[IT] Agcom fine on RAI annulled

IRIS 2021-5:1/3

Francesco Di Giorgi & Luca Baccaro

On 29 March 2021, the Italian Administrative Courts(TAR Lazio) in charge, adopted a judgment (No. 3800/2021) concerning the sanction imposed by Agcom on RAI for violation of pluralism and of public radio and television service obligations. Following the RAI complaint the Court annulled the resolution No. 69/20/CONS of the 13 and 14 February 2020, concerning "*Conclusion of the proceedings initiated against RAI pursuant to Article 48 of the Consolidated Law for the alleged non-fulfillment of the radio and television general public service obligations and of the national service contract - 2018-2022 (Proc. N. 13/19 / DCA - 2732 / RC)*". With the abovementioned resolution, the Authority gave notice to RAI of removing the infringements ascertained with reference to the obligations under Article 48, paragraph 1, of the TUSMAR and, at the same time, imposed a pecuniary sanction pursuant to and for the effects of the following paragraph 7. According to the resolution, RAI would not have guaranteed the adversarial principles in a huge series of news and information programs in 2019, since the discussion of the topics were shown only from the point of view of the journalist, the television host or the anchormen, without any contextualisation which could have guaranteed the audience to actually contextualise the events.

According to the Court decision, Agcom ran into a procedural irregularity, given that the findings on which the assessment was based didn't coincide with the objections carried out during the procedure. In particular, the decision states that the final objections were "ontologically and chronologically different from those initially contested". The Court also highlighted that the modification of the disputed facts and objections without the involvement of the PBS, before the end of the investigation, were also in clear violation, not only with the general canons of procedural participation, but also with the same Article 48 of the TUSMAR. In light of the "strong" power of control by the Authority in a similar investigation, RAI had the right to be involved in every phase of the procedure. As a consequence of the statements, the Court ordered "the substantial modification of the charge entails [...] the illegality of the outcome of the provision, with reference to both the warning and the pecuniary sanction". Agcom is therefore called to restart the procedure from "the phase in which the detected illegality and the new exercise of power in compliance with the violated provisions" occurred.

© European Audiovisual Observatory (Council of Europe) 2026

TAR per il Lazio, sez. III ter, sentenza del 29 marzo 2021, n. 3800

https://www.giustizia-amministrativa.it/portale/pages/istituzionale/visualizza/?nodeRef=&schema=tar_rm&nrg=202002269&nomeFile=202103800_01.html&subDir=Provvedimenti

Judgment of TAR Lazio no. 3800, 29 March 2021

Delibera n. 69/20/CONS - Conclusione del procedimento avviato nei confronti della Rai ai sensi dell'art. 48 del Testo Unico per il presunto inadempimento degli obblighi di servizio pubblico generale radiotelevisivo e del Contratto nazionale di servizio – 2018-2022 (Proc. n. 13/19/DCA - 2732/RC)

https://www.agcom.it/documentazione/documento?p_p_auth=fLw7zRht&p_p_id=101_INSTANCE_FnOw5lVOIXoE&p_p_lifecycle=0&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_FnOw5lVOIXoE_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_FnOw5lVOIXoE_assetEntryId=17807954&_101_INSTANCE_FnOw5lVOIXoE_type=document

Agcom resolution no. 69/20/CONS of 13 and 14 February 2020

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026