[IT] 40% of DTT Capacity on the Multiplexes of RAI and RTI for Independent Content Providers

IRIS 2005-9:1/26

Maja Cappello
Autorità per le garanzie nelle comunicazioni (AGCOM)

On 6 July 2005, the Autorità per le garanzie nelle comunicazioni (Communications Authority - AGCOM) decided the terms according to which RAI and RTI will have to choose the independent content providers that will benefit from the 40% quota of their DTT capacity until the complete implementation of the national digital frequency plan (see IRIS 2003-4: 9). This measure was adopted in order to implement one of the seven remedies that were decided after the conclusion of the first analysis on the Italian broadcasting and advertising markets according to the new Broadcasting Act no. 112/2004 (see IRIS 2004-6: 12 and IRIS 2005-5: 16). It appeared they were still characterized by a duopoly, where RAI, RTI and Publitalia (RTI's advertising agency) held a position capable of endangering pluralism.

The content providers that can be carried on the reserved quota on the multiplexes of RAI and RTI must fulfil the following criteria, they must:

- Respect the principles of pluralism and objectivity and offer programming with a wide coverage of various genres, so as to satisfy the tastes of different categories of viewers, especially during prime time;

- Respect fundamental human rights and refrain from transmitting violent or pornographic programmes;

- Offer attractive programming both in order to increase the audience share and the advertising revenues on DTT frequencies and comply with at least two of the following:

- Entertainment programming, such as talk-shows, games, programmes dealing with particular events (sports, social issues, culture, music);

- Programmes of general interest that deepen awareness of scientific, cultural, historical or musical issues;

- Fiction, TV-films, serials, sit-coms and cinematographic works, in addition to the obligations regarding European works deriving from the TWF directive;

- Programmes devoted to children and young people.

© European Audiovisual Observatory (Council of Europe) 2026

Should the available capacity prove to be insufficient to satisfy all applications, priority has to be given to those who provide most of the above mentioned genres. Capacity has to be assigned on fair, transparent and non discriminatory conditions in order to ensure a pluralistic offer in the programming; for this reason RAI and RTI must inform the public, at least 60 days in advance on their websites about their intention to assign DTT capacity, specifying the technical and economic conditions they intend to apply. All agreements between RAI/RTI and the interested content providers must be submitted to AGCOM in advance in order to verify their compliance with the abovementioned obligations. AGCOM is also competent to deal with any dispute resolution that may arise during the validity of these agreements.

Delibera n. 264/05/CONS Disposizioni attuative degli articoli 1, comma 1, lett. a), n. 2, e 2, comma 2, della delibera n. 136/05/CONS

http://www.agcom.it/provv/d_264_05_CONS.htm

AGCOM deliberation of 6 July 2005, no. 264/05/CONS

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026