



Press Office of the Constitutional Court

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*Press release of 13 July 2020*

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COPYRIGHT INTERMEDIARY ACTIVITIES: ISSUING EMERGENCY  
GOVERNMENT DECREES TO AVOID INFRINGEMENT PROCEDURE IS  
CONSTITUTIONAL

The issuance of an emergency government decree on regulating copyright intermediary activities in order to include copyright collectives other than the *Società Italiana degli Autori ed Editori* (Italian Society of Authors and Publishers, SIAE) was supported by adequate reasons of necessity and urgency.

This was held by the Constitutional Court in [Judgment no. 149](#), filed today (Judge Rapporteur: Giuliano Amato), in which it declared the question as to the constitutionality of Article 19 (1) of Decree-Law No. 148 of 2017, converted with amendments into Law No. 172 of 2019, to be unfounded. The question had been raised by the Regional Administrative Court of Lazio, which alleged a violation of Article 77 (2) of the Constitution (due to failure to meet the conditions of necessity and urgency established therein).

The Government had issued the challenged provision to end SIAE's monopoly on copyright intermediary activities. Although doubts as to the compatibility of this monopoly with the law of the European Union had been raised before, these had not yet given rise to an infraction procedure, which the Government was thus able to avoid.

Likewise, the provision did not fall foul of the homogeneity criteria governing the issuance of emergency decrees, because it fell within the purposes expressly mentioned in the Decree-Law's Introduction.

Rome, 13 July 2020