# [IT] Decree-Law on TV-Broadcasting to Balance Broadcasting Market

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On 30 January 1999, the Italian Government approved decreto-legge (decree-law) no. 15, containing provisions for a balanced development of the broadcasting market and aiming to prevent the establishment and maintenance of dominant positions in the audio-visual sector. According to Article 77 of the Italian Constitution, a decree-law is an act having the same force of law as an ordinary statute by Parliament. The Government may only issue a decree-law in exceptional cases, and it must be converted into a parliamentary statute within sixty days of its publication.

Article 1 of the decree-law postpones the dead-lines for concessions already granted to national terrestrial television broadcasters until a decision is made on the renewal of the concession in accordance with the new frequency plan, but in any event no later than 31 July 1999.

Article 2 contains provisions to safeguard against dominant positions in the broadcasting of major football events. The provision forbids broadcasters from any EU member State, irrespective of the technical means used for transmission, to acquire more than 60% of the exclusive rights concerning the transmission in encrypted form of the Italian Serie A football competition. Where only one operator submits a bid, the aforementioned limit of 60% may be exceeded for a maximum period of three years, on the understanding that the Autorità per le garanzie nelle comunicazioni (Italian national regulatory authority in the communications sector) remains entitled to fix different percentages. From 1 January 2000 the use of a common decoder will be compulsory for the transmission of conditional-access digital programmes.

Subject to authorisation by the Ministry of Communications, Article 3 allows broadcasters to re-transmit foreign television signals to certain linguistic minorities. It also permits broadcasters offering teleshopping (as defined in Directive 89/552/ EEC and amended by Directive 97/36/EC) to continue their transmissions, provided that their programmes are transferred to cable or satellite within three years of the concession being granted. Local television broadcasters which cease their activities and undertake to refrain from acquiring other broadcasters for at least five years can claim compensation.

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***Decreto-legge 30 gennaio 1999, n. 15 Disposizioni urgenti per lo sviluppo equilibrato dell'emittenza televisiva e per evitare la costituzione e il mantenimento di posizioni dominanti nel settore radiotelevisivo.***

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