[IT] Establishment of an Independent Regulatory Authority for Telecommunications and Media (Autorità per le Garanzie nelle Comunicazioni)

IRIS 1998-8:1/22

Emanuela Poli
Autorità per le garanzie nelle comunicazioni (AGCOM)

On 22 July 1998, after a co-operation agreement with the Italian Ministry for Communication was finalised and its internal regulations and code of ethics issued (see Gazz. Uff. no. 169 of 22 July 1998), the Autorità per le Garanzie nelle Comunicazioni (AGCOM) became fully operational. Established under the Law of 31 July 1997, no. 249, the AGCOM (see IRIS 1997-8:10) is the independent Italian regulatory authority responsible for the telecommunications, radio, television, and publishing sectors. It is headed by a President, appointed by the President of the Council of Ministers, and is organised into two Commissions, each headed by four Commissioners. Members are elected by Parliament for a seven year term and report to it annually. The Infrastructures and Networks Commission is responsible for drafting the national frequency plan; establishing licensing conditions and ensuring compliance; setting standards for decoders; defining objective, transparent and non-discriminatory criteria for the definition of interconnection tariffs; resolving interconnection disputes; handling costumers' complaints about services; setting forth the criteria for the definition of national numbering plans; keeping a register of the authorised operators.

The Services and Products Commission is in charge of adopting regulations on the quality of services; ensuring the fairness of audience research methodology; monitoring TV programmes; overviewing the implementation of the existing norms on commercial advertising and sponsorships, protection of linguistic minorities and children, right to reply, publicity of opinion polls results, broadcasting of electoral propaganda, fair access to TV time for all political parties. In the broadcasting area, the AGCOM is also called (by the Law of 30 April 1998, No. 122) to control that TV operators comply with quotas on European programmes and on programmes produced by independent producers, as well as to regulate satellite broadcasters' promotion of Italian and European produced films.

Under Law 249/97 the AGCOM is responsible for issuing the new national frequency plan by 31 January 1998 and to award the new licenses for terrestrial television broadcasting by 31 April 1998. The terms have subsequently been postponed (by the Law of 30 April 1998, No. 122) to 31 October 1998 and 31 January 1999 respectively. The broadcasting provisions of Law 249/97 include competition rules aimed at preventing the formation of dominant positions in the

© European Audiovisual Observatory (Council of Europe) 2026

market. Such rules introduce a 20% limit on terrestrial frequencies held by one operator, and a 30% ceiling on "TV resources" - including the license fee and net TV advertising revenues - collected by one operator. The law also establishes that no operator can hold more than one terrestrial pay TV license. Freed up frequencies will be redistributed among those broadcasters with less than 90% coverage of the population resident in their licensed areas. In this matter, the AGCOM will also pay special attention to those local television broadcasters devoting at least 70% of their daily airtime to social and health content. As far as digital broadcasting is concerned, the AGCOM will be responsible for ensuring fair access for content and service providers to digital platforms that may become available in the near future. http://services.obs.coe.int/en/index.htm

Istituzione dell'Autorità per le garanzie nelle comunicazioni e norme sui sistemi delle telecomunicazioni e radiotelevisivo.

http://www.agcom.it/default.aspx?message=viewdocument&DocID=405

Law of 31 July 1997, No. 249, in Gazz. Uff (OJ) no. 177 of 31 July 1997.

Differimento dei termini privisti dalla legge 31 Luglio 1997, n. 24, relativi all'Autorità per le garanzie nelle communicazioni, nonche norme in materia di programmazione e di interruzioni pubblicitarie televizive.

Law of 30 April 1998, No. 122, OJ no. 99 of 30 April 1998.

Approvazione del codice etico dell'Autorità per le garanzie nelle comunicazioni.

Deliberazione of 16 June 1998, no. 18/98, in Gazz. Uff. (OJ) no. 169 of 22 July 1998.

Ministero delle comunicazioni e Autorità per le garanzie nelle comunicazioni, in Gazz. Uff. (OJ) no. 169 du 22. 6. 1998. Accordo di collaborazione tra il Ministro delle comunicazioni e l'Autorità per le garanzie nelle comunicazioni.

Co-operation agreement between the Ministry of Communication and the Independent Regulatory Authority for Telecommunications and Media. Gazz. Uff. (OJ) no. 169 of 22 july 1998.

Approvazione dei regolamenti concernenti l'organizzazione ed il funzionamento, la gestione amministrativa e la contabilità, il

© European Audiovisual Observatory (Council of Europe) 2026

trattamento giuridico ed economico del personale dell'Autorità per le garanzie nelle comunicazioni.

Deliberazione of 16 June 1998, no. 17/98, in Gazz. Uff. (OJ) no. 169 of 22 July 1998.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026