

## [IT] AGCOM Regulation on Televoting in TV Shows

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*Francesca Pellicanò  
Autorità per le garanzie nelle comunicazioni (Agcom)*

On 3 February 2011 AGCOM (the Italian communications authority) adopted a regulation concerning transparency and effectiveness in televoting in TV shows, after a public consultation launched in December 2010.

The regulation, whose scope is limited to national broadcasters, aims to provide users with the necessary quality and transparency in televoting, which, in most cases, is a service provided in return for payment.

AGCOM regulation lays down a few basic rules: users have to be transparently made aware of televoting with complete information on its function; all votes must be assured of equal treatment, avoiding those mechanisms that allow an automated delivery of a massive amount of votes.

These kinds of mass call services are usually offered as part of specific TV programme formats, for a limited period of time; for example, in order to determine the winner of a song or beauty contest by recognizing the preferences of the public. These rules apply even where televoting affects only partially the results of the competition, allowing the participation of a significant number of users and providing a very high number of call attempts.

Therefore, the procedure does not apply to services, sometimes inaccurately called “televoting”, that do not detect the preferences of the public in such competitions, but whose purpose is, for example, to win prizes by responding to a question via SMS (“quizzes”) or to track the preferences of the public with regard to current issues (such as “inquiries”).

At least 15 days before the broadcast of the TV programme relevant to televoting, both the broadcaster and the service provider shall publish on their websites a specific and easy to find regulation on televoting.

Each user can send a maximum of:

- a) 5 votes for each televoting session that takes place over 24 hours, with an overall limit of 50 votes per week;
- b) 10 votes for every session of televoting that takes place over 24 hours, with an overall limit of 50 votes per week. Votes exceeding these limits shall be deemed

invalid and the user may not be requested to pay for them.

AGCOM is charged with monitoring the correct application of the regulation, notably the level of transparency adopted by broadcasters, who have to specify how they treated the received answers, indicating the medium used (mail, phone, etc.,) and, in general, the given answers and their timing. This requested summary must be broadcast, without delay, at the end of the programme.

***Delibera n. 38/11/CONS, “Approvazione del regolamento in materia di trasparenza ed efficacia del servizio di televoto” , 03.02.2011***

<http://www.agcom.it/Default.aspx?DocID=5675>

*Deliberation n. 38/11/CONS of 3 February 2011, “Regulation concerning transparency and effectiveness in televoting”*

