[IT] AGCOM Shortens the Procedures on Conflict of Interest

IRIS 2012-2:1/28

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On 12 December 2011 the Autorità per le garanzie nelle comunicazioni (the Italian Communications Authority - AGCOM) adopted Deliberation no. 682/11/CONS amending the regulation on the resolution of conflicts of interest approved by Deliberation No. 417/04/CONS, according to Act no. 215/2004 (see IRIS 2004-10/30). According to this regulation, as already amended by Deliberation No. 392/05/CONS, AGCOM monitors the behaviour of media service providers headed or controlled by holders of a government post and providing privileged support to the latter. For this purpose, AGCOM evaluates any conduct, put into effect by the named media providers which, especially having regard to the fundamental principles of the broadcasting system, such as pluralism, objectivity, completeness, fairness and impartiality of information, provide privileged support, defined as any form of advantage, whether direct or indirect, political, economic or relating to image, to holders of the government posts. AGCOM exercises its powers in 90 days both ex officio and on the basis of complaints. Having verified the existence of such privileged support, AGCOM issues a notice requiring the media provider to desist from the detected behaviour and, where practicable, imposes the necessary corrective measures. The penalties provided for in such cases are increased by one third compared to ordinary pecuniary sanctions due to the seriousness of the violation.

Following the amendments introduced by Deliberation no. 682/11/CONS, AGCOM has shortened the duration of the procedure for the determination of the existence of privileged support during electoral and referendum campaigns; in such cases, the deadline for the adoption of the final decision is 15 days from the start of the proceeding, including any preliminary investigation activity. This deadline is extended by 5 days if further preliminary investigation is ordered by the Council. Where violations have occurred during the fifteen days preceding the date of the vote, including second ballots, AGCOM conducts a brief investigation and, once notified of the facts, in consultation with interested parties and having been presented with any counter-arguments - to be submitted within twenty-four hours after the notification of the charges - adopts a final decision without any delay and, in any case, within forty-eight hours after the ascertainment of the breach or the complaint.

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Delibera n. 682/11/CONS, 12 dicembre 2011, Modifiche e integrazioni al regolamento per la risoluzione dei conflitti di interessi, Gazzetta n. 3 del 4 gennaio 2012

http://www.gazzettaufficiale.biz/atti/2012/20120003/11A16589.htm

Deliberation No. 682/11/CONS of 12 December 2011, Changes and additions to the regulation on the resolution of conflicts of interest, Official Journal no. 3 of 4 January 2012

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