[IT] AGCOM Will Monitor on Conflict of Interests in the Broadcasting Sector

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On 20 July 2004, the Italian Parliament approved provisions on the resolution of conflict of interests. According to these general rules, any person who holds a government post (eg, President of the Council of Ministers, Ministers, Deputy Ministers) has to devote him/herself to the protection of the public interest and abstain from voting in situations that may generate a conflict of interests. This situation occurs when the holder of a government post participates in the adoption of an act, or suggests its adoption or omits to adopt it, and this act has a specific or beneficial effect for the person involved or his relatives, with consequent damage to the public interest.

The Competition Authority AGCM (Autorità garante della concorrenza e del mercato) is in charge of monitoring these situations and intervening in order to fix them, while the Communications Authority AGCOM (Autorità per le garanzie nelle comunicazioni) has to ascertain that these persons or their relatives who own or control companies operating in the integrated communications system as defined in the so-called Gasparri Law (see IRIS 2004-6: 12) do not behave in a manner that gives a "privileged support" to the holder of the government post, violating the provisions on political and electoral communications laid down in Act no. 28/2000 (see IRIS 2000-3: 9). If such behaviour occurs, AGCOM orders the company in question to stop this behaviour and adopt any necessary corrective measure. In case of non-compliance with this order, AGCOM may impose pecuniary sanctions which are up to 1/3 higher than ordinary pecuniary sanctions according to the gravity of the behaviour. When such procedures have been activated, AGCOM informs the Parliament about the type of "privileged support" that has been given by any company operating in the communications system, the consequences deriving from this support and the sanctions that have been applied.

Within 90 days of the entry into force of the Act, AGCOM will decide on the procedures and the criteria according to which these provisions will be applied in practice.

Act of 30 July 2004, no. 215 on the resolution of conflict of interests published in the Official Journal of 18 August 2004, n. 193

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