[IT] Seven Remedies to Promote Pluralism in the Broadcasting Market

IRIS 2005-5:1/17

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On 2 March 2005 the Autorità per le garanzie nelle comunicazioni (Italian Communications Authority - AGCOM) concluded the first analysis of the Italian broadcasting and advertising markets according to the Broadcasting Act no. 112/2004 (see IRIS 2004-6: 12) and adopted specific remedies to ensure pluralism in these markets.

The proceeding was opened in October 2004 pursuant to art. 14 of law no. 112 and concluded that the concerned markets are still characterized by a duopolistic structure where RAI, RTI (controlled by Mediaset) and Publitalia (RTI's advertising agency) hold a position capable of endangering pluralism. For this reason, the Authority decided to introduce some corrective remedies, according to art.2, para 7 of the Communications Act no. 249/97 (see IRIS 1997-8: 10), aimed at balancing the markets. Specifically:

RAI and RTI:

- will have to speed up the digitisation of their terrestrial television broadcasting networks by a digital presetting of all plants that currently broadcast in analogue, according to a technical plan to be presented to the Authority by 30 June 2005;

- will maintain the obligation to reserve 40% of their digital capacity to independent content providers, to be chosen according to the terms defined by the Authority, even after the end of the DTT experimental phase and until the complete implementation of the digital frequency plan;

RTI:

- will have to employ, within 12 months, an advertising agency different from Publitalia to collect advertising revenues on DTT broadcasts that are not in simulcast with analogue broadcasting;

- cannot broadcast advertising for more than 12% per hour in digital terrestrial programming different from analogue simulcast from 30 June 2005 until 31 December 2006, the date of the planned analogue switch-off;

RAI:

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- has to contribute to a major diffusion of DTT technologies through a new general program capable of attracting audience and devoid of advertising on DTT networks, according to an editorial plan to be presented to the Authority by 30 June 2005 for approval;

Publitalia:

- will have to introduce separate accounting between advertising revenues collected on analogue networks and advertising revenues collected on digital terrestrial networks from 30 June 2005, until the implementation of the obligation of RTI to employ a different advertising agency on DTT networks according to point 3;

- has to ensure transparent, fair and non discriminatory conditions in the sale of advertising time, giving clear information regarding possible discounts on the different products.

All these measures may be revised according to the evolution of the markets within 12 months and, in any case, after the analysis of the integrated communications system envisaged by law no. 112/2004.

The Authority has also launched a study of the content market, with particular reference to the position of the rightsholders and the relations between content providers and network operators, and advised the Government to adopt specific measures for the editorial sector, in order to balance the resources between broadcasting and press.

Delibera n. 136/05/CONS - Interventi a tutela del pluralismo ai sensi della legge 3 maggio 2004, n. 112, Gazzetta Ufficiale della Repubblica Italiana dell'11 marzo 2005, supplemento ordinario n. 35

http://www.agcom.it/provv/d_136_05_CONS.htm

AGCOM deliberation of 2 March 2005, no. 136/05/CONS, Interventions for the protection of pluralism pursuant to Law no. 112 of 3 May 2004, Official Gazette of 11 March 2005, s.o. no. 35

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