[IT] New Broadcasting Code

IRIS 2005-9:1/24

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On 31 July 2005, the Italian Government adopted a Code collecting and rationalising all existing provisions in the radio and television broadcasting sector on the basis of a specific delegation by Parliament contained in the so-called Gasparri law (see IRIS 2004-6: 12) which is still in force. The Code was adopted by a *decreto legislativo* (legislative decree) and has the same force as an ordinary law, with the possibility of directly amending existing legislation. The Code is divided into ten sections and is intended to replace the former regulatory regime of the sector. It does not apply to print media or electronic communications, where existing rules are still in force.

The first section (Articles 1-8) contains a set of definitions and the principles of the sector, whereas the following (Articles 9-14) deals with the institutional instances that are involved in the regulation/monitoring/sanctioning of the sector. Section III (Articles 15-31) specifies the obligations deriving from the different authorisations that are needed for the separate activities of network operators and content providers at national or local level and on different means of transmission (terrestrial, cable or satellite). Section IV (Articles 32-41) contains all the rules that are applicable to the content that is broadcast on radio or television, particularly the right of reply, protection of minors, transfrontier broadcasting, advertising, sponsorship and teleshopping. Section V (Article 42) defines all technical rules for the management of the spectrum and section VI (Article 43) contains rules on media concentration, with regard to the collection of technical and economic resources. Section VII (Article 44) deals with European works and section VIII (45-49) and IX (Article 50) with public service broadcasting. The final section (Articles 51-54) defines the applicable sanctions in case of infringements of the Code.

Decreto Legislativo 31 luglio 2005, n. 177 "Testo unico della radiotelevisione", pubblicato nella Gazzetta Ufficiale n. 208 del 7 settembre 2005 - Supplemento Ordinario n. 150

http://www.camera.it/parlam/leggi/deleghe/testi/05177dl.htm

Law of 31 July 2005, no. 177, consolidated text of radio and television, published in the Official Journal of 7 September 2005, n. 208, Supplemento Ordinario. no. 150/L

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