[IT] Information in News and Current Affairs Programmes Has to Be Impartial and Pluralistic

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Maja Cappello
Autorità per le garanzie nelle comunicazioni (AGCOM)

Pursuant to the Istituzione dell'Autorità per le Garanzie nelle Comunicazioni e norme sui sistemi delle telecomunicazioni e radiotelevisivo (Communications Act of 31 July 1997, no. 249, see IRIS 1997-8: 10), the Disciplina del sistema radiotelevisivo pubblico e privato, (Broadcasting Act of 6 August 1990, no. 223) and the Disposizioni per la parità di accesso ai mezzi di informazione durante le campagne elettorali e referendarie e per la comunicazione politica (Political Pluralism Act, Act of 22 February 2000, no. 28) and following claims from some Italian political parties, both majority and minority parties, on 15 May 2003 the Autorità per le Garanzie nelle Comunicazioni (Italian Communications Authority AGCOM) adopted Decisions no. 90/03/CSP, 91/03/CSP and 92/03/CSP declaring that two current affairs talk shows (Sciuscià and Excalibur), transmitted by the public service broadcasting channel RAI2, and a news programme (TG4), broadcast by the Mediaset owned channel Rete4, did not ensure sufficient conditions of impartiality and pluralism.

The named programmes were broadcast during different periods: Excalibur during the local elections campaign and Sciuscià and TG4 outside this period. Consequently, the applicable provisions were different. According to Article 2, paragraph 1, of the Broadcasting Act all broadcasters must always respect the principles of pluralism, objectivity, completeness and impartiality in all transmitted programmes; the Act does not give any further criteria in order to indicate which types of behaviour could fall under this provision. Additionally, pursuant to the regulations on political pluralism, during election campaigns, all programmes of the public broadcaster RAI are subject to a number of obligations which, in the case of private broadcasters, only apply to political communication broadcasts.

With reference to the talk show Excalibur, considering that the show was transmitted during the period devoted to the local elections campaign and that all participants involved had not been granted equal time on the programme, the AGCOM applied the Political Pluralism Act and obliged RAI to transmit a compensatory edition of the programme.

With regard to Sciuscià and TG4, in order to give a concrete application to Article 2, paragraph 1 of the Broadcasting Act, the AGCOM analysed the programmes,

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according to three main terms of reference:

- a temporal term: the programme has to be observed during a consistent period of time and account has to be taken of its periodical character, if applicable;

- a content term: the topic of the programme has to be the basis for the evaluation of the equal access conditions of the participants in the programme;

- a subjective term: the topic of the programme has to be evaluated with reference to the qualifications of the subjects participating in the discussion.

Once the programme has been classified according to these terms, it has to be analysed according to the following:

- quantitative criteria:

- all subjects involved have to be equally involved;

- all participants have to be granted approximately equal time;

- qualitative criteria:

- the conduct of the programme:

- the information has to be presented correctly and in good faith;

- all participants have to be granted a right of reply and equal treatment;

- the construction of the programme:

- the format and the editing have to present all views in a well balanced way;

- the participation of other external elements, e.g. public clapping, experts, surveys etc. has to ensure objective and impartial information.

In light of the above-mentioned criteria, the AGCOM held that these two programmes had not ensured impartial information, because of the unequal distribution of the time and the conduct of the anchormen.

Delibera n. 90/03/csp esposto dell'associazione "l'ulivo insieme per l'italia" nei confronti di r.t.i. s.p.a. (emittenti televisive in ambito nazionale "italia 1" e "retequattro") per la presunta violazione dell'articolo 1, comma 2, della legge 6 agosto 1990, n. 223

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Delibera n. 91/03/csp esposto dell'on. Elio Vito (presidente del gruppo di Forza Italia alla camera dei deputati), del sen. Paolo Barelli (vicepresidente del gruppo di Forza Italia al senato), della sen. Maria Elisabetta Alberti Casellati (vicepresidente del gruppo di Forza Italia al senato) e dell'on. Alessandro Cè (presidente del gruppo della Lega Nord alla camera dei deputati) nei confronti della rai - radiotelevisione italiana s.p.a. (emittente televisiva in ambito nazionale "rai due") per la presunta violazione dell'articolo 1, comma 2, della legge 6 agosto 1990, n. 223

http://www.agcom.it/provv/del_91_03_CSP.pdf

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Delibera n. 92/03/csp esposto presentato dal sen. antonio falomi, dall'on. Paolo Gentiloni, dal sen. Stefano Boco e dall'on. Francesco Giordano nei confronti della rai - radiotelevisione italiana s.p.a. per la presunta violazione della legge 22 febbraio 2000, n. 28 (excalibur del 9 maggio 2003)

http://www.agcom.it/provv/del_92_03_CSP.pdf

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