[IT] Agcom sanctions RAI for violating the public service broadcasting contract

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On 14 February 2020, the Italian Communications Authority (Agcom) came to a decision regarding a proceeding initiated against Rai for its alleged failure to fulfill the general radio and television public service obligations and the National Service Contract - 2018-2022.

This proceeding was initiated on 23 July 2019, pursuant to Article 48, paragraph 2 of the Consolidated Act on Audiovisual Media Services, recognising in the public service broadcaster's programming potential violations of the "principles of balance, pluralism, completeness, objectivity, impartiality, independence and openness to the various political and social positions" as well as in relation to the need "to ensure an adequate, effective and fair debate" on which RAI's information offer must be based.

During the investigation period, the results of the programme monitoring were observed, with particular attention being given to the television offering of the generalist channels; this monitoring was carried out as part of the investigation into a possible violation of the general radio and television public service obligations, pursuant to Articles 2, 3, 6, 8 of the 2018-2022 National Service Contract. In addition, the data obtained from the monitoring of political and institutional pluralism on television between January 2019 and January 2020 were also taken into consideration, with reference to news and current affairs programmes on RAI’s generalist channels, as well as the ranking of the presence of political leaders.

Agcom established that the balance between the various opinions, especially in the news, had not been fully guaranteed. Either the discussion on a certain topic echoed the position of only one party, or the journalist, presenter or operator conveyed their own interpretation of the facts, without providing the viewers with the tools - such as contextualisation - to distinguish an opinion from a truthful and verifiable story, or they constructed an unequivocal narrative on a specific, relevant theme using suggestions and images.

In addition, the quantitative analysis of the news showed that in the period between August 2019 and January 2020 – a non-election period at national level – there had been a constant, repeated and systematic under-representation of the

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political party that holds the majority in parliament. Agcom also found a very small, in some cases zero, presence of political minorities, both those that have representatives in parliament, and those that, although not represented in parliament, are of historical relevance.

Having carried out the investigation and taking into account RAI's response to the alleged breach, Agcom established a grave violation of the obligations and tasks referred to in Article 48, paragraph 2 of the Consolidated Law, having in mind its effects on civil society and the community which the public service not only addresses, but to which it has a specific responsibility.

Therefore, RAI has been called to immediately eliminate the violations and their effects by declaring that it would adopt within 30 days:

a system for programme detecting and monitoring that, according to the indicators established by the Authority, allows the assessment of compliance with the principles of impartiality, independence and pluralism referred to in Article 2, paragraph 1, point a) of the Service Contract. measures aimed at raising the awareness of programme providers and their employees and collaborators, also through specific training actions, so that they scrupulously comply with the principles of respect for the integrity and dignity of a person and the principle of non-discrimination; measures aimed at raising the awareness of programme providers and their employees and collaborators, also through specific training actions, so that they scrupulously comply with the principles of impartiality, independence and pluralism; tools aimed at countering the dissemination of untruthful or incomplete information, not least through organisational coordination, that is, editorial responsibility intended to ensure the raising of critical, civil and ethical awareness in the national community;
Furthermore, considering the gravity of the violation, Agcom sanctioned RAI with a fine corresponding to 0.062% of its turnover, which amounts to EUR 1.5 million.

Resolution n 69/20/cons: "Conclusion of the proceedings initiated against Rai persuant to Art. 48 of the consolidated act for the alleged breach of general radio and television public service obligations and of

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the national service contract 2018/2022”

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