# [IT] Constitutional Court Ruling on Media Ownership Rules

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The Italian broadcasting sector is dominated by two major players: the State owned RAI and the private company Finninvest.

Article 15 of the 1990 Law governing public and private broadcasting in Italy recognises the possession of three commercial television channels ( Canal 5, Italia 1 and Rete quatro) by Finninvest. Small television operators led by Telemontecarlo, Videomusic and Elefante TV challenged the law, which resulted on 5 December 1994 in a judgment of the Constitutional Court.

The Constitutional Court decided that the law codified a dominant position in the media sector and ruled that this was unconstitutional.

The judgement requires Finninvest to divest its broadcasting interests and raised the question of whether the RAI, also in a dominant position, would be under the same obligation. In a seperate declaration after the publication of its decision, the Constitutional Court emphasized that pluralism must be safeguarded and that this is guaranteed in the RAI's Statute. Therefore it is not necessary for the RAI to divest its interests.

### *Corte Constituzionale, Sentenza N. 420 (5 December 1994)*

*Corte Constituzionale (Constitutional Court), 5 December 1994, Sentenza (Judgement) N. 420.*

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