

[IT] Consumer association sues Garante on application of EC `Television without Frontiers' Directive and European Convention on Transfrontier Television

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A consumer association in Milan, the Comitato Difesa Consumatori , sued the Garante per l'Editoria e la Radiodiffusione before the Administrative Tribunal in Rome.

The Garante is the administrative body entrusted by law with the task of monitoring the respect by public and private broadcasters of the rules concerning, inter alia, advertising and sponsoring on public and private channels.

Some months ago, the Comitato filed a complaint before the Garante seeking its intervention against some advertising practices deemed not to be allowed by the EC `Television without Frontiers' Directive (89/552/EEC) and the European Convention on Transfrontier Television, of which Italy is a Party. The complaint cited, by way of example, the insertion of several isolated spots at 3-4 minute intervals during the broadcasting of sports events; the lack of compliance with the 20 minute interval rule between two breaks within the same programme and, as far as the broadcasting of films is concerned, the insertion of a further advertising break, in addition to the one allowed under Article 11 of the Directive.

The Garante replied to the Comitato denying his power to intervene, for the following reasons: as for the Directive, since the European Commission initiated (in 1992!) an infringement procedure against Italy for non compliance with the Directive. In the Garante 's view, it is necessary to wait for the completion of the procedure. As for the Convention, since the Italian Government filed a request of interpretation before the Standing Committee created by the same Convention, it is necessary to wait for the responses. The position of the Garante was considered unsatisfactory by the Comitato , which therefore decided to request the intervention of the Administrative Tribunal in Rome, which was requested to anul the replies of the Garante and to force him to give a positive response. The first hearing will take place in March.

