[IT] Government Presents Draft Law on Broadcasting

IRIS 2002-10:1/19

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On 25 September, the Ministero delle comunicazioni (Minister for Communications) presented a draft law laying down new provisions for the broadcasting sector to the Camera dei deputati (Chamber of Deputies of the Italian Parliament). The discussion began on 17 October in the Parliamentary Commissions for Transportation and Culture. Once the discussion has ended and the draft has been approved, the amended text will have to be passed by the Senato della Repubblica (Senate of the Italian Parliament). The "shuttle" between the two Chambers will have to continue until a common agreement has been reached.

The aim of the proposed new Act (Section I: Articles 1-10) is to individuate the general principles of the national, regional and local broadcasting sectors, as determined by technological developments and the converging process between traditional broadcasting and other sectors such as telecommunications, publishing and Internet (the so-called integrated communications system). The principles concern the main aspects of freedom of expression and pluralism of the media and they set out the framework provisions for the exercise of the regulatory powers of the Regions. The recent reform of the Constitution provided for by Constitutional Act No. 3 of 18 October 2001 has included the communications sector among the topics characterised by shared competences between the State and the Regions, with the latter acting within the limits fixed by central legislation.

Section II concerns the protection of competition in the communications sector. New rules on media concentration will be introduced and most of the existing rules (see IRIS Special, "Television and Media ConcentrationRegulatory Models on the National and the European Level", 2001, p. 47) will be replaced. The threshold of 20% of the frequencies that have been assigned according to the frequency plan (see IRIS 1999-4: 8) is confirmed, but reference is made to the DTT frequency plan that is still to be adopted (Article 12). In the meantime, existing broadcasters transmitting on Hertzian frequencies will be allowed to continue their transmissions, even if these exceed existing thresholds, provided that they transmit in simulcast on cable or satellite (Article 22). The threshold based on economic revenues is lowered from 30% to 20% (see IRIS 2000-7: 7), while the terms of reference for the calculation no longer relate to the traditional broadcasting sector, but to the integrated communications system (Article 13,

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para. 1), as defined in Section I. Cross-ownership limitations between television broadcasting and publishing will be abolished (Article 23), and new cross-ownership rules will limit the possibility of telecoms operators collecting more than 40% of the revenues of the telecommunications services market to acquiring not more than 10% of the revenues of the integrated communications system (Article 13, para. 3).

Section III (Article 14) delegates to the Government the task of adopting a code that will collect and rationalise all existing provisions in the communications sector: the code will be adopted by a decreto legislativo (legislative decree) and will have the same force as an ordinary law, with the possibility of directly amending existing legislation.

Section IV (Articles15-19) reserves general public service broadcasting for a public concessionaire (Radiotelevisione italiana, RAI) acting on the basis of national and regional contracts signed by the Minister for Communications on behalf of the Government and renewed every three years. Public service broadcasting has to be ensured on the whole national territory for a minimum of 3,000 clock transmission hours during 2003; every three years the Autorità per le garanzie nelle comunicazioni (Italian Communications Authority, AGCOM) has to define the amount of transmission hours. Specific provisions concern access to party political broadcasts, the promotion of the Italian language and culture abroad, the protection of minority languages in Italy, the preserving of RAI's audiovisual archive, etc. The provisions mentioned in the Act may be integrated by AGCOM before the renewal of the above-mentioned contracts. AGCOM is charged with checking that the income deriving from the public service fee is used only for carrying out public service programming in accordance with the Communication from the European Commission on the application of State aid rules to public service broadcasting of 15 November 2001 (see IRIS 2001-10: 4). The privatisation process of all three RAI channels will have to start by 31 January 2004; no stakeholders may hold more than 1% of the shares and a quota of the stocks will be reserved for people who have regularly paid the public service fee in the previous year.

Section V (Articles 20-24) concerns the switch-over to digital terrestrial transmissions in 2006. Three stages are foreseen for the coverage of DTT: 50% of the population before 1 July 2003, 60% before 1 January 2004 and 80% before 1 January 2005. During this transition period, RAI will have to transmit using both analogue and digital technology. In order to accelerate the process, the rental or the purchase of DTT set-top boxes will be encouraged through economic incentives to households, so as to provide 40% of Italian families with them before 31 December 2004 and 70% by 31 December 2005. The draft budget for 2003 foresees una tantum contributions of 75 Euros for ordinary satellite set-top boxes and access to broadband connections to the Internet and contributions of 150 Euros for digital terrestrial T-DVB set-top boxes.

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Disegno di legge AC 3184, Norme di principio in materia di assetto del sistema radiotelevisivo e della RAI Spa nonché delega al Governo per l'emanazione del codice della radiotelevisione, 25 settembre 2002

http://www.camera.it/_dati/leg14/lavori/stampati/sk3500/frontesp/3184.htm

Draft law laying down new provisions for the broadcasting sector, 25 September 2002

Modifiche al titolo V della parte seconda della Costituzione, Legge n. 3 del 18 Ottobre 2001, G.U. n. 248 del 24 Ottobre 2001

http://www.camera.it/parlam/leggi/01003lc.htm

Constitutional Act No. 3 of 18 October 2001

Legge finanziaria per il 2003. Testo presentato alla Camera il 30.9.2002

http://www.cittadinolex.kataweb.it/Article/0,1519,20427|1006,00.html#art44

Draft budget for 2003 of 30 September 2002

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