[IT] AGCOM Launches a Public Consultation on Measures to Protect Pluralism in Digital Terrestrial Broadcasting

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On 22 July 2011, by approving Deliberation no. 427/11/CONS, the Italian Communications Authority (AGCOM) launched a public consultation on the protection of media pluralism in the digital terrestrial broadcasting market. Remedies for the protection of pluralism were first set up by Deliberation no. 136/05/CONS (see IRIS 2005-5/19), and then revised by Deliberation no. 70/11/CONS (see IRIS 2011-8/30), in accordance with a revision clause contained in the first Deliberation.

In particular, Deliberation no. 70/11/CONS repealed Article 1, paragraph 1, lett. b) no. 1 of Deliberation no. 136/05/CONS, which required RTI, the main Italian commercial broadcaster, to rely upon an ad hoc advertising agency, other than Publitalia, for the sale of advertising space for pay-TV digital terrestrial broadcasting. The company complied with this decision by establishing the new advertising agency Digitalia.

The repeal of this measure was justified by reference to the overall changes that have influenced the DTT market over the past ten years, i.e., the development of the regulatory framework, the switchover from analogue to digital terrestrial transmission and the identification of the relevant markets in the *Sistema integrato delle comunicazioni* (Integrated System of Communications - SIC). More precisely, with Deliberation no. 126/11/CONS (see IRIS 2011-10/31), AGCOM determined that free-to-air digital terrestrial transmission and digital pay-TV are different relevant markets within the audiovisual sector, whereas advertising does not constitute a relevant market as such, but only a resource contributing to achieving profit within a single medium. Consequently, as the analysis of the SIC subsequent to Deliberation no. 136/05/CONS has shown, there has been a radical change in the relevant television markets and their financial sources.

Following a suspension order of Deliberation no. 70/11/CONS and its effects by the Latium regional administrative court, AGCOM had decided to submit the issue to public consultation and thus invited stakeholders to send their comments and suggestions to AGCOM’s Audiovisual Content Directorate within 45 days from the publication of Deliberation no. 427/11/CONS in the *Gazzetta Ufficiale* (Official Gazette). The deadline for the submission of the written contributions expired on 30 September 2011 and the consultation will conclude with a new Deliberation

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after the oral hearings of the interested parties.

Delibera AGCOM 427/11/CONS - Consultazione pubblica concernente l'art. 1 comma 2 della delibera 70/11/CONS, recante "Ricognizione delle misure stabilite dalla delibera n. 136/05/CONS del 2 marzo 2005 recante "Interventi a tutela del pluralismo ai sensi della legge 3 maggio 2004, n. 112"

http://www.agcom.it/Default.aspx?message=visualizzadocument&DocID=6876

AGCOM Deliberation No. 427/11/CONS - Public consultation on Article no. 1, paragraph no. 2 of Deliberation no. 70/11/CONS, on "Survey of the measures established by Deliberation of 2 March 2005 No. 136/05/CONS on "Measures to protect pluralism under Law of 3 May 2004, No 112"

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