



4.17. IT - Italy²¹⁷

4.17.1. Key findings

- Italy has imposed a progressive realisation obligation to make programming more accessible.
- The national media regulatory authority (*Autorità per le garanzie nelle comunicazioni* – AGCOM) can impose fines of EUR 30 000-60 000 if a service provider does not comply with the provisions of Article 31 of the AVMS Code within a certain time frame.
- In 2022 AGCOM convened a technical round table with disabled persons' organisations and audiovisual media service providers to develop accessibility measures.²¹⁸
- In particular, a questionnaire was published for media service providers to carry out a survey of the measures already in use for the accessibility of audiovisual content by persons with hearing or visual disabilities.²¹⁹ As of April 2023, Article 31 of the AVMS Code (implementing Article 7 AVMSD) is in the process of being implemented, as the technical round table on the specifications of measures and means to comply with accessibility obligations has yet to make its recommendations.

²¹⁷ The summary on Italy incorporates feedback received from Francesco Di Giorgi, Digital Services Directorate, AGCOM (*Autorità per le garanzie nelle comunicazioni*), during the checking round with the national regulatory authorities.

²¹⁸ <https://www.agcom.it/documents/10179/26658730/Delibera+151-22-CONS/e7e86c2d-98fc-4a52-a14c-1bd0488243d1?version=1.0>

²¹⁹ The questionnaire had five areas of research:

1. SUBTITLING: AVMS to indicate the technical measures used, specifying whether these measures are specific for disabilities as well as the percentage of programming subtitled by genre out of the total daily programming.
2. LIS: AVMS to indicate LIS-translated programming by genre out of total daily programming.
3. AUDIODESCRIPTION: AVMS to indicate the technical measures used, specifying whether such measures are specific to the disability and the percentage of audio-described programming by genre out of the total daily programming.
4. ACCESSIBILITY TO ELECTRONIC PROGRAMME GUIDES (EPGs): AVMS to indicate how electronic programme guides are accessible.
5. ACCESSIBILITY IN STREAMING OR DOWNLOAD MODE: AVMS to indicate any measures adopted to allow disabled people access to the audiovisual content in streaming or download mode via the website of the audiovisual media service provider.



4.17.2. Legal framework: primary and secondary legislation

National legislation	Summary of the measures
Article 7 (1) AVMSD	
<p>Article 31 (1) of Legislative Decree No. 208 of 8 November 2021 (AVMS Code)</p> <p><i>(Testo Unico per la fornitura di servizi di media audiovisivi in considerazione dell'evoluzione della realtà di mercato)</i>²²⁰</p>	<p>AGCOM must adopt, in consultation with the trade associations and through co-regulation procedures, appropriate and proportionate measures to ensure that audiovisual media service providers make programming progressively more accessible to persons with disabilities.</p>
Article 7 (2) AVMSD	
<p>Article 31 (2) – (3) AVMS Code</p> <p>Article 4 (1) (f) Annex A to AGCOM Resolution No. 353/11/CONS of 23 June 2011 laying down the “New Regulation on digital terrestrial television broadcasting”</p> <p><i>(ITA: Allegato A alla Delibera AGCOM n. 353/11/CONS del 23 giugno 2011 recante “Nuovo Regolamento Relativo alla Radiodiffusione Televisiva Terrestre in Tecnica Digitale”)</i>²²¹</p> <p>Article 8 of Annex A to AGCOM Resolution No. 607/10/CONS of 25 November 2010 laying down the “Regulation on on-demand audiovisual media service providers pursuant to Article 22-bis of the audiovisual media services code” (i.e. Legislative Decree No. 177/2005, repealed by the AVMS Code) <i>(ITA: Allegato A alla Delibera AGCOM n. 607/10/CONS del 25 novembre 2010 recante “Regolamento in materia di fornitura di servizi di media audiovisivi a richiesta ai sensi dell’art. 22-bis del</i></p>	<p>Article 31 Providers must develop action plans to make programming more accessible and submit them to AGCOM at least every three years beginning in 2022.</p> <p>Article 4(1)(f) 343/11/CONS; Article 8 607/10/CONS</p> <p>Providers must declare the specific technical and editorial measures implemented to ensure the usability of their services for persons with disabilities when applying for authorisation as a digital terrestrial television broadcaster or as an on-demand media service provider in the Italian territory.</p>

²²⁰ <https://www.gazzettaufficiale.it/eli/id/2021/12/10/21G00231/sg>

²²¹ While not a measure developed to implement Article 7, this provision has relevance to the goals of Article 7(2): <https://www.agcom.it/documents/10179/539615/Allegato+22-06-2011+4/7b04938a-08c9-4420-b2d0-48aa84112713?version=1.0>



<i>testo unico dei servizi di media audiovisivi e radiofonici</i>) ²²²	
Article 7 (3) AVMSD	
Article 31 (2) – (3) AVMS Code	Providers must report on a regular basis to AGCOM on measures taken to increase accessibility and submit these reports at least every three years. AGCOM will consult with the Ministry of Enterprises and Made in Italy (MIMIT) to prepare a report to submit to the EU Commission, by 19 December 2022 and then at least every three years.
Article 7 (4) AVMSD	
Article 31 (6) AVMS Code	AGCOM will set up a single easily accessible online point of contact for providing information and receiving complaints.
Article 7 (5) AVMSD	
Article 31 (4) AVMS Code	Audiovisual media services containing emergency information must be provided in an accessible manner.

4.17.3. Overview of national rules

Types of accessibility measures	Brief overview of existing rules
Accessibility measures (hearing impairments)	Not yet. Specific measures yet to be developed.
Accessibility measures (visual impairments)	Not yet. Specific measures yet to be developed.
Accessibility measures developed by self- or co-regulatory process	Yes. Action plans must be developed to progressively make services more accessible. Further, technical accessibility rules will be developed in consultation with disabled persons' organisations, AGCOM, and AVMS providers.
Reporting to the NRA – frequency	Yes, every three years.
Designated point of contact for information and complaint	Yes. AGCOM will set up and maintain a designated point of contact online for providing information and receiving complaints. The point of contact is the <i>Ufficio Relazioni con il Pubblico</i> .

²²² Annex A, Resolution No. 607/10/CONS: <https://www.agcom.it/documents/10179/539471/Allegato+25-11-2010+1/7a61634d-feaa-43e1-abe0-f2282dcb312d?version=1.0&targetExtension=pdf>



4.17.4. Law in practice: selected examples²²³

4.17.4.1. Public service broadcaster: RAI

The public service broadcaster Radiotelevision S.p.A (RAI) is required to provide subtitles for at least 85% of generalist networks between 6 a.m. and 12 p.m. with the exception of advertising and service messages, as well as for all daily editions of news programming on Tg1, Tg2, Tg3 in the midday and evening timeslots. It is obliged to provide the highest quality subtitling for news programming. It must also provide sign language translation for at least one edition of news programming per day of the national news programmes.

It must also gradually extend subtitling and audio description to thematic channels, particularly those aimed at children.²²⁴

4.17.4.2. Private media broadcaster: Mediaset

The private media broadcaster, Mediaset, reports that it provides subtitles in a significant portion of its programming.²²⁵

4.17.4.3. VOD: Prime Video

In practice, Italian users will be given various options regarding accessibility measures, such as subtitling, alternative tracks and audio description.²²⁶

4.17.4.4. The ENS Association's work

During the work of the technical round table established by AGCOM with Resolution No. 151/22/CONS, the National Deaf Organisation (ENS) presented its main requests regarding accessibility to communication and information to guarantee the citizenship rights of D/deaf people. In particular, it noted the need to be able to enlarge the window dedicated to the Italian Sign Language (LIS) interpreter on each television, as already happens for Samsung ones, as well as giving the option to change the size of the subtitles on each streaming platform, as currently happens on Amazon Prime. Finally, with specific reference to the public service broadcaster RAI, it highlighted the need to increase the quantity and quality of subtitling services (to cover the entire programming) and interpreting (including programmes dedicated to children) on all channels of the exclusive broadcaster for the public radio and television service in Italy.

²²³ Examples as provided by the national expert.

²²⁴ https://www.rai.it/dl/doc/1607970429668_Contratto%20di%20servizio%202018-2022.pdf

²²⁵ http://www.mediaset.it/digitaletterestre/articoli/la-guida-tv-interattiva_10445.shtml

²²⁶ https://www.primevideo.com/help/ref=atv_hp_nd_cnt?language=it_IT&nodeId=GUZE7UNGCAN9UUM4#:-:te xt=Prima%20di%20iniziare%20la%20riproduzione.%C3%A8%20indicata%20dall'icona%20Sottotitoli%20