[IT] New Provisions on TV-Shopping and TV-Auctions

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One year after the adoption of the Trade Act (Riforma della disciplina relativa al settore del commercio, Decreto legislativo of 31 March 1998, no. 114, in Gazzetta Ufficiale , 1998/95), new provisions on TV-shopping and TV-auctions entered into force on 26 April 1999. By this Act the Italian trade sector has been deeply reformed and several competencies were transferred from the central government to local authorities.

Art. 18 of the Decree stipulates that "mail order" TV-shopping and any other form of retail must issue a prior communication to the Municipality where the trader resides or has its legal seat. Sale can begin thirty days after the receipt of the communication. On the other hand, TV-shopping on behalf of third persons is subject to a particular licence issued according to the Public Security Act (Testo Unico delle leggi di pubblica sicurezza , Regio decreto of 18 June 1931, no. 773, in Gazzetta Ufficiale , 1931/146).

Unless the consumer specifically requests, no products may be sent to the consumer. An exception is made for free samples or gifts, provided that no charges or obligations are imposed on the consumer. With particular regard to TV-shopping, the broadcaster must verify -- prior to the broadcasting of the programme -- that the trader complies with the conditions established by the Regioni (regional authorities). Within one year of the publication of the Decree (i.e., by 24 April 1999) all the Regioni had to adopt norms concerning retail trade, which almost all regions have done in time. The name, legal seat and VAT number of the trader must appear on the TV screen during the transmission of the programme.

According to paragraph 5 of Article no 18, TV-auctions or otherwise transmitted auctions are forbidden. All forms of correspondence retail and TV-shopping must compy with the Consumer Protection Act (Attuazione della direttiva 85/577/CEE in materia di contratti negoziati fuori dei locali commerciali , decreto legislativo of 15 January 1992, no. 50, in Gazzetta Ufficiale , 1992/27) as explicitly foreseen by the following paragraph.

Decreto 31 Marzo 1998, no. 114, Riforma della disciplina relativa al settore del commercio, a norma dell'articolo 4, comma 4, della legge 15 marzo 1997, n. 59 (Gazz. Uff. 24 March 1998, Serie generale no. 95,

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