers. The same entity [Anitec-Assinform] proposes to implement the proposed model by making available to device manufacturers a dedicated app developed specifically for Italy in accordance with the standards in use and optimised for the platforms used by devices, which would be easily implemented and presented on the home page of connected television receivers (first level of offer). The same entity [Anitec-Assinform] proposes to provide for a maximum of two clicks to reach the home page that provides full visibility to the GIS icon. With reference to the additional measures referred to in point 17 of Annex B to the resolution submitted for consultation, the same entity [Anitec-Assinform] notes that the option *i)* can only be considered as a possible alternative to the presentation of the SGI icon, that the option *ii)* is not acceptable, as it would interfere with the consumer’s freedom of choice, and that the option *iii)* cannot be implemented because it is impossible for manufacturers to implement hardware changes at national level. Lastly, the same entity [Anitec-Assinform] considers it essential to set up a technical panel in which stakeholders participate, which will allow the Authority to assess alternative implementation methods.
- One entity [CRTV] considers it necessary to ensure that at least 30% of the home page space is directly allocated to the provisions of point 15 of Annex B to the resolution submitted for consultation, and proposes a new wording for point 15, which provides that this space should contain, next to the icon for accessing DTT channels, icons with the logos of the public service concessionaire and audiovisual media service providers that publish national generalist channels, arranged according to the position of the first LCN assigned to the publisher itself, and selecting them grants access to the offer of the relevant online SGIs. Following this, the icons of local TV publishers with LCNs from 10 to 19 should appear (arranged according to the position of the first LCN assigned to the publisher in the corresponding technical area), and selecting these leads to the offer of the relevant online SGIs; there are also icons that provide access to other icons that can group together national online audiovisual media services of general interest

other than generalists, other local TV stations, national radio stations, and local radio stations. The same entity [CRTV] also considers that the entities identified as recipients of the measures whose devices fall within the provisions of point 13 of Annex B to the resolution submitted for consultation, and that do not have access to the digital terrestrial platform, must ensure access to the SGIs made available online, organising them according to the position of the first LCN assigned to the publisher in accordance with the automatic numbering plan of DTT channels.

- An entity [DAZN] considers that the events of social interest or of great public interest offered, live or at a later stage, for free or paid, to the Italian public, provided for in Article 33 of the *TUSMA*, which include sporting events, must be included in the appropriate box described in the consultation text and made immediately visible from the home page of the device. The same entity [DAZN] also considers that the same visibility, currently offered on the home page of devices, should be maintained for apps that offer audiovisual media content.
- One entity [Discovery] proposes to divide the home page of devices suitable for receiving the digital terrestrial television signal and the devices and user interfaces allowing access to SGIs, into the following sections containing:
 - i) DTT channel icons with generalist programming, each identified by its own logo; ii) the icons of national audiovisual commercial services disseminated free of charge online, each identified by its own logo; iii) an icon allowing access to the automatic numbering system for DTT channels, the logo of which will be defined by the Technical Panel referred to in Article 6 of Annex A to the resolution submitted for consultation, an icon allowing access to SGIs, an icon allowing access to the list of DTT channels with the programming type ‘children and youth’; iv) icons of proprietary applications.
- One entity [OMItaliane] considers that commercial radio services in broadcasting, broadcast free of charge on medium-wave amplitude modulation (AM) radio frequencies, in analogue and digital mode, should also be considered — suggesting that an icon with the indication ‘AM’ be included on the home page. The same entity [OMItaliane] suggests that the general provision to have a ‘publishing title’, if understood as a ‘newspaper’, is to be considered — with reference to ‘EU radio broadcasters’ usually managed by cultural associations – excessive and contrary to the legislation.
- One entity [Rai] proposes to differentiate into two sections containing: i) linear services in DTT or on satellite for devices equipped with a terrestrial and/or satellite tuner (when switched on, the device must tune to the last channel viewed); ii) the online services of global operators and online SIGs, accessible

through a box called ‘featured’ and arranged in the order of allocation of the relevant LCN numbers on all devices equipped with a terrestrial or satellite tuner, or otherwise in an order established by the Authority. The same entity [Rai] also invites the Authority to act as spokesperson for the request to introduce an *ad hoc* button on remote controls for the entire European Union market, offered in the first instance to national public service providers, not considering it feasible for manufacturers to set up an *ad hoc* button for the Italian market only.

- One entity [RNA] notes that the DAB network operator may, upon notification by the content provider, place a mark to highlight the SGIs in order to enable their prominence, distinguishing between local and national content. The same entity [RNA] also suggests periodically reassessing compliance with the requirements identified for the SGIs of the services included in the basket.
- One entity [RTI] considers it appropriate to differentiate the modalities of implementation of the measures for each of the following areas: i) remote controls; ii) graphical interfaces; iii) distribution environments that provide access to both linear and on-demand SGIs through external connected TVs and decoders, devices connected to the television screen not capable of receiving the DTT platform, devices such as smartphones, tablets, and personal computers from which you can access an app store; iv) recommendations and search results. As regards remote controls, the same entity [RTI] proposes to make mandatory the option of inserting a quick key through which to access EPGs. The same entity [RTI] also considers that adequate prominence should be given to distribution environments that include SGIs in their offer and that, alongside the DTT icon, there should be as many icons providing direct access to online distribution environments containing SGIs, instead of providing a single ‘featured’ icon for all SGIs.
- Two entities [CRTV and RTI] suggest that SGIs should be present in at least three of the top five positions in recommendations and search results.
- One entity [RTL] suggests providing an icon for national radio stations only and merging local radio stations and local television stations into a single icon.
- Two entities [CRTV and RTL] propose to provide for the implementation of all the provisions referred to in point 17 of Annex B to the resolution submitted for consultation.
- One entity [Still] points out that the provision in point 15 of Annex B to the resolution submitted for consultation could be considered contrary to Article 4 of Annex A to that resolution, which provides that the LCN numbering is to be

accessible at the first level of the offer to the user. The same entity [Still] considers that the page accessed from the ‘Featured’ box should be able to be selected, if the user so requests, as the device’s startup screen, without having to first display the home page. The same subject [Still] also invites the Authority to explicitly provide that ‘semi-generalist’ channels must — and not may, as is currently provided — be grouped in other icons, in numerical order.

- One entity [TIM] considers that the provision of a defined number of clicks (actions) to access the ‘Featured’ section, as well as the provision of a special box or icon, immediately visible on the home page of the device, are excessive and do not take into account the complexity present in the market. The same entity [TIM] considers *i)* that the SGI icon should be provided only for the TV function of the box allowing access to paid services; *ii)* that the SGI channels must be easily accessible from any device environment, i.e. if the Authority wishes to provide for a minimum number of clicks, this should not be less than three (two clicks to reach the list of channels and a click to enter the SGI section); *iii)* that no other criteria should be laid down relating to placement in the top positions of the list of results of searches carried out by the user (a measure that is difficult to implement in the absence of access, free of charge, to the metadata necessary for indexing the search).
- According to one entity [TV Insieme], in order not to distort the characteristics of the television device, only three areas of access to television programmes should be provided: *i)* the EPG area via LCN (accessible with the numeric keypad); *ii)* the specific area of SIGs; *iii)* the apps area (platforms for internet access), which in turn is divided into three sections (SGIs, apps of entities active on the DTT, other apps). In any case, the same entity [TV Insieme] considers that future opportunities may be identified within the Technical Panel.
- One entity [Vodafone] considers it possible to create a ‘featured’ box for free-to-air content, but not for on demand content of the public service concessionaire.
- One entity [WRA] suggests facilitating access to the websites of radio and television broadcasters included in systems that aggregate content, such as, for example, apps installed on smart TVs and specific operating systems for passenger cars.

Annex B to Resolution No 14/23/CONS – Q14: Do you agree with the defined implementation methods to ensure the prominence of radio services of general interest broadcast in DAB+ ?

- Several entities [Andec, Discovery, Rai, RTI, RNA and TV Insieme] agree with

the Authority's proposal.

- One entity [Anitec-Assinform] considers the Authority's proposal to be generic and calls for account to be taken of the different characteristics and intended uses of equipment capable of receiving DAB+ services (car radios, fixed and portable home systems, etc.). In this regard, the same entity [Anitec-Assinform] considers it appropriate that the identification of possible implementation methods be carried out following an in-depth analysis conducted within the framework of a dedicated technical panel.
- One entity [CRTV] proposes to specify that the prominence of radio services of general interest broadcast in DAB+ must be ensured on DAB+ receivers.
- One entity [OMItaliane] considers that the proposed provision infringes the principle of technological neutrality, most recently laid down in Article 4(2) of the Electronic Communications Code. One entity [Giorgio Marsiglio] invites the Authority to clarify whether this provision recognises a privileged position for DAB broadcasters, in breach of the principle of technological neutrality.
- With regard to receivers equipped with more complex systems, one entity [Rai] suggests adopting an approach similar to that proposed in its answer to question Q12, in order to integrate content in broadcast and online content.
- One entity [RNA] suggests promoting the technical adaptation of receivers in order to feature, by differentiating between locally and nationally disseminated content, emergency services and alerts, followed by SGIs and other content in alphabetical order, without changing the names of the services offered with the aim of obtaining a more favourable position on the list.
- One entity [RTL] considers it appropriate to establish an *ad hoc* Technical Panel for radio media service providers. Another entity [CRTV] states that the Associated Radios invite the Authority to set up an *ad hoc* Panel to address the issues of the radio sector on the different devices.
- Some entities [CRTV, RTI and RTL] invite the Authority to assess the possibility of introducing, also in the DAB+ environment, an automatic ordering of services.

Annex B to Resolution No 14/23/CONS – Q15: Do you agree with the provision concerning the setting up of a technical panel aimed at exploring the potential impact on the regulation of new technological solutions?

- Several stakeholders [Aeranti-Corallo, Andec, Anitec-Assinform, CRTV, DAZN, Giorgio Marsiglio, OMItaliane, TIM, RNA, RTI, RTL and WRA] share the

Authority's view.

- One entity [Discovery] considers it appropriate to proceed as soon as possible with the implementation of the measures provided for in the measure under consultation, avoiding the inevitable delays that the setting up of a technical panel would entail.
- One entity [OMItaliane] believes that digital transmissions in DRM30 should also be given the appropriate space and prominence, like other technological solutions that have recently emerged, in order to ensure compliance with the principle of technological neutrality.
- One entity [Rai] considers it more useful to postpone the Panel until 24 months after the conclusion of the present proceedings, as all the solutions currently available on the market are already being taken into account in these rules.
- One entity [TV Insieme] proposes to extend participation in the Technical Panel to representatives of FSMA associations.
- One entity [WRA] proposes to provide for periodic meetings of the Panel on an annual basis, in order to take into account the continuous technological and market progress.
- One entity [RNA] suggests dividing the Panel into two: the radio context and other platforms.

Annex B to Resolution No 14/23/CONS – Q16: Do you agree with the provision regarding the timing of implementation of the measures?

- Several entities [Aeranti-Corallo, CRTV, RTL and TV Insieme] share the Authority's view.
- One entity [Andec] notes that, if an app is made available for inclusion in the devices, as proposed in its response to question Q12, the change would require shorter timeframes; otherwise, it refers to its answer to question Q7 of Annex A to the resolution submitted for public consultation.
- Given that the adoption of new specifications requires coordination between different operators and implementation methods that often cannot be managed independently by individual companies, and considering the timeframes at the international level for the process of defining the software and hardware profiles of devices placed on the market, one entity [Anitec-Assinform] points out that any regulatory provision that entails changes or interventions on the software or

hardware profiles of the devices, compared to the current conditions, must provide for an implementation period of no less than 24 months, starting from the date of publication of the list of SGIs.

- One entity [Discovery] wishes for shorter implementation times for the measures than those proposed in the text submitted for consultation.
- One entity [OMItaliane] considers that 6 months are not sufficient to identify a common protocol to set up the single platform on which the SGIs will be included.
- One entity [Rai] considers that a reasonable period is a period not exceeding 18 months from the publication of the list of SGIs and that changes cannot be made retroactively beyond 3 or 4 years.
- One entity [RNA] considers a preliminary thorough technical feasibility assessment for digital radio to be necessary.
- One entity [RTL] points out that equipment manufacturers and operating system developers can at any time perform a software upgrade of all devices.
- One entity [TIM] notes that the timing of the adjustment is closely related to the changes that may become necessary and therefore invites the Authority to postpone any decision on this until a later date, i.e. when the entire regulatory framework will be clear. In any event, the same entity [TIM] considers that, in view of the fact that there are already devices in circulation (including those in stock), any changes should concern the preparation of devices purchased and produced after the entry into force of the measures.

HAVING REGARD TO the comments and proposals arising from the public consultation, to make the following assessments:

General comments

- Concerning the appropriateness of providing for specific measures on the accessibility of remote controls and icons on the home page of the devices, the Authority notes that Resolution No 151/22/CONS established a Technical Panel aimed at defining accessibility measures for audiovisual media services pursuant to Article 31 of *TUSMA*,¹ and refers to this forum for the assessment of any measures concerning the devices for the use of content.
- With a view to greater clarity and transparency, in order to take account of the

¹ See Resolution No 151/22/CONS of 19 May 2022 *establishing a Technical Panel aimed at defining measures to ensure accessibility to audiovisual media services for users with disabilities pursuant to Article 31 of Legislative Decree No 208 of 8 November 2021*.

comments received, the Authority introduces in Annex A to this Resolution a paragraph with the definitions of the terms used in the measure. Regarding the use of the word ‘prominence’, the Authority states that when the term first occurs, its meaning is clearly specified.

- As regards the comments on the application of the principle of free movement of services in the European single market and the country of origin principle, the Authority points out that the measure subject to national public consultation was notified to the European Commission as a technical regulation within the meaning of Directive 2015/1535/EU of the European Parliament and of the Council of 9 September 2015. In this regard, the European Parliament resolution of 9 May 2023 on the implementation of the *Audiovisual Media Services Directive*,² with which the Parliament — stressing the need to ensure proper implementation of Article 7a of the *Audiovisual Media Services Directive*, given the key role of equipment manufacturers and user interface providers in enabling users to access, discover and find audiovisual media services online — considers,³ *inter alia*, that the objectives of the *Directive* are satisfied by those Member States which take measures to ensure the prominence of audiovisual media services of general interest, including with regard to user interfaces and platform services that offer their services to users in the territory of the Member State, but are not established in the same State.⁴
- With regard to the comments concerning the lack of an adequate assessment of the impacts on the market and the technical feasibility of the proposed measures and the non-proportionality of the measures with respect to the purpose of the rule from which they derive, the Authority states that the proposed measures — consisting exclusively of software amendments to the products covered by the measure — are deemed necessary in order to ensure adequate relevance to SGIs, as provided for in Article 7a of the *Audiovisual Media Services Directive* and Article 29 of the *TUSMA*, with the ultimate aim of ensuring pluralism, freedom of expression, cultural diversity and effective information for the widest possible audience. Indeed, it would not be conceivable to ensure the relevance of SGIs if there were no, albeit minimal, change to the current way of presenting content on the designated devices. With regard to the procedures for implementing the measures covered by this provision, please refer to what is stated in the individual questions.

² Available through the link https://www.europarl.europa.eu/doceo/document/TA-9-2023-0134_EN.pdf.

³ ‘[...] highlights the need to ensure proper implementation of these provisions, considering the key role that device manufacturers and user interface providers play in enabling people to access, discover and find audiovisual media services online [...]’.

⁴ ‘[...] the objectives of the AVMSD are served by Member States taking measures to ensure the prominence of audiovisual media services of general interest, as well as the prominence of European works, vis-à-vis relevant user interfaces and platform services that offer their services to users in the territory of that Member State but are not themselves established there; recalls that it is important for these measures to be based on transparent and objective criteria [...]’.

- As regards the appropriateness of considering medium-wave radio services in the context of SGIs, the Authority refers to its assessments concerning the subsequent questions.
- The Authority specifies that the managers of the user interfaces targeted by the measures referred to in this measure are required to provide adequate visibility to the services identified as SGI, in accordance with the provisions of the European and national legislation referred to above, as well as by this measure and therefore cannot request financial compensation from the providers of these services for the application of the legislation.
- The Authority also points out that the provisions laid down in this measure, which concern only a small part of the available screen space, do not in any way preclude the possibility for audiovisual and radio media service providers to enter into agreements of a commercial nature with the operators of user interfaces and with device manufacturers in order to reserve a prominent position in the remaining space available.
- With regard to the use of the regulatory instrument of the guidelines, the Authority recalls that it was the legislator who conferred on it the power and the task of adopting guidelines, providing, in Article 29 of *TUSMA*, that *‘The Authority, through guidelines, defines the criteria for the qualification of an audiovisual or radio media service as a service of general interest. Through the same [...] guidelines, the Authority shall also define the detailed rules and criteria with which producers [...] must comply [...]*’ (emphasis added). In this regard, the Authority notes that the definition of the criteria for the qualification of a media service as an SGI, as well as the methods to be followed by the recipients of the provisions, cannot be expressed in the form of a series of options, as suggested by some participants in the consultation. First of all, because an inaccurate definition of the services to be identified as SGI would frustrate the very intention of the provision, namely to give adequate relevance to that type of services. Furthermore, the definition of a set of options to give prominence to SGIs, rather than a single way of implementing the provisions, would not ensure a uniform implementation across different devices and interfaces, risking confusion for the end-user. In any case, with regard to this second aspect, the Authority refers to its assessments in relation to questions Q12 and Q13, which set out a method for implementing the provisions concerning SGIs deemed applicable to all devices and user interfaces and which leave an adequate margin of choice to the recipients of the provisions (for example, about the position in which to place the portion of the screen dedicated to SGIs, as well as about how to organise the second level of display, i.e. once the individual icons have been selected).

Annex B to Resolution No 14/23/CONS – Q8: Do you agree with the definition of the basket of services of general interest?

- In order to take into account the numerous comments received during the public consultation on the definition of the basket of SGIs, as well as what emerged during the procedure for notifying the measure to the European Commission as a technical regulation within the meaning of Directive 2015/1535/EU of the European Parliament and of the Council of 9 September 2015, the Authority considers it appropriate to redraft the paragraph '*Services of general interest*' in Annex B to the decision submitted for consultation, as specified below.
- The basket of services of general interest shall include: i) audiovisual and radio media services broadcast free of charge by the concessionaire of the public service on digital terrestrial (DVB-T and DAB+),⁵ on satellite and online (i.e. linear television and radio channels, catch-up tv and catch-up radio, catalogues available free of charge from the public service concessionaire, native FM services distributed online); ii) national commercial audiovisual and radio media services broadcast free of charge on digital terrestrial media (DVB-T and DAB+),⁶ on satellite and online (i.e. linear television and radio channels, catch-up TV and catch-up radio, catalogues available free of charge offering online the programmes of commercial media services in broadcasting, native FM services distributed online) with generalist, semi-generalist, and thematic programming of the 'information' type, as defined in the update of the automatic numbering plan for digital terrestrial television channels referred to in Resolution No 116/21/CONS, and which have a newspaper registered with the competent court, as well as those with thematic programming of the 'children and youth' category and the 'culture' category, as defined in the same Resolution No 116/21/CONS; iii) commercial local audiovisual and radio media services broadcast free of charge on digital terrestrial media (DVB-T and DAB+),⁷ which have a newspaper registered with the competent court.
- With regard to the possibility of giving importance to online distribution environments, the Authority notes that these environments are managed and organised in accordance with purely commercial logics and, therefore, offer access to a selection of services, also following commercial agreements concluded with the relevant suppliers, and not only to the services identified as SGIs. In view of this, in order to avoid the risk of giving prominence to services not included in the basket of SGIs, the Authority does not consider it appropriate to give importance to online distribution environments and refers to its assessments with regard to

⁵ Including successive versions of the standard cited, such as, for example, DVB-T2.

⁶ *Ibidem*.

⁷ *Ibidem*.

questions Q12 and Q13 for the definition of the implementing methods to allow the prominence of SGIs.

- With regard to the advisability of periodically updating the assessment of SGIs, the Authority recalls the provisions of Annex A to this Decision, namely that annually, in order to take account of any changes that have occurred in the period following the publication of the list of SGIs and any communications from the providers of audiovisual and radio media services, the Authority shall initiate a procedure with a view to updating that list.
- With regard to the possible inclusion of events of social interest or of great public interest in the basket of SGIs, the Authority clarifies that the definition of SGI identifies television channels or radio schedules, not individual programmes or events. In addition, the Authority notes that the aforementioned type of events is already subject to a specific protection scheme provided for in Article 33 of the *TUSMA*, a scheme not overlapping with the SGI scheme, as it concerns individual events and not services.
- With regard to the prominence of the public service, the Authority recalls the provisions of the agreement concluded in 2017 between the Ministry of Economic Development and RAI on the occasion of the concession for the public radio, television and multimedia service.⁸ Article 1 of the Agreement stipulates that the concession concerns the public radio, television and multimedia service ‘ *to be understood as a service of general interest*’, consisting of the production and dissemination of audiovisual and multimedia content on all platforms, directed, including through the use of new technologies, to ensure complete and impartial information, as well as to promote education, civil growth, the faculty of judgement and criticism, progress and social cohesion, to promote the Italian language, culture, creativity and environmental education, to safeguard national identity and ensure social benefits.
- With regard to having a newspaper title, the Authority considers it appropriate to confirm this requirement for commercial services with generalist, semi-generalist, and thematic programming of the ‘information’ type, in order to correctly identify the services that can actually be defined as being of general interest, given that the same *TUSMA*, in Article 4, provides that the provision of information by all audiovisual or radio media services is always a service of general interest and is therefore subject to the rules laid down therein; Article 4 of the *TUSMA* enshrines as general principles of the system of audiovisual media services and radio, *inter*

⁸ ‘Agreement between the Ministry of Economic Development and RAI on the concession for the public radio, television and multimedia service (approved by Prime Minister's Decree on the proposal of the Minister for Economic Development in agreement with the Minister for Economy and Finance of 28 April 2017)’.



alia, the objectivity, completeness, fairness, and impartiality of information, as well as countering disinformation strategies. In addition, taking into account the comments received during the public consultation, the Authority considers it appropriate to include in the basket commercial services with thematic programming of the type 'children and youth' and 'culture', regardless of the possession of a registered newspaper. As a general consideration, the Authority notes that the identification of specific requirements makes it possible to appropriately limit the scope of the basket of SGIs and that otherwise there would be a risk of defining an extremely large basket, thus frustrating the effective application of the prominence measures.

- The Authority considers the proposed measures suitable for ensuring equal dignity for media services offered at both national and local levels, as they refer to and confer appropriate relevance to both types of services.
- On the appropriateness of considering medium-wave amplitude modulation radio services in the basket of SGIs, also in view of the numerous comments received in response to subsequent questions, the Authority considers it appropriate to defer the analysis of this issue, particularly regarding the use of the DRM digital standard, which allows the use of the same frequencies currently used for AM transmissions, to the Technical Panel referred to in Annex A to this Resolution.
- With regard to the inclusion of additional types of services in the basket of SGIs, the Authority considers it appropriate to defer such an assessment to the revision phase of these guidelines, which the Authority reserves the right to implement three years after the publication of the final measure (as provided for in Article 1 of this Decision), as it will be possible to take into account future technological and market developments, future indications at the European level, and the experience resulting from the implementation of these guidelines.
- With reference to web radio, the Authority does not consider it appropriate to provide, at the initial application stage, for their inclusion in the basket of SGIs, which includes radio services provided by entities operating under authorisation or concession and which therefore, also by virtue of the consequent obligations, provide controlled and accurate information, as well as being subject to the Authority's supervisory activity.

Annex B to Resolution No 14/23/CONS – Q9: Do you agree with the provision of an ad hoc procedure for the assessment of the inclusion of additional commercial services in the basket of general services agreed upon? Do you agree with the identified indicators?

- In view of the numerous comments received on the indicators to be used in the procedure for assessing the inclusion of additional commercial services in the



basket of SGIs, the Authority states the following. First of all, taking into account the need to acquire additional elements in order to carefully assess both the definition of the indicators themselves and any threshold values to be attributed to them, as well as the opportunity to follow the next evolution of regulation at European level and, in particular, the guidelines that the European Parliament invites ERGA to develop with a view to achieving a harmonised approach,⁹ the Authority considers it appropriate to postpone the possible definition of an assessment procedure for the inclusion of new services in the basket of downstream SGIs for a period of 3 years from the end of the present procedure, in the context of the possible revision of the rules referred to in this resolution. In addition, the Authority considers it necessary to confirm the publication on its website of a list of services identified as SGIs, to be done at the end of these proceedings, after notification of the service or services to be included in the list by the providers of audiovisual and radio media services who consider that they offer services falling within the scope of the basket of SGIs in accordance with the provisions of paragraph 3 of Annex A to this Resolution. Finally, the Authority considers it appropriate to confirm the annual procedure for updating the list of SGIs, in order to take into account any changes that have occurred in the period following publication. In light of the above, the provisions of the resolution submitted for consultation are amended accordingly.

- As regards the manner in which the user interfaces are updated, the Authority considers that the publication of the list of SGIs on an annual basis is sufficient to ensure adequate information to the recipients of this measure, enabling them to adapt and update their systems.
- The Authority also clarifies that commercial services are all services which are not offered by the public service provider and that ‘in broadcasting’ services means the services transmitted in DVB-T, DAB+, DVB-S and subsequent versions of these standards.

Annex B to Resolution No 14/23/CONS – Q10: Do you agree with the identification of the interfaces and devices on which the prominence measures are to be implemented?

- In view of the numerous comments received, the Authority considers it appropriate to supplement the provisions of the resolution submitted for consultation, in order to clarify that the devices and interfaces covered by the measures referred to in the aforementioned Annex include all those that allow access to SGIs, including smartphones, tablets, personal computers, dongles, consoles and similar devices on which special interfaces are installed that allow the user to use identified services such as SGIs. Similarly, devices in cars, such as

⁹ Cf. https://www.europarl.europa.eu/doceo/document/TA-9-2023-0134_EN.pdf.

car radios and, in general, in-car infotainment systems, are also included, on which special interfaces are installed that allow the user to access services identified as SGIs.

- With regard to the specific comments on devices capable of receiving radio content, the Authority reiterates that radio media services identified as SIGs are placed in an appropriate position on any device capable of receiving them, including devices that allow them to be used on the move and, therefore, car radios. In view of the numerous comments received on how to give appropriate prominence to the radio media services identified as SGIs, in particular on devices installed in cars and, more generally, on devices intended primarily for the reception of sound content, the Authority considers it appropriate to refer further details of this issue to the Technical Panel set out in Annex A to this Resolution.
- As regards the possibility of circumvention of access to SGIs, the Authority notes that it falls within the individual freedom of device manufacturers and interface developers to decide which services to provide access to through their products. On the other hand, with the measures referred to in this measure, the Authority intends to achieve a fair compromise between over-regulation — which would make the supply of SGIs burdensome and could consequently lead to the implementation of circumvention practices, thus frustrating the regulatory intention — and the absence of regulation — which would not allow compliance with the provisions of Italian legislation on SGIs.
- The Authority also specifies, similarly to what was noted in its assessments of question Q4 of Annex A to the resolution submitted for public consultation, that devices that are not connected to the Internet and that do not have a home page for navigation are not required to comply with the provisions of this resolution because, in the absence of a navigation interface, i.e., a home page, which presents services to users, there is no need to give appropriate prominence to certain services. If these devices are connected to a decoder, a dongle or another device able to provide a home page for navigation, the above provisions would apply to the manufacturers of such devices and to the operators of their user interfaces. The Authority considers it appropriate to specify this aspect in the guidelines set out in Annex A to this Decision.
- As regards the application of the guidelines on SGIs to user interfaces giving access to paid on-demand media services, in view of the inherent free-of-charge nature of the SGIs as identified here, the Authority states that the provisions of this Resolution do not apply to devices and interfaces giving access to SGIs in the context of a paid offer characterised by a bundle between device and media services. In order to provide greater clarity, the Authority considers it appropriate

to specify this aspect in the guidelines set out in Annex A to this Resolution.

- As regards the sites providing aggregation services, the Authority refers to the comments made in its assessments in response to question Q8 concerning online distribution environments.
- With regard to the appropriateness of periodically reviewing the scope in view of technological and market developments, the Authority considers it appropriate to carry out this assessment as part of the reassessment of the framework referred to in this Resolution, which the Authority reserves the right to implement three years after the publication of the final measure.

Annex B to Resolution No 14/23/CONS – Q11: Do you agree with the identification of the recipients of the prominence obligations?

- The Authority considers it appropriate to include audiovisual and radio media service providers among the recipients of prominence measures in view of what is envisaged regarding the publication and management of the SGI list.
- On the periodic review of the scope of the addressees, the Authority refers to its assessments corresponding to questions D8, D9, and D10, concerning the reassessment of the rules referred to in this provision.
- With regard to the exclusion from the scope of recipients of on-demand media service devices, the Authority refers to its assessments in response to question Q10.
- With regard to the appropriateness of specifying in detail the addressees of the measures, the Authority considers that it has sufficiently detailed in the guidelines annexed to this Resolution, also taking into account the comments received during the public consultation, the devices and interfaces covered by the measures. The list of device manufacturers and parties determining the manner in which services are to be presented on user interfaces, i.e. the addressees of the provisions set out in the guidelines, is published on the Authority's website within 120 days of the publication of this Resolution.

Annex B to Resolution No 14/23/CONS – Q12: do you agree with the implementation methods defined to ensure the prominence of audiovisual and radio services of general interest broadcast on digital terrestrial, satellite, and online?

Annex B to Resolution No 14/23/CONS – Q13: Do you suggest any other implementation method to ensure the prominence of audiovisual and radio services of general interest?

- In view of the numerous comments received during the public consultation, and in order to avoid undesirable overlaps between the provisions concerning the icon allowing access to the digital terrestrial television channels referred to in the *DTT Icon Regulation* and the provisions concerning the implementing methods to ensure the *prominence* of the SGIs (since there are DTT channels among the SGIs) referred to in Annex A to this Resolution, and to avoid, as suggested in the consultation, grouping services transmitted via different platforms in the second display level (accessed by selecting the SGI icons on the home page), the Authority considers it appropriate to reformulate the provisions of paragraph 5 of Annex B to the resolution submitted for consultation as set out below.
- Other than devices installed on cars and, more generally, devices designed primarily for the reception of audio content, in order to ensure adequate prominence for SGIs broadcast on digital terrestrial, satellite and online, as defined in paragraph 3 of Annex A to this Resolution, the addressees of the provisions as identified in paragraph 5 of Annex A to this Resolution shall provide for an appropriate portion of space (in the form of a strip or line, no smaller in size than other strips or lines containing icons or boxes relating to the other contents present on the home page), immediately visible on the home page of the device, i.e. in the first level of the offer to the user, organised as indicated below.
- In the case where the device can be connected to the Internet and is equipped with a DTT tuner and a satellite signal receiver, in the first positions of the strip, after any icon that allows access to the DTT channels referred to in the *DTT Icon Regulation*, the following are given in order: icons of national audiovisual SIG providers distributed online — allowing access to services defined as SGIs — placed in order of allocation of the first LCN number of the service distributed in DTT; a ‘Sat’ icon providing access to national audiovisual and radio SIGs broadcast on a satellite platform, grouped by provider in alphabetical order; a ‘Local TV’ icon giving access to audiovisual SGIs broadcast locally on DTT, arranged in order of LCN number allocation; an ‘Radio’ icon allowing access to radio SIGs distributed online, arranged in alphabetical order according to the name of the service as registered with the competent Ministry. With regard to the positioning of the icon allowing access to DTT channels, the Authority recalls what is provided for by the *DTT Icon Regulation*, i.e. the icon or box is: *i.* pre-selected, i.e. immediately selectable by the user (in focus), when the user accesses the *home page*, or *ii.* inserted in the first three positions of the *rail* containing OTT application icons,¹⁰ or *iii.* selectable with a maximum of one cursor movement (either a left or right movement or an up or down movement) when the user accesses the home page.

¹⁰ Portion or strip of screen, present on the home page of user interfaces, containing application icons allowing access to audiovisual services and content distributed over the Internet.

- If the device can be connected to the Internet and is equipped with a satellite signal receiver, but is not equipped with a DTT tuner, the icon referred to in *DTT Icon Regulation* is not displayed, and the other icons listed in the previous point are shown in the strip on the home page. If the device can connect to the Internet and has a DTT tuner, but is not equipped with a satellite signal receiver, the ‘Sat’ icon is not displayed, and in the strip on the home page, in addition to the icon referred to in the *DTT Icon Regulation*, where appropriate, the other icons listed in the previous point are shown. If the device can connect to the Internet, but is not equipped with a tuner for the reception of the digital terrestrial signal or a receiver of the satellite signal, in the strip provided on the home page, only the icons of the SGIs distributed online are shown. If SGIs are not found on one or more distribution platforms, the corresponding icons may not be displayed on the home page.
- In order to take into account the views expressed by the European Commission in its detailed opinion in the context of the procedure for notifying the draft as a technical regulation pursuant to Directive 2015/1535/EU of the European Parliament and of the Council of 9 September 2015, the Authority does not confirm the forecasts concerning the maximum number of keystrokes required to access SGIs, the placement of SGIs among search results and in user suggestion sections, and the introduction of an *ad hoc* button for SGIs on remote controls or devices that allow access to services.
- With regard to the advisability of periodically assessing the effective compliance of the SGIs included in the basket of services with the identified requirements, the Authority recalls the provisions of Annex A to this Decision, namely that annually, in order to take account of any changes that have occurred in the period following the publication of the list of SGIs and any communications from the providers of media services, the Authority shall initiate a procedure with a view to updating that list.
- As regards the possession of a publishing title, the Authority refers to its assessments made in response to question Q8.
- With regard to the reachability of the individual broadcasters in the systems that aggregate the contents, the Authority specifies that the icons of the SGIs displayed on the home page refer directly to the suppliers or SGIs mentioned in the previous points.

Annex B to Resolution No 14/23/CONS – Q14: Do you agree with the defined implementation methods to ensure the prominence of radio services of general interest broadcast in DAB+?

- In view of the numerous comments received on how to give appropriate

prominence to the radio media services identified as SIGs, including those transmitted in DAB+, in particular on devices installed in cars and, more generally, on devices intended primarily for the reception of sound content, the Authority refers to its assessments corresponding to questions Q8 and Q10 and refers the matter to the Technical Panel mentioned in Annex A to this Resolution. In light of this, the guidelines are amended accordingly.

- Concerning the advisability of an *ad hoc* Technical Panel for the radio context, the Authority refers to the comments made in its assessments in response to question Q15.

Annex B to Resolution No 14/23/CONS – Q15: Do you agree with the provision concerning the setting up of a technical panel aimed at exploring the potential impact on the regulation of new technological solutions?

- With regard to the advisability of not launching the Technical Panel to proceed as soon as possible with the implementation of the measures referred to in this Resolution, the Authority notes that the activities carried out within the Technical Panel, being focused on an assessment of the measures aimed at adapting these regulations to recent technological solutions and on how to give appropriate prominence to radio media services identified as SIGs on devices capable of receiving sound content, do not prejudice the application of the provisions referred to in this resolution.
- With regard to the advisability of also highlighting DRM30 transmissions in the Technical Panel, the Authority considers it appropriate to grant this request and recalls what has already been expressed in its assessments in response to question D8.
- The Authority confirms the launch of the technical panel referred to in Annex A to this decision within 30 days of the publication of this measure, considering it a useful opportunity for discussion in order to assess how new technological solutions can be framed in the context of these regulations.
- On the advisability of regular meetings, the Authority considers it appropriate to grant this request, given the complexity of the topics covered and the multiplicity of issues that emerged during the public consultation, and therefore considers it appropriate to provide for the establishment of a permanent Technical Panel, with procedures that will be laid down in the act of setting it up.
- With regard to the assessment of how to give appropriate prominence to radio media services identified as services of general interest, particularly on devices installed in cars and, more generally, on devices intended primarily for the

reception of sound content, within a maximum of 120 days from the start of activities, the Technical Panel defines one or more proposals on the topics covered, on which the Authority expresses its opinion by adopting a resolution.

- In addition, the Authority clarifies that the Technical Panel referred to in Annex A to this Resolution is open to the participation of all interested parties, including associations of audiovisual and radio media service providers.
- With regard to the possibility of subdividing the Technical Table to address the radio context separately from the others, the Authority notes that most participants in the two Tables would be the same. Therefore, with a view to simplifying the activities related to the Technical Table, and considering that it is possible to access the same content or service through a variety of devices and platforms, the Authority considers it preferable to address the issues envisaged in a single location.

Annex B to Resolution No 14/23/CONS – Q16: Do you agree with the provision regarding the timing of implementation of the measures?

- In view of the comments received on the timing of implementation of the measures, the Authority considers it appropriate to make certain amendments to the resolution submitted for consultation.

HAVING REGARD TO the request for information made by the European Commission in the context of the procedure for notifying the draft as a technical regulation within the meaning of Directive 2015/1535/EU of the European Parliament and of the Council of 9 September 2015, sent by the Ministry of Enterprises and Made in Italy on 27 March 2023, which was replied to on 6 April 2023 within the deadlines requested by the European Commission;

HAVING REGARD TO the observations and detailed opinion issued by the European Commission in the context of the above-mentioned notification procedure, sent by the Ministry for Enterprise and Made in Italy on 19 July 2023, concerning Annex B to the decision submitted for consultation and, in particular,

- i) the restriction on the cross-border provision of information society services within the meaning of Article 3(2) of the *e-Commerce Directive*, resulting from the application of the provisions of Annex B to the notified decision also to information society service providers established in other Member States which provide their services in Italy;
- ii) the very high number of channels considered to be of general interest and the need to provide for proportionate obligations that are effective and enforceable in

practice;

iii) the application of the procedure for qualifying commercial broadcasters as services of general interest also to providers of offerings outside the jurisdiction of Italy, and the need to ensure that the practical conditions relating to the application procedure set out in the notified draft, such as language requirements and information on application forms, do not result in restrictions on the freedom to provide services for media service providers established outside the territory of Italy;

HAVING REGARD TO the clarifications concerning the above-mentioned observations and detailed opinion issued by the European Commission concerning Annex B to the decision already submitted for consultation, sent via the Ministry for Enterprise and Made in Italy on 28 July 2023 and within the time limits laid down in the procedure, as set out below: *i)* any restriction on the cross-border provision of information society services appears justified on grounds of public interest, within the meaning of Article 5(2) of Directive (EU) 2015/1535, and on grounds of consumer protection, the ultimate aim of the regulation in question, which can be achieved by ensuring pluralism, freedom of expression, cultural diversity and the effectiveness of information for the widest possible audience; *ii)* in order also to take into account the comments received during the public consultation, the Authority does not confirm in the guidelines the provision concerning the assessment procedure for the inclusion of additional services in the basket of services of general interest; As a result, the number of services classified as services of general interest is smaller; *iii)* with a view to better regulation, in order to reduce the burden arising from the implementation of the planned measures and to facilitate compliance with them, the methods of implementing the prominence of services of general interest provide for the use of only a limited amount of space on the home page of devices — where groupings of services of general interest are displayed using *ad hoc* icons — and do not envisage any changes to the hardware of the devices concerned; *iv)* there is no restriction on the nationality of the services of general interest that may be included in the basket; Consequently, any media service provider may apply for its services to be included in the list of services of general interest provided that they comply with the requirements for inclusion in the basket, concerning the type — and not the nationality — of the services offered. Furthermore, the request forms for the inclusion of one or more services in the list of services of general interest do not provide for any requirement as to the nationality of the services offered.

HAVING REGARD TO the comments made by the European Commission on the clarifications provided by the Authority on 28 July 2023, sent by the Ministry for Enterprise and Made in Italy on 13 September 2023, in which the Commission reiterates

the presence of a potential restriction on the cross-border provision of information society services, in so far as certain services covered by the measures referred to in Annex B to the resolution submitted for consultation may possibly be classified as ‘*information society services*’ under Article 2(1)(a) of the *e-Commerce Directive* and, as such, falling within the scope of that Directive;

WHEREAS, although the *e-Commerce Directive* defines a framework of rules inspired by the country of origin principle applicable to the regulated area, the Union legislator has not prejudiced measures taken at European or national level to promote linguistic and cultural diversity and ensure the safeguarding of pluralism, such as the provisions on prominence of SGIs adopted in accordance with Article 7a of the *Audiovisual Media Services Directive*;

WHEREAS it is appropriate, however, in order to apply the standard in accordance with the provisions of both the *Audiovisual Media Services Directive* and the *e-Commerce Directive*, to delete the provisions relating to app stores and the optional functions of placing services of general interest in the top five positions in the sections providing suggestions to users or placing services of general interest in the top five positions in the list of results of searches carried out by users, insofar as they concern the provision of services at the individual request of the recipient of the service, such as to qualify them as information society services and to subject them to the procedure laid down in respect of providers established in other Member States;

CONSIDERING, therefore, that this Resolution does not apply to information society services, since the recipients of the obligations set out in Annex A are manufacturers of devices or other goods which include user interfaces which, as is well known, like software, for the purposes of European law, can be classified as goods;

CONSIDERING it necessary to reiterate the importance that SGIs have for preserving and developing a pluralistic system aimed at promoting freedom of expression, cultural diversity, and the effectiveness of information, in compliance with constitutionally protected principles, also recognised by Article 11 of the Charter of Fundamental Rights of the European Union, and the consequent appropriate importance that must be given to SGIs also in the digital environment. Moreover, the fundamental importance that the so-called prominence in the presentation of content to ensure the effective exercise of the freedom of choice of audiovisual content by users has been reiterated by the European Commission itself and by the Parliament in the *European Media Freedom Act*. In this regard, Article 20 states that ‘*Users shall have a right to easily change the configuration, including default settings, of any device or user interface controlling or managing access to and the use of media services providing programmes in order to customise the media offering in accordance with their interests or preferences in compliance with Union law. This paragraph shall not affect national*

measures implementing Article 7a or 7b of Directive 2010/13/EU.’ (emphasis added);

CONSIDERING it appropriate to recall once again what the European Parliament stressed in this regard in its Resolution of 9 May 2023 on the implementation of the *Audiovisual Media Services Directive*, providing that the rules on prominence apply to equipment manufacturers and providers of user interfaces, due to their key role in the system and, in particular, in enabling users to access, discover and find online audiovisual media services online;

HAVING REGARD TO the procedural documents;

CONSIDERING, therefore, the comments and observations made in the context of the public consultation by stakeholders and the comments and opinion of the European Commission, to endorse the guidelines on the prominence of audiovisual and radio media services of general interest to be transmitted to the Commission under the notification procedure provided for in Article 5 of Directive (EU) 2015/1535;

HAVING HEARD the report of Commissioner Laura Aria, rapporteur pursuant to Article 31 of the *Regulation on the organisation and operation of the Authority*;

RESOLVES

Article 1

1. The guidelines on the prominence of audiovisual and radio media services of general interest, set out in Annex A to this resolution, of which they form an integral and substantive part, are hereby approved.

2. The Authority reserves the right to revise the guidelines on the prominence of audiovisual and radio media services of general interest referred to in Annex A to this Resolution, 3 years after the date of its publication.

3. This measure may be challenged before the Lazio Regional Administrative Court within 60 days of its publication.

This resolution, including Annex A, shall be published on the website of the Authority.

Rome, 09 October 2024

THE PRESIDENT
Giacomo Lasorella

THE COMMISSIONER RAPPOREUR
Laura Aria

Attesting the conformity of the decision

THE GENERAL SECRETARY
Giulietta Gamba

ANNEX A
Resolution No 390/24/CONS

**GUIDELINES ON THE PROMINENCE OF AUDIOVISUAL AND RADIO
MEDIA SERVICES OF GENERAL INTEREST**

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1. Definitions

1. The following definitions are set out for the purposes of these Guidelines:
 - *Founding Law*: Law No 249 of 31 July 1997 establishing the Communications Regulatory Authority and laying down rules relating to the telecommunications and radio-television systems;
 - *TUSMA*: Legislative Decree No 208 of 8 November 2021 implementing 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 Consolidated Act on the provision of audiovisual media services in view of changing market realities;
 - *European Media Freedom Act*: Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Regulation);

- *DTT Icon Regulation*: the Regulation adopted by Resolution No 259/24/CONS of 10 July 2024, *defining the icon for accessing digital terrestrial television channels*;
- *Authority*: the Communications Regulatory Authority;
- *The Relevant Directorate*: the relevant Directorate in accordance with the Regulation concerning the organisation and operation of the Authority;
- *user interface providing access to services of general interest* (hereinafter also ‘user interface’): any human-machine interface system, generally of a visual type, that allows the user to choose among different audiovisual and radio media services (or among programmes relating to those services), installed on a television set, on a device connecting to the television set, or on an in-car infotainment system. Excluded from the scope of these Guidelines are app stores and functions precisely related to those software components of interfaces that involve an individual request by the user (by way of example, functions that allow services of general interest to be placed in sections that provide suggestions to users or in the list of results of searches made by users).

2. Insofar as not expressly provided for in the previous point, please refer to the provisions of the *TUSMA*.

2. Scope of application and purpose

3. The purpose of these Guidelines is to define the criteria for the qualification of a service as ‘*of general interest*’ in order to give it appropriate prominence, as provided for in Article 29(1) and (2) of the *TUSMA* from the perspective of ensuring the safeguarding of pluralism.

4. In order to ensure pluralism, freedom of expression, cultural diversity and the effectiveness of information to the widest possible users, Article 29 of the *TUSMA* provides, in paragraph 1, that adequate prominence should be ensured for audiovisual and radio media services of general interest provided through any means of reception or access and through any platform. The following paragraph 2 gives the Authority the task of defining, through guidelines, the criteria for the qualification of a service as a service of general interest, as well as the methods and criteria that manufacturers of equipment suitable for receiving broadcast or radio signals, providers of indexing, aggregation or retrieval services for audiovisual or sound content or, also, providers who determine how the services are presented on user interfaces, must comply with to ensure that the provisions of paragraph 1 are respected.

5. Thanks to the digitisation and dissemination of IP broadcasting, in Italy in recent years there has been an exponential increase in the supply of audiovisual and radio

content, which conversely turns out to be increasingly fragmented, as a result of the presence of a plurality and diversity of content providers, distribution platforms and devices available for enjoying content. In this context, it is not always easy for the user to identify informational, political, educational, scientific, but also entertainment content, relevant to the building of collective consciousness and the formation of public opinion.

6. This context is made even more complex by the increasingly frequent use by users of devices connected to the Internet, such as the latest-generation smart TVs, decoders and TV boxes, as well as voice assistants in the home, in the car, on smartphones and tablets, which have made methods of searching and displaying channels and programmes that are more varied and complex, compared to the use of the conventional numeric keypad: the Electronic Programme Guide and the associated channel list, necessary (but also possible).

7. Intermediation by device manufacturers and developers of operating systems and software interfaces — which determine the visibility and access to content (linear and on-demand, broadcasting and online) — on the one hand, allow users to orient themselves between a variety of services and programmes through personalised presentations (including on the basis of specific recommendation algorithms) in accordance with their viewing habits, and on the other hand, giving a different emphasis — including on the basis of the existence of licensing agreements entered into between audiovisual media service providers and equipment manufacturers — to the different content presented or limiting the possibilities of customisation, they are able to influence, if not direct, user choice. The scenario depicted is made even more complex by the exponential increase in the consumption of non-linear and online content, accessible at any time the user decides to use it, which makes the findability of general interest content and services in the plethora of available services even more difficult.

8. To date, the choice to give particular visibility to certain content is dictated mainly by the opportunity to highlight the most successful content, such as those with a larger audience or those more “clicked”, or the content that can most likely arouse the user’s interest on the basis of previous views and user interaction with similar content. Such content rarely falls within the scope of content that can be defined as being of general interest.

9. Given the context outlined above, which brings to the attention of users, due to the logic described, content that cannot be defined as being of general interest, to the detriment of content for which the national and EU legislators have provided adequate relevance on the devices of use, the Authority considers it necessary to adopt these Guidelines with the aim of ensuring respect for pluralism, freedom of expression, cultural diversity, and the effectiveness of information. To this end, the Guidelines first define the basket of services of general interest to which appropriate prominence must

be provided, and then identify the devices and user interfaces affected by the measures, as well as the entities subject to the provisions and how they are implemented.

3. Services of general interest

10. The basket of services of general interest shall include:

- i. audiovisual and radio media services broadcast free of charge by the concessionaire of the public service on digital terrestrial (DVB-T and DAB+),¹ on satellite and online (i.e. linear television and radio channels, catch-up tv and catch-up radio, catalogues available free of charge from the public service concessionaire, native FM services distributed online);
- ii. national commercial audiovisual and radio media services broadcast free of charge on digital terrestrial media (DVB-T and DAB+),² on satellite and online (i.e. linear television and radio channels, catch-up TV and catch-up radio, catalogues available free of charge offering online the programmes of commercial media services in broadcasting, native FM services distributed online) with generalist, semi-generalist, and thematic programming of the ‘information’ type, as defined in the update of the automatic numbering plan for digital terrestrial television channels referred to in Resolution No 116/21/CONS, and which have a newspaper registered with the competent court, as well as those with thematic programming of the ‘children and youth’ category and the ‘culture’ category, as defined in the same Resolution No 116/21/CONS;
- iii. commercial local audiovisual and radio media services broadcast free of charge on digital terrestrial media (DVB-T and DAB+),³ which have a newspaper registered with the competent court.

11. Within 60 days of the adoption of the measure approving these Guidelines, audiovisual and radio media service providers who believe they offer services that fall within the scope of the basket of services of general interest in accordance with the provisions of the preceding paragraph shall send a formal request to the Authority, through a form available on the institutional website.

12. At the end of the assessment of the communications received, but no later than 120 days after the adoption of the measure approving these Guidelines, the Authority shall publish on its website the list of public and commercial services identified as services of general interest.

13. Service providers included in the list of services of general interest are required to promptly notify the Authority, through a form available on its website, of any changes to what was stated during the procedure described above, so that the Authority

¹ Including successive versions of the standard cited, such as, for example, DVB-T2.

² *Ibidem*.

³ *Ibidem*.

can reassess the inclusion of the service in the basket of services of general interest.

14. The providers of new services, offered after the publication of the list and satisfying the criteria identified in this measure, can send a formal request to the Authority, through a form available on its website, indicating the service proposed as a service of general interest, and specifying that it is a newly introduced service.

15. One year after the date of publication of the list, the Authority shall initiate a procedure to update the list in order to take into account any changes that have occurred in the period following publication and any communications from audiovisual and radio media service providers. Following this procedure, the Authority shall publish the updated list on its website. This procedure shall be repeated annually from the date of publication of the list.

4. Devices and interfaces covered by the measures

16. Appropriate prominence must be given to services of general interest on all the devices and user interfaces allowing access to such services, as defined in paragraph 3, including televisions that can connect to the Internet, terrestrial and satellite television decoders, devices that connect to a television or screen and offer access to audiovisual and radio media services, such as dongles, consoles and similar devices, devices that allow listening to radio services in DAB+, car radios and in-car infotainment systems, user interfaces that allow access to services of general interest on the above-mentioned devices, such as smartphones, tablets, personal computers and similar devices.

17. The following are excluded from the scope of these Guidelines: i) devices and user interfaces which allow access to services of general interest only after the user has subscribed to a paid offer characterised by a bundle between device and media services; ii) devices which cannot connect to the Internet and which do not have an interface with a home page navigation.

5. Entities subject to the measures

18. The entities subject to the provisions set out in these Guidelines are all those who are able to influence the manner in which the content and services are presented to users, i.e.:

- manufacturers of devices suitable for receiving audiovisual or radio signals, such as televisions that can connect to the Internet, terrestrial television and satellite decoders, smartphones, tablets, personal computers, dongles, consoles and similar devices and those who determine how the services on which interfaces are installed that enable the user to enjoy services of general interest, including devices in cars, such as car radios and in-car infotainment systems;

- those who determine how the services are presented on user interfaces;

and audiovisual and radio media service providers.

19. The list of device manufacturers and parties determining the manner in which services are to be presented on user interfaces, i.e. the addressees of the provisions set out in these Guidelines, is published on the Authority's website within 120 days of the publication of this Resolution.

6. How to implement the measures

20. Other than devices installed on cars and, more generally, devices designed primarily for the reception of audio content, in order to ensure the prominence of services of general interest disseminated on digital terrestrial, satellite and online means, as defined in paragraph 3, the entities subject to the provisions, as identified in paragraph 5, provide for an appropriate portion of space (in the form of a strip or line, no smaller in size than other strips or lines containing icons or boxes related to other content on the home page), shall introduce a dedicated tile or icon, immediately visible on the home page of the device, i.e. in the first level of offering to the user, organised as indicated below.

21. If the device can be connected to the Internet and is equipped with a tuner for receiving the digital terrestrial signal and a satellite signal receiver, in the first positions of the strip, after possibly the icon allowing access to the digital terrestrial television channels referred to in *DTT Icon Regulation*,¹ the following are listed in order:

- i. icons of national audiovisual services of general interest providers distributed online — providing access to services defined in paragraph 3 as services of general interest — arranged in order of allocation of the first LCN number of the digital terrestrial service;
- ii. an 'Sat' icon providing access to audiovisual and radio services of general interest broadcast on a satellite platform, as defined in paragraph 3, grouped by provider in alphabetical order;
- iii. a 'Local TV' icon giving access to audiovisual services of general interest broadcast locally on a digital terrestrial platform, as defined in paragraph 3, arranged in order of LCN number allocation;
- iv. a 'Radio' icon providing access to online radio services of general interest

¹ With regard to the positioning of the icon allowing access to DTT channels, the *DTT Icon Regulation* requires the icon or box to be: *i.* pre-selected, i.e. immediately selectable by the user (in focus), when the user accesses the home page, or *ii.* inserted in the first three positions of the rail containing the icons of the OTT applications (portion or strip of screen, present in the home page of user interfaces, containing application icons allowing access to audiovisual services and content distributed over the Internet), or *iii.* selectable with a maximum of one cursor movement (either a left or right movement or a top or bottom movement) when the user accesses the home page.

distributed online, as defined in paragraph 3, arranged in alphabetical order according to the name of the service as registered with the competent Ministry.

22. In the event that the device can be connected to the Internet and is equipped with a satellite signal receiver, but is not equipped with a tuner for receiving the digital terrestrial signal, the strip provided in the home page contains the icons referred to in *i.*, *ii.* and *iv.* in the previous point.

23. In the event that the device can be connected to the Internet and is equipped with a tuner for the reception of the digital terrestrial signal, but is not equipped with a satellite signal receiver, the strip provided in the home page, in addition to the icon that allows access to the digital terrestrial television channels referred to in the *DTT Icon Regulation*, the icons referred to in letters *i.*, *iii.*, and *iv.* listed above are shown.

24. If the device can connect to the Internet, but is not equipped with a tuner for the reception of the digital terrestrial signal or a receiver of the satellite signal, in the strip provided on the home page, the icons referred to in letters *i.* and *iv.* listed above are shown.

25. If services of general interest are not found on one or more distribution platforms, the corresponding icons may not be displayed on the home page.

26. The provisions of this paragraph shall be without prejudice to the possibility for the user to customise the interface configuration — as provided for in the *European Media Freedom Act* — and, therefore, to change the position of the icons in accordance with their own preferences by means of an autonomous and explicit intervention by the user. In any case, the position of the icons cannot be changed based on an algorithmic or automatic logic.

27. With a view to better regulation, in order to reduce the burden arising from the implementation of the measures provided for in this paragraph and to facilitate compliance with them, it is considered appropriate to limit to a small portion of the home page of the devices the space in which the groupings of services of general interest are displayed by means of *ad hoc* icons, while also avoiding changes to the hardware of the devices concerned. The measures provided for in this paragraph are therefore the minimum necessary to achieve the objective of ensuring adequate relevance to services of general interest, with the ultimate aim of ensuring pluralism, freedom of expression, cultural diversity and the effectiveness of information for the widest possible audience.

7. Final provisions

28. In order to assess and, consequently, identify measures to adapt these Guidelines to recent technological solutions — such as the DVB-I standard, to promote

convergence between broadcasting and IP transmissions, and its integration with HbbTV (*Hybrid Broadcast Broadband TV*), as well as the DRM digital standard, which allows the use of the same frequencies currently used for AM transmissions — as well as identifying ways to give appropriate prominence to radio media services identified as services of general interest, in particular, on devices installed in cars and, more generally, on devices primarily suitable for the reception of sound content, it is envisaged that, within 30 days of the publication of this measure, a permanent Technical Panel will be set up, open to the participation of all interested parties, such as device manufacturers, media service providers, trade associations, operators, and developers of user interfaces. The Technical Panel is chaired and coordinated by the competent Directorate. With regard to the assessment of how to give appropriate prominence to radio media services identified as services of general interest, particularly on devices installed in cars and, more generally, on devices intended for the reception of sound content, within a maximum of 120 days from the start of activities, the Technical Panel defines one or more proposals on the topics covered, on which the Authority expresses its opinion by adopting a resolution.

29. The measures set out in these Guidelines shall enter into force 12 months after the publication of the list of services of general interest and shall apply to all user interfaces and devices identified in paragraph 4, including those already on the market which, at the date of publication of these Guidelines, are still present in the production and maintenance chains of the relevant software.

30. All entities subject to the provisions set forth in these Guidelines shall promptly inform the Authority of the measures implemented in order to comply with the provisions therein.

31. The Authority shall ensure that the measures envisaged are effectively and correctly implemented. In the event of infringements of the rules contained in this measure, the penalties provided for in Article 1(31) of the *Founding Law*.