# [IT] New proposal to reform the governance of the Italian public service broadcaster

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On 15 October 2020, Andrea Orlando, a member of the Chamber of Deputies and former Minister of Justice, introduced to Parliament a new bill (No. 2723) which aims to amend the parts of the Audiovisual Media Services Code (Legislative Decree No. 177 of 31 July 2005) which regulate Italian public service broadcasting (namely RAI).

The proposed measures are intended to reform specifically the governance of the public service broadcaster. The most important aspect of the reform lies with the introduction of an ad-hoc foundation: the Ministry of the Economy and Finance shall transfer to the newly-established foundation the shares it owns in the company Rai-Radiotelevisione italiana Spa.

The board of directors of the foundation shall be competent to determine its general aims and the means to pursue them. According to Article 2 of the bill, it shall be in charge of a variety of tasks, including but not limited to: managing the foundation in accordance with the applicable principles governing public service broadcasting; drafting and implementing the public service contract; appointing the members of the board of directors of RAI-Radiotelevisione italiana Spa; approving the bylaws of RAI-Radiotelevisione italiana Spa and any modification thereof; and enforcing any liability action vis-à-vis the members of the board of directors of RAI-Radiotelevisione italiana Spa.

The board of directors shall comprise eleven members, including: five members appointed by the speakers of the Chamber of Deputies and the Senate of the Republic; two members appointed by a permanent council for the relationship between the central government and the regions; two members appointed by the Conference of Italian University Rectors (CRUI); one member appointed by the Lincean Academy; and one member appointed by the employees of RAI-Radiotelevisione italiana Spa and of the companies that the latter controls. The members of the board of directors of the foundation shall serve for a six-year non-renewable term. They shall be chosen among individuals who have well-established professional expertise, who are renowned for their independence, and who are distinguished in the relevant market sector (communications, audiovisual media, cinema, etc.). Those persons who held governmental offices or elective political offices, or who have acted as representatives of political parties in the

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previous two years shall not be eligible to serve as members of the board of directors of the foundation. Furthermore, the appointed experts shall be prevented from exercising any direct or indirect professional activity or from serving as directors or employees of public or private entities.

By way of its Article 3, the bill also aims to introduce a new version of Article 49 of the AVMS Code to replace the current one. This provision establishes that RAI-Radiotelevisione Italian Spa shall carry out the activities falling within the mandate of public service broadcasting in accordance with the AVMS Code and with the priorities and goals set by the board of directors of the foundation. RAI-Radiotelevisione italiana Spa shall implement the strategies and programmes developed by the foundation, implement the public service contract and appoint the members of the boards of the operational entities. The same eligibility requirements as those set for the members of the board of directors of the foundation shall apply. The chief executive officer of RAI-Radiotelevisione italiana Spa shall be nominated by the board of directors of the foundation and be voted by the board of the company. The CEO will serve for three years and can be re-elected; he/she shall act as the legal representative of RAI-Radiotelevisione italiana Spa. In this capacity, the CEO can also delegate powers to specific members of the board, after having consulted the board of directors of the foundation.

***Camera dei Deputati, Proposta di legge d'iniziativa del deputato Orlando - Modifiche al testo unico dei servizi di media audiovisivi e radiofonici, di cui al decreto legislativo 31 luglio 2005, n. 177, in materia di disciplina e organizzazione del servizio pubblico radiofonico, televisivo e multimediale***

https://documenti.camera.it/leg18/pdl/pdf/leg.18.pdl.camera.2723.18PDL0118080.pdf

*Chamber of Deputies, Bill on the initiative of deputy Orlando - Amendments to the consolidated text of audiovisual and radio media services, pursuant to Legislative Decree No. 177 of 31 July 2005 concerning the regulation and organisation of public radio, television and multimedia services*

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