[IT] Regulation on DTT

IRIS 2002-1:1/18

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On 15 November 2001 the Autorità per le garanzie nelle comunicazioni (Italian Communications Authority) adopted a regulation concerning the licensing of digital terrestrial radio and television broadcasting pursuant to article 2bis para 7, of law no. 66/2001 (Conversione in legge, con modificazioni, del decreto-legge 23 gennaio 2001, n. 5, recante disposizioni urgenti per il differimento di termini in materia di trasmissioni radiotelevisive analogiche e digitali, nonché per il risanamento di impianti radiotelevisivi, Legge of 20 March 2001, no. 66, in Gazzetta Ufficiale of 24 March 2001, no. 70, see IRIS 2001-4: 9). The adoption of the regulation follows a public consultation that was launched in spring 2001 (see IRIS 2001-6: 8).

The regulation lays down (article 1) the procedure for the award of twelve-year authorisations and licences for operators in the field of digital terrestrial radio and television broadcasting: authorisations are required for content and service providers, while network operators need a licence to carry out their activities. The Ministero delle comunicazioni (Ministry of Communications) is the competent authority for their award according to the provisions laid down in the present regulation.

Content providers (articles 2-11) are defined as persons who have editorial responsibility for the realisation of broadcasting programmes: any person who is established in the EEA may apply for authorisations, provided that the authorisations do not exceed the limit of 20% of available programmes.

Service providers (article 12) are defined as those who furnish conditional access services through a network operator or Information Society Services, as defined by Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 98/48/EC, or electronic programmes guides. Service providers have to comply with the provisions laid down by regulation n.216/00/CONS of the Authority (see IRIS 2000-6: 9) establishing the standards for decoders.

Network operators (articles 13-23) are defined as those who have the right to install, manage and furnish a network for electronic communications through which content and service providers transmit their services. Specific commercial agreements will regulate the relations between network operators and content

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and service providers.

Articles 24-29 introduce specific provisions in order to guarantee competition and pluralism of information in the new digital context. Holders of more than one authorisation have to keep separate accounts for each authorisation, while content providers who work as network operators have to provide for a structural separation of their activities. The same content provider may not broadcast programmes both at national and local levels, and a national operator is obliged to broadcast the same programme on the whole national territory. On the other hand, holders of a national licence may also transmit programmes which have been authorised on a local basis and vice-versa. One-third of available television multiplexes are reserved for local television broadcasters. By 31 March 2004, the Authority will adopt a regulation establishing specific provisions in order to ensure access under fair, reasonable and non-discriminatory conditions for content providers that are not linked to any network operator.

As far as radio broadcasting is concerned (articles 30-31), the Authority will adopt a specific regulation after the approval of the radio frequency plan; in the meantime, already-operating analogue radio broadcasters may apply for a temporary licence for experimental digital radio broadcasting where they already carry out their activities.

Articles 32-37 lay down provisions for the experimental phase in the digital terrestrial television broadcasting sector. Until 30 March 2004, television broadcasters who are already entitled to transmit on analogue terrestrial frequencies may apply for temporary licences for experimental digital broadcasting where they already carry out their activities. After that date, broadcasters who have been temporarily authorised may apply for the conversion of their temporary licences into licences for network operators. Holders of a concession for television broadcasting may apply for the conversion of the concession(s) they hold into a licences for network operators at least six months before the expiry date of the concession(s).

The public service broadcaster (articles 38-39) is assured one multiplex for television broadcasting and one multiplex for radio broadcasting and is admitted ipso iure to the experimentation on these multiplexes, but may at the same time apply for licences related to further multiplexes pursuant to the same provisions which apply to private broadcasters.

Delibera 15 November 2001, n. 435/01/CONS, Approvazione del regolamento relativo alla radiodiffusione terrestre in tecnica digitale, Gazzetta Ufficiale della Repubblica italiana del 6 dicembre 2001, n. 284, suppl. ord. n. 259

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Regulation concerning the licensing of digital terrestrial radio and television broadcasting of 15 November 2001, Gazzetta Ufficiale della Repubblica italiana of 6 December 2001, n. 284, suppl. ord. n. 259

Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998

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