[IT] Law on Commercial Breaks in Television Programmes

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Salvatore Lamarca
Freshfields, Milan

The Italian Parliament has approved a law (hereafter called "the law") which, on the one hand, regulates the ways in which television programmes may be interrupted by commercial breaks and, on the other hand, transposes the provisions of the "Television without Frontiers" Directive (as amended by Directive 97/36/EC) which requires that national broadcasting in each EC Member State must contain a certain proportion of European production. The law also postpones the deadlines for the adoption of the national frequency plans and for the awards of new concessions for terrestrial television broadcasting. Interruptions of programmes: The law establishes the general principle that isolated advertising and television promotions should not interrupt television programmes. However, the following programmes may be interrupted provided that the commercial breaks respect the integrity and value of the programme and the rights of their owners: 1. Sports programmes, or other programmes which are divided into independent parts may be interrupted only during a break (e.g. between the first and the second half of a football match); 2. Films with a duration of more than 45 minutes may be interrupted only once every 45 minutes. An additional interruption is permitted if the duration of the programme exceeds by more than 20 minutes two or more periods of 45 minutes; 3. Other programmes may be interrupted only once every 20 minutes. However, news programmes, current affairs programmes, documentaries, programmes for children and religious programmes may not be interrupted; European quotas The law provides that European productions must account for at least half of the monthly broadcasting time of each Italian television broadcaster. This quota must be observed also within each category of programme and within peak and off-peak hours. The European programmes concerned must have been produced during the last five years.

Moreover, each concessionaire for terrestrial television broadcasting must reserve a quota of at least 10% of its broadcasting time for programmes produced by independent producers, i.e. producers which are independent from television organisations holding a licence to broadcast in a EC Member State. This quota is 20% in respect to the public service concessionaire (currently RAI).

Finally, television broadcasters subject to Italian jurisdiction (including concessionaires for terrestrial television, and licensees for satellite and cable

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television) must apply at least 10% of their profits of the last financial year to the purchase of films and programmes for children made by European producers, including independent producers. The 10% requirement will be raised to 20% in 1999. Moreover satellite broadcasters will have to promote, advertise and broadcast Italian and European produced films according to regulations subsequently to be determined by Autorità Garante per le Garanzie nelle Comunicazioni (the Italian Communications Authority).

These provisions apply to both encrypted and non-encrypted broadcasting but do not apply to local television broadcasting.

Differimento di termini previsti dalla legge 31 luglio 1997, n. 249, relativi all'autorita per le garanzie nelle comunicazioni, nonché norme in materia di programmazione e di interruzioni pubblicitarie televisive

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