[IT] New Provisions on Major Events and European Works

IRIS 1999-7:1/17

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On 25 May 1999 two important regulations of the Autorità per le Garanzie nelle Comunicazioni (Italian regulatory authority in the communications sector - AGC) entered into force. They were adopted by the AGC according to the Communications Act of 31 July 1997, no. 249 (Istituzione dell'Autorità per le garanzie nelle comunicazioni e norme sui sistemi delle telecomunicazioni e radiotelevisivi, Gazzetta Ufficiale 1997, 197, see IRIS 1997-8: 10) and the Television Advertising Act of 30 April 1998, no. 122 (Differimento di termini previsti dalla legge 31 luglio 1997, n. 249, relativi all'Autorità per le garanzie nelle comunicazioni, nonché norme in materia di programmazione e di interruzioni pubblicitarie televisive, Gazzetta Ufficiale 1998, 99, see IRIS 1998-6: 8).

Regulation no. 8/99 (Lista degli eventi di particolare rilevanza da trasmettere su canali televisivi liberamente accessibili) was approved on 9 March 1999 and concerns the events which are regarded as being of major importance for Italian society and that are not to be broadcast on an exclusive basis in such a way to deprive a substantial proportion of the public of the possibility of following such events via live or deferred coverage on free television pursuant to Article 3a of the «Television Without Frontiers» Directive, as amended. A first edition of the regulation was approved on 16 December 1998 (Regulation n. 81/98, see IRIS 1999-1: 9) and promptly notified to the European Commission. The original regulation contained two lists, the first comprising events that have to be transmitted live on air and free of charge, and the second referring to events whose coverage free on air can be imposed on broadcasters following a decision from AGC. The AGC has since removed the second list and inserted an amendment clause into the first list so as to include in it the events that were originally envisaged as belonging to the second list.

Regulation no. 9/99 (Regolamento concernente la promozione della distribuzione e della produzione di opere europee) was approved on 16 March 1999 and completes the implementation in Italy of chapter III of the «Television Without Frontiers» Directive concerning the promotion of distribution and production of television programmes.

European productions must account for at least half of the monthly broadcasting time of each national broadcaster within each category of programmes, excluding

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the time allocated to news, sports events, games, advertising, teletext services and tele-shopping, at peak and off-peak hours. Peak hours are between 6.30 p.m. and 10.30 p.m. Where a broadcaster broadcasts on more than one channel, the proportions are calculated on the aggregate of those channels, provided there is a minimum of 20% European production on each channel. A fluctuation of 7% with regard to the aggregate is allowed if properly justified (Article 2). Each national broadcaster must reserve at least 10% of its transmission time (20% with reference to the public service concessionaire) to programmes produced by independent producers. Until 30 April 2001 the concept of independence is determined by the share the production company has in the capital of a broadcasting organisation. The criterion of the amount of programming supplied to the broadcasting organisation (less than 90% of the production in a three years period) will then be added (Article 3).

Television broadcasters under Italian jurisdiction must reserve at least 10% of their profits of the previous financial year to the acquisition of films and programmes for children made by European producers, including independent producers. Where a broadcaster broadcasts on more than one channel the proportions are calculated on the aggregate of those channels (Article 4).

The AGC can allow thematic channels to derogate from the distribution and production quotas (Article 5).

Lista degli eventi di particolare rilevanza per la società da trasmettere su canali televisivi liberamente accessibili, no. 8/99, 9 Marzo 1999. Gazz. Uff. 24 Maggio 1999, Serie Generale no. 119.

Regulation no. 8/99 of 9 March 1999. Gazz. Uff. 24 May 1999, Serie Generale no. 119.

Approvazione del regolamento concernente la promozione della distribuzione e della produzione di opere europee. Gazz. Uff. 24 Maggio 1999, Serie Generale no. 119.

Regulation of 16 March 1999, no. 9/99. Gazz. Uff. 24 May 1999, Serie Generale no. 119.

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