[IT] Decree-Law no. 15/99 on the Acquisition of Football Rights Has Been Converted into a Statute of the Parliament

IRIS 1999-4:1/14

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On 29 March 1999, the Italian Parliament incorporated into law the decreto-legge (decree-law) no. 15 of 30 January 1999 (see IRIS 1999-2: 14) containing provisions for a balanced development of the broadcasting market and aimed at the prevention of dominant positions in the audiovisual sector. The Senato della Repubblica (Senate) had proposed several substantial amendments during its session of 3 March, which were confirmed by the Camera dei Deputati (Chamber of Deputies) on the following 23 March.

The deadlines for concessions already granted to national and local radio broadcasters have been postponed until their renewal according to the new radio frequency plan. The latter has to be approved by the Autorità per le garanzie nelle comunicazioni (Italian national regulatory authority in the communications sector, hereinafter "AGC") no later than 30 November 2000 (new paragraph 3 bis of article 1).

Until the AGC is fully staffed according to the Communications Act (Legge recante istituzione dell'Autorità per le garanzie nelle comunicazioni e norme sui sistemi delle telecomunicazioni e radiotelevisivo, of 31 July 1997, no. 249, Gazzetta ufficiale 1997, 177; see IRIS 1997-8: 10), it will be assisted by the Ministero delle comunicazioni (Ministry of Communications), according to existing agreements (new paragraph 3 ter of article 1). With regard to the sale of exclusive transmission rights within the same limit of 60 %, each team of the Italian Serie A and Serie B tournaments has been singled out as owner of the transmission rights of football events. Whenever the market should determine dominant positions in the broadcasting of major football events exceeding this limit, the Autorità Garante della Concorrenza e del Mercato (Italian Antitrust Authority), instead of the AGC as originally foreseen, has been entrusted with the power to fix different percentages and to approve possible exceptions. Any such decision has to be adopted within 60 days after the limit has been exceeded (article 2, paragraph 1 as amended).

The deadline for the compulsory use of a common decoder for the transmission of access digital programmes has been postponed from 1 January 2000, to 1 July 2000. It is the responsibility of the AGC to fix their standards before 30 July 1999

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(article 2, paragraph 2 as amended).

In order to avoid confusion between marks, local television broadcasters have been precluded from employing trade-marks, styles or headings, similar to those already belonging to national broadcasters, unless the application for the above-mentioned marks has been made before 30 November 1993. In this case the prohibition comes into force on the 1st of April 2000 (new paragraph 2 bis of article 2).

Teleshopping broadcasters are only entitled to apply for concessions, provided they are transferred on cable or satellite within 3 years from the granting of the concession (article 3, paragraph 2 as amended). Some procedural provisions have been introduced with regard to the public economic incentives that will be assigned to local broadcasters ceasing their activities (new paragraph 3 bis of article 3), and in order to regulate the relations between the peripheral structures of the AGC and the Ministero delle comunicazioni (new paragraphs 5 bis-5 series of article 3).

Legge 29 marzo 1999, n. 78, Conversione in legge, con modificazioni, del decreto-legge 30 gennaio 1999, n. 15 recante disposizioni urgenti per lo sviluppo equilibrato dell'emittenza televisiva e per evitare la costituzione o il mantenimento di posizioni dominanti nel settore radiotelevisivo (Gazz. Uff. dal 31 marzo 1999, Serie generale n. 75).

Law 29 March 1999, no. 78. Gazz. Uff. 31 March 1999, Serie generale no. 75.

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