[IT] AGCOM Issues Criteria for the Complete Digitisation of the Terrestrial TV Network

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Peter Matzneller
Institute of European Media Law (EMR), Saarbrücken/Brussels

On 7 April 2009, the Italian communications sector regulatory authority *Autorità per le Garanzie nelle Comunicazioni* (AGCOM) issued criteria for the complete digitisation of the terrestrial TV networks (*Delibera n. 181/09/CONS*).

It was necessary *inter alia* to issue these criteria as the European Commission had instituted infringement proceedings against Italy in July 2007 for a breach of Directives 2002/20/EC, 2002/21/EC and 2002/77/EC.

Taking into consideration the ministerial decree of 10 September 2008 setting out the national timetable for the final transition to digital terrestrial television broadcasting, the criteria essentially establish the following principles:

- In order to make possible the complete, efficient and pluralist use of the radio frequencies, it is necessary to include the use of single frequency network (SFN) technology.

- Each existing broadcaster is to be granted the same number of the planned digital networks in order to protect its investments and guarantee the continuation of its television services currently being broadcast in analogue. Technical developments such as high definition and interactive services are also to be taken into account.

- The frequencies freed up are to be distributed among no fewer than five nation-wide television broadcasters. The procedures employed in this connection must be based on objective, proportionate, transparent and non-discriminatory criteria and take account of the provisions of Community law.

- The award procedure is also to incorporate a so-called “beauty contest” along the lines of the model employed by other EU member states, with the following aspects to be taken into account: 1) A guarantee of the efficient use of the frequency spectrum using SFN; 2) The promotion of technical innovations in the interests both of the industry and the consumers; 3) A guarantee that the frequency spectrum assigned will be duly appreciated by broadcasting high-quality content and ensuring that the broadcasts can be received over a wide area.

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- Participation in the award procedure is to be open to any company established in the European Economic Area that possesses a licence within the meaning of article 25 of Legislative Decree No. 259 of 1 August 2003 on electronic communications.

- Companies interested will be granted a third-access right for five years from the conclusion of the contract, the terms and conditions of which should be based on the actual costs. Third access may only be refused on the ground that it is objectively impossible, subject to a check being conducted by ACGOM.

- Third parties can also apply for a binding decision by AGCOM, which should be given within a reasonable time. During this procedure, any existing access must not be interrupted or suspended. The same applies to judicial proceedings resulting from an AGCOM decision.

Delibera N. 181/09/CONS - Criteri per la completa digitalizzazione delle reti televisive terrestri

Decision No. 181/09/CONS - Criteria for the complete digitisation of the terrestrial TV networks, of 7 April 2009

Allegato A alla delibera n 181/09/CONS

http://www.agcom.it/Default.aspx?DocID=2965

Appendix A to Decision No. 181/09/CONS

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