Official Journal
of the European Union

EN
C series

C/2025/4100

18.7.2025

# COMMISSION DECISION

## of 25 June 2025

## on the compatibility with Union law of measures to be taken by Italy pursuant to Article 14(1) of Directive 2010/13/EU of the European Parliament and of the Council

(C/2025/4100)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ([1]), and in particular Article 14(2) thereof,

Whereas:

(1) By letter of 26 March 2025, Italy notified to the Commission certain measures to be taken pursuant to Article 14(1) of Directive 2010/13/EU and aimed at integrating, updating and amending the measures currently in force in that Member State, which were declared compatible with Union law by Commission Decision 2012/394/EU ([2]). The measures to be taken are additional to the measures currently in force and consist of drawing up a new list of designated events, national or non-national, which Italy considers to be of major importance for society.

(2) The Commission verified that such measures set out in the 26 March 2025 letter are compatible with Union law, in particular as regards the proportionality of those measures and the transparency of the national consultation procedure carried out.

(3) In examining those measures, the Commission took into consideration the available data on the Italian audiovisual market, in particular as regards the impact of such measures on the television market.

(4) The list of additional designated events, national or non-national, which Italy considers to be of major importance for society ('the list') was drawn up in a clear and transparent manner, following a wide public consultation.

(5) On the basis of detailed evidence and viewing figures provided by the Italian authorities, the Commission assessed that each additional event included in the list meets at least two of the following criteria, considered to be reliable indicators of the importance of certain events for society: (i) a special general resonance of the event concerned within the Member State, and not simply a significance to those who ordinarily follow the sport or activity concerned; (ii) a generally recognised, distinct cultural importance of the event concerned for the population in the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the sport concerned in a major international competition or tournament; (iv) the fact that the event concerned has traditionally been broadcast on free-to-air television and has commanded large television audiences in the Member State.

([1]) OJ L 95, 15.4.2010, p. 1, ELI: http://data.europa.eu/eli/dir/2010/13/oj.

([2]) Commission Decision 2012/394/EU of 21 December 2011 on the capability with EU law of measures to be taken by Italy pursuant to Article 14 Directive 2010/13/EU of the European Parliament and of the Council 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) (OJ L 187, 17.7.2012, p. 57, ELI: http://data.europa.eu/eli/dec/2012/394/oj).

(6) The Summer and Winter Paralympic Games have a special general resonance within Italy, and not simply a significance to those who ordinarily follow such sports events. Moreover, those games involve the participation of the Italian national team, have traditionally been broadcast on free-to-air television and have commanded large television audiences in Italy.

(7) Where involving a participation of Italian teams, the semi-finals and final matches of the soccer Conference League are also considered to be events of major importance for society. Those matches have a special general resonance within Italy, and not simply a significance to those who ordinarily follow that competition. They have previously been broadcast on free-to-air television and have commanded large television audiences in Italy.

(8) The list also includes the finals of two soccer tournaments: the Coppa Italia final and the Supercoppa di Lega final. Those matches are considered to be events of major importance for society as they are particularly popular with the general public and not simply with those who usually follow that sport, and have traditionally been broadcast on free-to-air television commanding large television audiences in Italy.

(9) Where involving a participation of Italian players, the semi-finals and finals of the tennis Grand Slam tournaments have a special general resonance within Italy and are not simply significant to those who ordinarily follow tennis. On the one hand, both Wimbledon and the US Open have traditionally been broadcast on free-to-air television and have commanded large television audiences in Italy. On the other hand, the Australian Open and Roland Garros, which also reached high audience figures, were broadcast on pay-TV in the past; however, there is an evident interest in those tournaments on the part of the Italian public and viewing figures, that were already high when they were broadcast on pay-TV, have been significant every time that they have been broadcast free-to-air.

(10) Where involving a participation of Italian players, the semi-finals and finals of the ATP Finals, WTA Finals, ATP Masters 1000 and WTA 1000 are considered to be events of major importance for society as they are particularly popular with the general public and not simply with those who ordinarily follow tennis, and have traditionally been broadcast on free-to-air television commanding a large audience in Italy.

(11) Where involving a participation of the Italian national team, the semi-finals and final of the tennis United Cup have a special general resonance within Italy and involve a national team in a major international tournament.

(12) The list also includes the stages of the Tour de France cycling race that take place in Italy. These stages are not simply significant to those who ordinarily follow that sport and command large television audiences, having traditionally been broadcast on free-to-air television.

(13) Where held in Italy or involving a participation of the Italian national team, the finals of the Athletics World Championship have a special general resonance within Italy and are not simply significant to those who ordinarily follow athletics disciplines. In addition to the involvement of a national team in a major international competition, it should also be taken into consideration that those finals have traditionally been broadcast on free-to-air television and have commanded large television audiences in Italy.

(14) Where held in Italy or involving a participation of Italian swimmers, the finals of the World Aquatics Championship have a special general resonance and are not simply significant to those who ordinarily follow that sport. They involve the Italian national team in a major international competition and have traditionally been broadcast on free-to-air television commanding large audiences in Italy.

(15) Where held in Italy or involving a participation of Italian gymnasts, the finals of the Gymnastics World Championship are also included in the list. In addition to the involvement of a national team in a major international competition, it should also be taken into consideration that those finals are not simply significant to those who ordinarily follow that sport and have traditionally been broadcast on free-to-air television commanding a large audience in Italy.

(16) Where held in Italy or involving a participation of Italian fencers, the finals of the World Fencing Championship have a special general resonance within Italy and are not simply significant to those who ordinarily follow that sport, involve a national team in a major international tournament, and have traditionally been broadcast on free-to-air television commanding a large audience in Italy.

(17) Where held in Italy or involving a participation of Italian skaters, the finals of the World Skating Championships are included in the list. In addition to the involvement of a national team in a major international competition, it should also be taken into consideration that those championships are not simply significant to those who ordinarily follow that sport.

(18) Where held in Italy or involving a participation of Italian skiers, the finals of the Alpine World Ski Championship are not simply significant to those who ordinarily follow that sport and involve a national team in a major international competition.

(19) The finals of the Eurovision Song Contest have a special general resonance within Italy and have traditionally been broadcast on free-to-air television commanding large audiences in Italy.

(20) The opening night of the opera season at Teatro San Carlo in Naples is included in the list, due to its special general resonance within Italy and its particular cultural significance.

(21) In accordance with the principle of proportionality as set out in Article 5 of the Treaty on European Union, the measures notified by Italy do not go beyond what is necessary in order to achieve the objective pursued, namely the protection of the right to information and a wide access of the public to television coverage of events, national or non-national, which Italy considers to be of major importance for society, taking into account: (i) the arrangements according to which the events in question are to be broadcast; (ii) the definition of 'qualifying broadcaster' contained in Article 1(2), point B, of Autorità per le Garanzie nelle Comunicazioni (AGCOM) Decision No 131/12/CONS of 15 March 2012; (iii) the role of AGCOM in the resolution of disputes; and (iv) the fact that, with regard to the new designated events, the relevant measure is to apply only to events for which exclusive rights have been acquired after the entry into force of the provision concerned, and are therefore not to apply to pre-existing contracts. As a result, the effects of the designation of additional events on the right to property, as laid down in Article 17 of the Charter of Fundamental Rights of the European Union, do not go beyond those which are intrinsically linked to the inclusion of those events in the list referred to in Article 14(1) of Directive 2010/13/EU.

(22) For similar reasons, the Italian measures appear to be proportionate to justify a derogation from the freedom to provide services, as laid down in Article 56 of the Treaty on the Functioning of the European Union. The overriding public interest justifying that derogation is to ensure a wide public access to broadcasts of events, national or non-national, which Italy considers to be of major importance for society. In addition, those measures do not constitute any discrimination or market foreclosure against other Member States' broadcasters, right holders or other economic operators.

(23) The measures to be taken are compatible with Union competition rules. The definition of qualifying broadcaster in AGCOM Decision No 131/12/CONS is based on objective criteria, which allow actual and potential competition for acquiring the rights to broadcast the events. In addition, the number of designated events is not disproportionate to such an extent that it would distort competition on the downstream free-to-air and pay television markets. Therefore, the effects of the designation of additional events on freedom of competition do not go beyond those which are intrinsically linked to the inclusion of those events in the list referred to in Article 14(1) of Directive 2010/13/EU.

(24) The Commission communicated the measures to be taken by Italy to the other Member States and presented the results of the assessment of those measures to the contact committee established by Article 29 of Directive 2010/13/EU, and that committee adopted a favourable opinion,

HAS DECIDED AS FOLLOWS:

*Sole Article*

1. The measures to be taken by Italy pursuant to Article 14(1) of Directive 2010/13/EU, notified to the Commission in accordance with Article 14(2) of that Directive on 26 March 2025, are compatible with Union law.

2. The measures referred to in paragraph 1, as taken by Italy, shall be published in the *Official Journal of the European Union*.

Done at Brussels, 25 June 2025.

*For the Commission*
Henna VIRKKUNEN
*Executive Vice-President*