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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**PRINCIPLES  
GOVERNING THE BROADCASTING SYSTEM  
AND RAI-RADIOTELEVISIONE ITALIANA SPA,  
AND THE AUTHORITY DELEGATED TO THE GOVERNMENT  
TO ISSUE THE CONSOLIDATED LEGISLATION  
ON TELEVISION BROADCASTING**

**IN ITALY**

**(The “Gasparri Law”)**

Law no 112 of 3 May 2004  
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**Chapter I**  
**GENERAL PRINCIPLES**

**Art. 1**  
*(Scope and purpose)*

1. The present law sets out the general principles governing the national, regional and local radio and television broadcasting system and adapts it to the advent of digital technology and the convergence of radio and television broadcasting with other sectors of interpersonal and mass communications, such as telecommunications, publishing, including electronic publishing, and the INTERNET in all its applications.
2. The present law covers broadcasts of television, radio and data programmes, including conditional access programmes, and the provision of associated interactive services and conditional access services, on terrestrial frequencies, by cable and satellite.

**Art. 2**  
*(Definitions)*

1. For the purposes of the present law:

a) «television programmes» and «radio programmes» mean all content provided under a single editorial trade mark for broadcasting to the public on television or radio, respectively, by any means; the term «programmes» used without qualification is understood to mean television and radio programmes;

b) «data programmes» means information services consisting of electronic publishing products broadcast by television networks, other than television programmes, not supplied on individual request, including teletext information pages and data pages;c) «network operator» means the holder of the right to install, operate and provide an electronic communications network on digital terrestrial frequencies, by cable or satellite, and establishments for putting on air, multiplying, distributing and releasing the frequency resources to enable programmes to be broadcast to users;

d) «content provider» means the person who has editorial responsibility for television, radio or data programmes, including conditional access programmes, for transmission on digital terrestrial frequencies, by cable or satellite or by any other means of electronic communication, and who is entitled to pursue commercial and editorial activities connected with the broadcasting of images or sounds and the related data;

e) «interactive or conditional access service provider» means the person who provides the public with conditional access services, through the network operator, by distributing code numbers to users for the purposes of viewing programmes, invoicing for services and, where

appropriate, providing equipment, or the person who provides Information Society services within the meaning of Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998, or who provides an electronic guide to programmes;

*f)* «conditional access» means any technical measure or system under which access to the protected service in intelligible form is made conditional upon individual prior authorisation by the service provider;

*g)* «integrated communications system» means the economic sector comprising the following activities: daily newspapers and periodicals; annuals and electronic publishing including publishing on the INTERNET; radio and television; cinema; advertising; information on products and services; sponsorship;

*h)* «general public television broadcasting service» means the public service performed under franchise in the television broadcasting sector by means of the full range of programmes, including programmes other than information programmes, provided by the company holding the franchise in accordance with the detailed rules and within the limits specified in the present law and the other measures referred to;

*i)* «national» means television or radio broadcasting activities not confined to local activities;

*l)* «local» means television broadcasting activities exercised in one or more but not more than six areas, including areas that are not adjoining, provided that they cover less than 50 % of the national population; the term «regional» or «provincial» applies when the area in which the television broadcasting activity is exercised is a single area falling within the territory of a specific region or province and the broadcaster does not broadcast to other areas; the term «local» used without qualification is understood to include regional or provincial broadcasts;

*m)* «European works» means works originating from:

1) Member States of the European Union;

2) European third States party to the European Convention on Transfrontier Television, done at Strasbourg on 5 May 1989 and rendered enforceable by Law no 327 of 5 October 1991, provided that the works are made by one or more producers established in one of those States or production of the works is supervised and actually controlled by one or more producers established in one of those States or that the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States;

3) European third States, made exclusively or in co-production with producers established in one or more Member States of the European Union by producers established in one or more European third States with which the European Community has concluded agreements in the audio-visual sector, where such works are mainly made with authors and workers residing in one or more European States.

**Art. 3**

*(Fundamental principles)*

1. Fundamental principles of the television broadcasting system shall be to guarantee the freedom and pluralism of television communications media, to protect the freedom of expression of each individual, including freedom of opinion and freedom to receive or communicate information or ideas without limits imposed by frontiers, [to ensure] objectivity, completeness, fairness and impartiality of information, openness to different opinions and political, social, cultural and religious views and to safeguard ethnic diversity and the cultural, artistic and environmental heritage, at national and local level, with due regard to freedoms and rights, particularly the dignity of the individual, to the promotion and protection of the well-being, health and harmonious physical, mental and moral development of minors, guaranteed by the Constitution, by Community law, by the international rules applicable under the Italian legal system, and by State and regional laws.

**Art. 4**

*(Principles concerning user guarantees)*

1. Under the rules of the television broadcasting system, users shall be guaranteed:

*a)* access, without discrimination, to a wide variety of information and programmes presented by a number of national and local operators, encouraging for that purpose the exploitation and development, in conditions of pluralism and free competition, of the opportunities presented by technological development on the part of those who pursue or intend to pursue activities in the communications system;

*b)* programmes which respect the fundamental rights of the individual and a ban on programmes which contain coded or subliminal messages or incitement to hatred on any grounds, or which, in view of the time of transmission, may impair the physical, mental or moral development of minors, or which show scenes of gratuitous, persistent and extreme violence or pornography, without prejudice to special rules on conditional access broadcasts which require the adoption of a system of specific and selective control;

*c)* fair and honest advertising and teleshopping programmes which respect the dignity of the individual, do not include any discrimination on grounds of race, sex or nationality, are not offensive to religious beliefs or ideals, do not encourage behaviour prejudicial to health, safety or the environment, do not cause any moral or physical detriment to minors, are not broadcast during animated cartoons designed for children or during broadcasts of religious services, are recognisable as such and separated from the rest of the programme in a clearly perceptible way, and do not employ sound levels above the normal programme level, with due regard to the upper limits and prohibitions prescribed in current legislation;

*d)* sponsored broadcasts which respect the editorial responsibility and independence of the content provider, which are recognisable as such and do not encourage the purchase or rental of the sponsor's products or services, with due regard to subsequent limits and prohibitions established in the current legislation on the nature of the sponsor's activity or the subject of the broadcast

*e)* a right of reply when the person concerned considers that his or her moral or material interests have been damaged by incorrect broadcasts or information, provided that the reply contains nothing that may give rise to criminal or civil liability or transgress standards of public decency;

*f)* an adequate number of national and local television programmes, in clear, with limits on encoded programmes and with adequate coverage of national or local territory; this provision shall not apply to satellite broadcasts;

*g)* live or recorded television programmes, in clear, covering national and other events, set out on an appropriate list approved in consultation with the Autorità per le garanzie nelle comunicazioni [the regulatory authority for broadcasting and telecommunications] where the matter is of particular concern to society.

2. Provision of television programmes for citizens with sensory disabilities shall be encouraged and suitable measures shall be adopted to that end, after hearing the views of the relevant associations.

3. Personal data of natural persons and entities in the television broadcasting sector shall be handled with due regard to rights, fundamental freedoms and human dignity, with particular reference to privacy and personal identity, in accordance with the current legislation on the subject.

### **Art. 5**

*(Principles to protect pluralism and competition in the television broadcasting system)*

1. In order to guarantee pluralism in the television communications media, the television broadcasting system shall comply with the following principles:

*a)* competition in the television and mass communications media market and the advertising market and pluralism in the television communications media shall be protected, by prohibiting to that end the constitution or maintenance of positions damaging to pluralism, in accordance with the criteria defined in the present law, even through controlled or linked persons, and by securing maximum transparency of company arrangements;

*b)* provision shall be made for separate permits to pursue the activities of network operator, content provider for television programmes, content provider for radio programmes, and interactive or conditional access service provider, and for a system of authorisation for the activity of network operator and the activities of content provider for television programmes, content provider for radio programmes, and interactive or conditional access service provider; authorisation shall not include allocation of radio frequencies, which shall be subject to a separate provision pursuant to decision no 435/01/CONS of the Autorità per le garanzie nelle comunicazioni of 15 November 2001, published in the ordinary supplement to *Gazzetta Ufficiale* no 284 of 6 December 2001, as subsequently amended;

*c)* provision shall be made for separate permits, including permits for the same person, to pursue the activities referred to under subparagraph *b)* on terrestrial frequencies or by cable or satellite respectively, and for the permits in question to be valid for a reasonable time, and in any case no less than 12 years for activities on digital terrestrial frequencies, and for them to be renewable for equal periods;

*d)* provision shall be made for separate permits to pursue the activities of provider referred to under subparagraph *b)*, at national or local level respectively, when those activities are exercised on terrestrial frequencies, with the proviso that the same person or persons in a mutual relationship of control or association may not be authorised to provide content at national and local level at the same time, and permits may not be issued which allow any

local content provider to broadcast more than 20 % of the local digital television programmes in that area;

*e)* network operators shall be required:

1) to guarantee equal treatment for content providers who are not referable to linked and controlled companies, by making available to them the same technical information that is available to content providers who are referable to linked and controlled companies;

2) to avoid discrimination, when drawing up the relevant technical agreements on the quality of broadcasts and conditions of access to the network, between authorised content providers who belong to controlling, controlled or linked companies and independent content and service providers, and to ensure in any case that network operators submit their own transmission capacity to market conditions with due regard to the principles and criteria laid down in the regulation on digital terrestrial broadcasting, referred to in decision no 435/01/CONS of the Autorità per le garanzie nelle comunicazioni of 15 November 2001;

3) to undertake to use information obtained from content providers who are not referable to linked and controlled companies exclusively for the purpose of concluding technical and commercial agreements on access to the network and not to pass any information they have obtained to controlled or linked companies or third parties;

*f)* content providers shall be required, when transferring rights to exploit the content in question, to do so without practical discrimination between the various distribution platforms, on market conditions, and with due regard to exclusive rights, the provisions on copyright and free negotiation between the parties;

*g)* firms operating in the digital television communications sector shall be required to keep separate accounts, so that the charges for access and interconnection to the communications infrastructures and the fees for the general public service can be clearly identified, the activity of establishing and managing the infrastructures can be assessed separately from the activity of providing content or services, where those activities are performed by the same person, and it can be verified that there are no cross-subsidies or discriminatory practices, with the proviso that:

1) a national content provider who is also a service provider must keep separate accounts for each authorisation;

2) a national television network operator who is also a content provider and an interactive or conditional access service provider shall be required to maintain separate companies; this provision shall not apply to television broadcasters who transmit exclusively by cable or satellite or to local content providers and local network operators;

*h)* all television content providers shall be entitled to relay programmes live and broadcast data and information to users on the same allocated frequencies;

*i)* provision shall be made for special protection for broadcasts to legally recognised minority language communities;

*l)* holders of a radio or television broadcasting franchise or authorisation shall be entitled to obtain building permits from the competent local authority to erect broadcasting and relay stations and establish the necessary infrastructures in accordance with the current rules on the establishment of electronic communications infrastructures.

2. The figure of «5 %» quoted in Article 8(8) of Law no 223 of 6 August 1990 shall be amended to read «10 %».

**Art. 6**

*(General principles governing information and other public service duties in the television broadcasting sector)*

1. The activity, exercised by any broadcaster, of providing information on television is a service of general interest and must be performed with due regard to the principles contained in this chapter.

2. The regulations on providing information on television shall in any case guarantee:

a) truthful presentation of facts and events, so as to encourage opinions to be formed freely, with no sponsorship of news bulletins;

b) daily television and radio news programmes broadcast by persons authorised to provide content at national or local level on terrestrial frequencies

c) access for all political persons to information, election and party political broadcasts, on fair and equal terms, in the forms and in accordance with the rules prescribed by law;

d) transmission of announcements and official statements by constitutional bodies prescribed by law;

e) an absolute ban on employing methods and techniques capable of manipulating the substance of information in a manner imperceptible to the viewer.

3. The Autorità per le garanzie nelle comunicazioni shall establish further rules for national television broadcasters to ensure that information and propaganda programmes comply with the principles contained in this chapter.

4. The present law defines the other specific public service duties and obligations incumbent on the company holding the general public television broadcasting service franchise in all its programming, including programmes other than information programmes, and in the production of European audio-visual works made by independent producers, in order to encourage education, civil development and social progress, to promote the Italian language and Italian culture, to safeguard national identity and provide useful social services.

5. The public contribution to the company holding the general public television broadcasting service franchise, accruing from television licence fees, shall be used exclusively to perform the general public service duties entrusted to that company, with regular audits and without upsetting the balance of trade and competition in the European Community. It is understood that the company holding the franchise may sign contracts or agreements for paid services with public authorities but may not receive any other form of public funding.

**Art. 7**

*(General principles governing local television broadcasting)*

1. Local television broadcasting shall draw on and promote regional and local cultures within the framework of the political, cultural and linguistic unity of the Country as a whole, without prejudice to the provisions for the protection of legally recognised minority language communities.

2. The regulations of the television broadcasting system shall protect local broadcasting and shall in any case reserve a third of the broadcasting capacity, determined on adoption of the plan for the allocation of frequencies for transmission of television broadcasts on terrestrial frequencies, for persons authorised to provide content for broadcasts in that context.

3. One person may not hold more than three franchises or authorisations for television broadcasting within each local user area or more than six for each regional area, including areas that are not adjoining. Without prejudice to the limits laid down in Article 2(1)(l), provincial broadcasters shall be allowed to broadcast in an overall service area no greater than the six regional areas mentioned above, irrespective of the number of franchises or authorisations. Programming, including unified programming, may cover the whole day. The upper limit of six franchises or authorisations shall be deemed to include franchises or authorisations held within each user area. Until the national plan for the allocation of digital television frequencies is fully operational, persons operating legitimately at local level on the date on which the present law enters into force may continue to operate, even in areas outside the abovementioned limits. The provisions contained in this paragraph shall apply equally to Campione d'Italia television broadcasts.

4. Until the national plan for the allocation of digital radio and television frequencies is fully operational, local television broadcasters may broadcast programmes or selected advertising messages for no more than a quarter of the daily transmission time for the various areas comprising the user area for which the franchise or authorisation has been issued. Once the abovementioned plans are operational, authorised local content providers shall have that option. Local television broadcasters may broadcast their own programmes, including the abovementioned selected advertising programmes and messages, from a number of broadcasting stations and may use the necessary telecommunications links for that purpose, provided there is no interference. They may also use the necessary telecommunications links for service communications and movements, for transmission of data irrespective of the area covered and the means of transmission, for directional television alarms and for permanent or temporary links between broadcasters. The use of all the abovementioned telecommunications links shall not entail payment of any fees or contributions over and above the established fee for the activity of local radio and television broadcasting

5. Local television broadcasting firms which undertake, within two months from the date on which the present law enters into force, to broadcast teleshopping programmes amounting to more than 80 % of their overall programmes shall not be subject to the 40 % congestion limit laid down in Article 8, paragraph 9-ter, of Law no 223 of 6 August 1990, as amended by paragraph 6 of this article, or to the information obligations incumbent on local television broadcasters. Those broadcasters may not benefit from contributions, provisions or incentives provided for local television broadcasters under current legislation. Within one hundred and twenty days from the date on which the present law enters into force, after hearing the views of the competent parliamentary committees, an appropriate regulation shall be adopted by the Minister for Communications, in consultation with the Minister for Economic Affairs and Finance, pursuant to Article 17(3) of Law no 400 of 23 August 1988, defining the criteria, in accordance with the principle of proportionality, for withdrawing contributions, provisions or incentives provided for radio or television broadcasters who broadcast misleading advertising messages, with particular attention to the repeated transmission of messages designed to exploit public credulity with due regard to the activities of the supervisory committee referred to in Article 3 of the «Self-regulation code applicable to teleshopping and teleshopping spots for the sale of goods and services relating to astrology, fortune-telling and similar activities,



services relating to predictions concerning the game of lotto, enalotto, superenalotto, totocalcio, totogol, totip, lotteries and similar games», established on 24 July 2002, and any infringements found by that committee.

6. The figure of «35 %» quoted in Article 8, paragraph 9-*ter*, of Law no 223 of 6 August shall be understood to mean the entire transmission time from the opening titles to the closing titles of the programme together with advertisements, as provided in the programme plans.

The phrase «and through daily newspapers and periodicals» contained in Article 1(1) of Law no 175 of 5 February 1992, as amended by Article 3 of Law no 42 of 26 February 1999 and Article 12(1) of Law no 362 of 14 October 1999, shall be amended to read: «, through daily newspapers and periodicals and local television broadcasters». The phrase: «and through daily newspapers and periodicals» contained in Article 4(1) of Law no 175 of 5 February 1992, as amended by Article 3 of Law no 42 of 26 February 1999 and Article 12(4) of Law no 362 of 14 October 1999, shall be amended to read: «through daily newspapers and periodicals and local television broadcasters».

7. The following clause shall be added to Article 6(1)(b) of the regulation referred to in Decree no 430 of the President of the Republic of 26 October 2001: «; in the case of radio broadcasters, listeners who take part in events through a radio link or any other remote link shall also be deemed to be present».

8. Sums earmarked by public authorities or public bodies, including financial bodies, for the purchase of space in the mass communications media for official notices, must be used in their entirety, within the space of each financial year, as to at least 15 % for private local television and local radio announcements broadcast in the territory of Member States of the European Union and as to at least 50 % for daily newspapers and periodicals.

9. The sums referred to in paragraph 10 shall be the sums earmarked for the purchase of advertising space, excluding fees for producing the advertisements.

10. Public authorities and public bodies, including financial bodies, shall be required to inform the *Autorità per le garanzie nelle comunicazioni* of the sums used to purchase space in the mass communications media for official notices. The *Autorità per le garanzie nelle comunicazioni*, acting also through the regional communications committees, shall monitor the publication of official notices in the various mass communications media. Public officials and administrators of public bodies who fail to fulfil the obligations referred to in paragraph 10 shall be required to pay an administrative fine of between € 1,040 and € 5,200. The *Autorità per le garanzie nelle comunicazioni* shall be responsible for determining, defending and imposing the fine. The provisions of Chapter I, Sections I and II, of Law no 689 of 24 November 1981 shall apply.

11. Access to the provisions referred to in Article 11 of Law no 67 of 25 February 1987, as subsequently amended, in Articles 4 and 8 of Law no 250 of 7 August 1990, and Article 7 of Decree-Law no 323 of 27 August 1993, enacted with amendments by Law no 422 of 27 October 1993, shall also be provided for specialist channels authorised to broadcast by satellite, with the exception of conditional access channels, as defined in Article 1(c) of the regulation on promoting the distribution and production of European works, referred to in decision no 9/1999 of the *Autorità per le garanzie nelle comunicazioni* of 16 March 1999, published in *Gazzetta Ufficiale* no 119 of 24 May 1999, which undertake to broadcast

information programmes on the conditions specified in Article 7 of Decree-Law no 323 of 1993, cited above, enacted with amendments by Law no 422 of 1993.

12 The phrase: «20 % for local radio broadcasts» in Article 8(8) of Law no 223 of 6 August 1990, as subsequently amended, shall be amended to read: «25 % for local radio broadcasts».

13. The figure of «20 %» quoted in Article 8(9) of Law no 223 of 6 August 1990, as subsequently amended, shall be amended to read «25 %».

14. Broadcasts of data and information to users, referred to in Article 3(17) of Law no 249 of 31 July 1997, as subsequently amended, may also include broadcasts of advertising material.

16. Administrative fines imposed on local radio or television broadcasting firms within the meaning of Article 174-*bis* of Law no 633 of 22 April 1941, as amended by Article 27 of Legislative Decree no 68 of 9 April 2003, shall be reduced as follows in cases where the local radio or television broadcasting firm has regularised its position with regard to the infringement at issue before the date on which the present law enters into force: to one tenth of the minimum amount in cases where the administrative fine at issue amounts to € 50,000 or less; to one twentieth of the minimum amount in cases where the administrative fine at issue exceeds € 50,000. The fines, as thus reduced, must be paid within 30 days from the date on which the present law enters into force. In cases where the amount due exceeds € 5,000, payment may be made in three two-monthly instalments, starting on the expiry of the time limit of 30 days from the date on which the present law enters into force.

#### **Art. 8**

##### **(Interconnected broadcasts)**

1. The following passage shall be inserted after the words «six hours» in Article 21(2) of Law no 223 of 6 August 1990: «in the case of radio broadcasters and 12 hours in the case of television broadcasters. Changes to the transmission time of simultaneous broadcasts by authorised persons shall be permitted, provided that the Ministry of Communications is notified at least 15 days in advance».

2. Simultaneous or interconnected radio broadcasts, in whatever form, must mention in the course of the programmes the independent and original local identity and the respective identifying names of each broadcaster.

3. The following clause shall be inserted after the words «six hours a day» in Article 39(1) of the regulation referred to in Decree no 255 of the President of the Republic of 27 March 1992: «in the case of radio broadcasters and 12 hours a day in the case of television broadcasters»

4. Local radio or television broadcastings firms which intend to interconnect their stations, on the basis of previous understandings, or by forming a consortium, in order to broadcast productions simultaneously shall apply for authorisation to the Ministry of Communications, which shall take a position within one month; should the Ministry fail to take a position within that time, authorisation will be deemed to have been granted.

5. Authorisation, granted to consortiums of local broadcasters or to broadcasters who have a reciprocal understanding and who have applied for such authorisation, to broadcast

simultaneously for a maximum of 12 hours a day in national territory shall also allow the said persons to broadcast, during the period of interconnection, programmes purchased or produced by the consortium or programmes of foreign television broadcasters operating under the jurisdiction of Member States of the European Union or States that have ratified the abovementioned Convention rendered enforceable by Law no 327 of 5 October 1991, and also satellite programmes. In the event of interconnection with satellite channels or foreign television broadcasters, this may apply for no more than 50 % of the established maximum period of interconnection.

6. Radio broadcasting firms may not use all or part of the name identifying joint programmes at times other than the times of interconnected broadcasts

7. Interconnected broadcasts by local radio or television broadcasting firms shall be governed by Article 21 of Law no 223 of 6 August 1990, save as otherwise provided in this article.

8. The provisions referred to in this article shall not apply to simultaneous or interconnected radio broadcasts by broadcasters who form predominantly common circuits, provided that, during their joint broadcasts, the broadcasters in question broadcast advertising messages within the limits laid down by the joint broadcasters. The application of sanctions on advertising excludes the benefit referred to in this paragraph.

#### **Art. 9**

*(Provisions concerning the redevelopment of television stations)*

1. The following sentence shall be added to Article 2(2) of Decree-Law no 5 of 23 January 2001, enacted with amendments by Law no 66 of 20 March 2001: «The sanctions referred to in the preceding sentence, reduced by one third, shall apply to authorised persons, operating legitimately, who are affected by orders to bring broadcasting stations into line with urban development, environmental or health requirements and who have submitted redevelopment plans to branch offices of the Ministry of Communications, obtaining authorisation for alterations to the stations, with which they have complied within a period of 180 days».

#### **Art. 10**

*(Protection of minors in television programming)*

1. With due regard to compliance with the current national and Community rules on the protection of minors and in particular the rules contained in Article 8(1) and Article 15(10) of Law no 223 of 6 August 1990, television broadcasters must comply with the provisions on the protection of minors laid down in the Code on TV self-regulation and minors, approved on 29 November 2002. Any integration, amendment or adoption of new documents on self-regulation shall be incorporated by decree of the Minister for Communications, issued pursuant to Article 17(3) of Law no 400 of 23 August 1988, subject to obtaining a prior opinion from the parliamentary committee referred to in Law no 451 of 23 December 1997.

2. Television broadcasters shall also be required to ensure, as also provided in the Code referred to in paragraph 1, that special measures for the protection of minors apply in programmes scheduled for transmission between the hours of 16.00 and 19.00 and in programmes directly aimed at minors, with particular regard to advertising messages, promotions and any other form of commercial or advertising communication. Special

measures must be observed in broadcasting commentaries on sports events, particularly football, in order to encourage the spread among young people of values of fair competition in sport and respect for the opponent, so as to prevent acts of violence associated with attendance at sports events.

3. The employment of minors of 14 years of age in television programmes shall be prohibited in advertising messages and advertising spots and shall be governed, as to other programmes, by regulation adopted pursuant to Article 17(3) of Law no 400 of 23 August 1988, by the Minister for Communications, in consultation with the Minister for Labour and Social Policy and the Minister for Equal Opportunities, within 60 days from the date on which the present law enters into force.

4. Measures to verify compliance with the provisions referred to in this article and in Article 15(10) to Article 15(13) of Law no 223 of 6 August 1990, shall be taken by the products and services committee of the Autorità per le garanzie nelle comunicazioni, in collaboration with the committee for the application of the Code on TV self-regulation and minors, and may also be based on reports produced by that committee. The following sentences shall accordingly be inserted at the end of Article 1(6)(b)(6) of Law no 249 of 31 July 1997: «In the event of failure to comply with the rules on the protection of minors, including the rules laid down in the Code on TV self-regulation and minors approved on 29 November 2002, as subsequently amended, the products and services committee of the Authority shall decide whether to impose the sanctions provided for in Article 31 of Law no 223 of 6 August 1990. The sanctions shall apply even if the act constitutes an offence and irrespective of any criminal proceedings. Sanctions imposed either by the Authority or by the committee for the application of the Code on TV self-regulation and minors must be given adequate publicity and the broadcaster on which the sanction is imposed must mention it among the news items broadcast at appropriate or peak viewing times».

5. In the event of breach of the rules on the protection of minors, sanctions shall apply directly in accordance with the procedures laid down in Article 31(3) of Law no 223 of 6 August 1990, not with the procedures mentioned in Article 31(1) and (2) of that law, and in accordance with Sections I and II of Chapter I of Law no 689 of 24 November 1981. The Ministry of Communications shall provide administrative and logistical support for the committee for the application of the Code on TV self-regulation and minors out of its own instrumental and staff resources, without making further demands on the State budget.

6. The minimum and maximum fines imposed under Article 31(3) of Law no 223 of 6 August 1990 in the event of breach of the rules on the protection of minors shall be € 25,000 and € 350,000 respectively.

7. The Autorità per le garanzie nelle comunicazioni shall submit to Parliament, by 31 March each year, a report on the protection of the rights of minors, the provisions adopted and any sanctions imposed. The Autorità per le garanzie nelle comunicazioni shall send a report to the parliamentary commission for infancy referred to in Law no 451 of 23 December 1997 every six months, on the performance of activities for which it is responsible in connection with the protection of the rights of minors, with particular reference to the activities specified in this article, accompanied by any notes, suggestions or comments.

8. The following sentence shall be inserted after the first sentence in Article 114(6) of the Code of Criminal Procedure: «The publication of items which may lead, even indirectly, to the identification of the abovementioned minors shall also be prohibited».

9. The Minister for Communications, in agreement with the Minister for Education, Universities and Scientific Research, by a decree to be issued within 90 days from the date on which the present law enters into force, shall make provision for campaigns to be conducted in schools to encourage correct and conscious use of television and for television broadcasts to parents for the same purpose, again at appropriate times, with particular reference to broadcasts transmitted by the company holding the public television broadcasting service franchise.

10. The quotas reserved for broadcasts of European works, laid down in Article 2(1) of Law no 122 of 30 April 1998, shall also cover cinematographic works or works for television, including animated films, aimed specifically at minors, and productions and programmes suitable for minors or for viewing by minors and adults. The minimum transmission time reserved for such works and programmes shall be determined by the Autorità per le garanzie nelle comunicazioni.

#### **Art. 11**

*(Principle governing the protection of European audio-visual productions)*

1. Television content providers shall encourage the development and dissemination of European audio-visual productions, in accordance *inter alia* with the provisions on independent producers contained in Article 2 of Law no 122 of 30 April 1998, and shall in any case reserve most of their national transmission time on terrestrial frequencies for European works, except for the time set aside for news, sports events, television games, advertising or teletext services, discussions and teleshopping. Applications for exemption may be submitted to the Autorità per le garanzie nelle comunicazioni in accordance with the provisions contained in Article 5 of the abovementioned regulation referred to in that Authority's decision no 9/1999 of 16 March 1999.

#### **Art. 12**

*(Efficient use of the electromagnetic spectrum)*

1. The electromagnetic spectrum is an essential resource for the purposes of television activity. Persons pursuing broadcasting activities shall be required to ensure efficient use of the radio frequencies allocated to them and, in particular, to:

- a) guarantee the integrity and efficiency of their own networks;
- b) minimise the environmental impact in accordance with the national, regional, provincial and local environmental and urban development regulations;
- c) avoid risks to human health, with due regard to national and international regulations;
- d) guarantee the quality of the signals emitted, in accordance with the technical specifications laid down by the Autorità per le garanzie nelle comunicazioni and the international authorities;
- e) ensure adequate coverage of the user areas allocated under their respective permits;
- f) ensure that their broadcasts do not interfere with other legitimate broadcasts.

2. Failure to comply with the principles referred to paragraph 1, or failure for any reason to use the radio frequencies allocated, shall entail withdrawal or reduction of the allocation.

Those measures shall be adopted by the body that allocated the radio frequencies, in cases where the person concerned has been informed that proceedings have been initiated and has been invited to regularise its broadcasting activity but has failed to do so within a period of six months from the date on which the injunction is served.

3. The Autorità per le garanzie nelle comunicazioni shall adopt and update the national plan for the allocation of digital radio and television frequencies so as to guarantee, throughout the territory of the State, efficient and pluralist use of radio-electric resources, uniform coverage, rational distribution of resources between national and local operators in accordance with the principles laid down in the present law, and due allowance for legally recognised minority language communities.

4. Radio frequencies shall be allocated in accordance with objective, transparent, non-discriminatory and proportionate public criteria.

5. The allocation plan, as subsequently amended and integrated, shall be submitted to the regions for an opinion on the location of stations and shall, for the purpose of protecting minority language communities, be agreed with the autonomous regions of Valle d'Aosta and Friuli Venezia Giulia and the autonomous provinces of Trento and Bolzano. Opinions and agreements shall be obtained in accordance with the procedures laid down in Article 1 of Law no 122 of 30 April 1998.

6. The Autorità per le garanzie nelle comunicazioni shall issue its own regulation, to comply with and implement current legislation, defining the general criteria for establishing electronic communications networks, ensuring that the relevant permits are issued by the competent authorities with due regard to the criteria of equal access to land and subsoil, equity, proportionality and non-discrimination.

7. In cases where new permits to establish [networks] cannot be issued, or for the purpose of protecting pluralism and ensuring effective competition, the Autorità per le garanzie nelle comunicazioni shall issue its own regulation establishing detailed rules for sharing infrastructures, broadcasting stations and network facilities.

### **Art. 13**

#### *(Autorità per le garanzie nelle comunicazioni)*

1. The Autorità per le garanzie nelle comunicazioni, in performing the duties entrusted to it by law, shall ensure compliance with the fundamental rights of the individual in the communications sector, including the television communications sector.

2. The duties referred to in paragraph 1 shall be performed *inter alia* through the regional communications committees (CORECOM) and the organisation of those committees, in respect of sick leave and annual leave for their chairmen and members, shall be referred, without any new or additional burden on the public purse, to the Autorità per le garanzie nelle comunicazioni, which shall issue appropriate regulations within 60 days from the date on which the present law enters into force.

3. These provisions shall be without prejudice to the powers conferred by law in the television broadcasting sector on the authorities responsible for personal data protection and for competition and the market.

## Chapter II

### PROTECTION OF COMPETITION AND THE MARKET

#### Art. 14

*(Establishment of the existence of dominant positions in the integrated communications system)*

1. Operators in the integrated communications system shall be required to inform the Autorità per le garanzie nelle comunicazioni of any understandings and concentration operations, in order to allow compliance with the principles set out in Article 15 to be verified in accordance with the procedures laid down in an appropriate regulation adopted by that Authority.

2. The Autorità per le garanzie nelle comunicazioni, on notice from whomsoever it may concern or, periodically, of its own motion, having identified the relevant market in accordance with the principles set out in Articles 15 and 16 of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002, shall verify that dominant positions are not being formed in the integrated communications system and the markets that comprise it and that the limits referred to in Article 15 of the present law are respected, taking into account *inter alia*, in addition to income, the level of competition within the system, the barriers to entry to the system, the degree of economic efficiency of the firm and statistics on the transmission of television programmes, editorial products and cinematographic or phonographic works.

3. Where the Autorità per le garanzie nelle comunicazioni finds that a firm or a group of firms operating in the integrated communications system is in a position in which it is likely to exceed the limits referred to in Article 15, it shall issue a public reprimand, drawing attention to the risk and naming the firm or group of firms and the market concerned. Should a breach of the abovementioned limits be found, the Authority shall take action under Article 2(7) of Law no 249 of 31 July 1997.

4. Legal acts, concentration operations and understandings that contravene the prohibitions referred to in this Chapter shall be null and void.

5. The phrase: «of the present law» in Article 2(16) of Law no 249 of 31 July 1997 shall be amended to read: «in the integrated communications system»; and the phrase: «, for the purposes of the present law,» in the last sentence of that paragraph shall be deleted.

#### Art. 15

*(Limits on the cumulation of television and radio programmes and the acquisition of resources in the integrated communications system. Provisions on advertising)*

1. Once the national plan for the allocation of digital radio and television frequencies is fully operational, a single content provider may not, even through companies that may be regarded as controlled or linked companies within the meaning of Article 2(17) and (18) of Law no 249 of 31 July 1997, hold authorisations to broadcast more than 20 % of all television programmes or more than 20 % of radio programmes that can be transmitted nationwide on terrestrial frequencies through the networks provided for under that plan.

2. Without prejudice to the ban on forming dominant positions in the various markets that make up the integrated communications system, persons qualifying for compulsory entry in the register of communications operators established under Article (1)(6)(a)(5) of Law no 249 of 31 July 1997 may not, either directly or indirectly through controlled or linked persons within the meaning of Article (2) (17) and (18) of the abovementioned Law no 249 of 1997, acquire income exceeding 20 % of the total income of the integrated communications system.

3. The income referred to in paragraph 2 shall be income from the funding of the public television broadcasting service, net of tax, from national and local advertising, including direct advertising, from teleshopping, from sponsorship, from distribution of the product at the point of sale, disregarding any action affecting prices, from agreements with public bodies of a permanent nature and from public provisions granted directly to persons exercising the activities mentioned in Article 2(1)(g), from pay-per-view television, from subscriptions and from the sale of daily papers and periodicals, including books and phonographic products sold with those publications, and from national press agencies, from electronic publishing and annuals, including publishing through the INTERNET, and from the use of cinematographic works in various forms for the enjoyment of the public.

4. Firms, including firms operating through controlled or linked companies, whose income in the telecommunications sector, as defined under Article 18 of Legislative Decree no 259 of 1 August 2003, exceeds 40 % of the total income in that sector, may not acquire income in the integrated communications system exceeding 10 % of that system.

5. The phrase: «and having regard to the criteria mentioned in paragraphs 1 and 8», in the first sentence of Article 2(7) of Law no 249 of 31 July 1997, shall be deleted.

6. Persons exercising television broadcasting activity nationwide through more than one network may not, until 31 December 2010, acquire shares in firms publishing daily newspapers or participate in the establishment of new firms publishing daily newspapers. The prohibition shall also apply to controlled, controlling or linked firms within the meaning of Article 2359 of the Civil Code.

7. In accordance with the provisions contained in Article 18(1) and (2) of Council Directive 89/552/EEC of 3 October 1989, as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 and without prejudice to the peak advertising times and days mentioned in Law no 223 of 6 August 1990, Article 8 of the said Law no 223 of 1990, as subsequently amended, shall be amended as follows:

a) the word: «messages» in paragraph 7 shall be amended to read: «spots»;

b) the phrase: «other than advertising spots» shall be inserted after the words: «shall be understood to mean forms of advertising» and the phrase: «forms of advertising other than the offers referred to in this paragraph» shall be amended to read: «advertising spots», in the first sentence of paragraph 9-bis; and the word: «offers» shall be amended to read: «advertising other than advertising spots», in the second sentence of that paragraph.

8. Article 10 of Law no 62 of 7 March 2001 shall be replaced by the following:

«Art. 10 – (*Advertising messages to promote books and reading*). – 1. Advertising messages forming part of initiatives taken by specialist institutions, bodies and associations, producers and publishers, with a view to mobilise public opinion vis-à-vis books and reading, broadcast free of charge or on favourable terms by public or private television or radio



broadcasters, shall not be taken into consideration for the purpose of calculating the upper limits referred to in Article 8 of Law no 223 of 6 August 1990, as subsequently amended».

### Chapter III

## PRINCIPLES AND CRITERIA GOVERNING THE ISSUE OF THE CONSOLIDATED LEGISLATION ON TELEVISION BROADCASTING

### Art. 16

*(Authority delegated to the Government to issue the consolidated legislation on television broadcasting)*

1. Authority shall be delegated to the Government to adopt, within 12 months from the date on which the present law enters into force, in agreement with the Autorità per le garanzie nelle comunicazioni and having obtained the opinions referred to in paragraph 3, a legislative decree comprising the consolidated legislative provisions on radio and television broadcasting, to be called the “consolidated broadcasting legislation”, coordinating the current rules, integrating them and introducing the amendments and repeals required in order to coordinate them or to ensure that they are as effective as possible, with due regard to the Constitution, the rules of international law applicable within the national legal order, and the obligations arising from Italian membership of the European Union and the European Communities.

2. The regions shall exercise concurrent legislative powers with respect to regional or provincial television broadcasting with due regard to the fundamental principles laid down in Chapter I and on the basis of the following principles, as set out in the consolidated text referred to in paragraph 1:

*a)* provision shall be made to ensure that regional or provincial digital television programmes are transmitted on the frequency bands set aside for those services under the current radio communications regulations of the International Telecommunications Union, with due regard to international agreements, national and European Union legislation, and the national plans for the distribution and allocation of radio frequencies;

*b)* regional or local bodies shall be granted powers to issue the permits, authorisations and franchises required for access to the sites set aside in the national plan for the allocation of frequencies, on the basis of the current national and regional provisions, for the purpose of establishing networks and stations, with due regard to the principles of non-discrimination, proportionality and objectivity, and to the current provisions for the protection of health, the land, the environment, the countryside and the beauties of nature;

*c)* regional or local bodies shall be granted powers to issue authorisations to content providers or to providers of associated interactive services or conditional access services for broadcasts at regional or provincial level respectively;

*d)* provision shall be made to ensure that the permits referred to in subparagraph *c)* are issued in accordance with objective criteria, taking into account the economic potential of the applicants, the quality of the proposed programming and the technological and radioelectrical projects, previous presence on the market, hours of transmission completed, the quality of the programmes, the percentage of shows and information services produced by the applicant, the number of staff employed, with particular regard to professional journalists, and recorded audience figures; holders of a licence to operate a local digital television network who have applied for one or more authorisations to pursue the activity of provider referred to in

subparagraph *b*), shall be entitled to be granted at least one authorisation to broadcast in the block of digital television programmes referred to in the licence issued;

*e*) the regional legislation shall define the specific public service duties that the company holding the general public broadcasting service franchise is required to perform within the programming schedule and network for broadcasting content at regional level or, in the case of the autonomous provinces of Trento and Bolzano, at provincial level, with due regard to the principles laid down in the present law; an adequate regional or provincial information service shall in any case be guaranteed;

*f*) the regions and the autonomous provinces of Trento and Bolzano shall be granted the right to sign, with the agreement of the Ministry of Communications, specific service contracts with the company holding the general public broadcasting service franchise, defining the obligations referred to in subparagraph *e*) with due regard to the right of the company holding the franchise to take economic decisions, including decisions as to the organisation of the firm; further fundamental principles relating to the specific sector of regional or provincial broadcasting may be covered by the legislative provisions in force on the date on which the present law enters into force with respect to local television broadcasting, having due regard to the legal and economic unity of the State and ensuring that services relating to civil and social rights are maintained at the necessary level and that public safety and security are protected.

3. The draft of the Legislative Decree referred to in paragraphs 1 and 2 shall, after obtaining the opinion of the standing conference on relations between the State, the regions and the autonomous provinces of Trento and Bolzano, hereinafter referred to as the «State-Regions Conference», be forwarded to the Chambers in order to obtain the opinions of the competent parliamentary committees, including the opinion of the parliamentary committee for regional matters, which must be delivered within 60 days from the date of submission to the said committees. Once those opinions have been obtained, the Government shall return the text, with its own comments and any amendments, to the State-Regions Conference and the Chambers for their final opinions, which must be delivered within 30 and 60 days respectively.

4. The State regulatory provisions in force on the date on which the present law enters into force with respect to matters pertaining to regional legislation shall continue to apply, in each region, until the date on which the regional provisions on the subject enter into force.

#### **Chapter IV**

### **DUTIES OF THE GENERAL PUBLIC TELEVISION BROADCASTING SERVICE AND REFORM OF RAI-RADIOTELEVISIONE ITALIANA SPA**

#### **Art. 17**

*(Definition of duties of the general public television broadcasting service)*

1. The general public television broadcasting service shall be entrusted by franchise to a joint-stock company, which shall perform the service on the basis of a national service contract signed with the Ministry of Communications, regional service contracts and, in the case of the autonomous provinces of Trento and Bolzano, provincial service contracts, which shall define the rights and obligations of the company holding the franchise. The contracts shall be renewed every three years.

2. The general public television broadcasting service, within the meaning of Article 6(4), shall in any case guarantee:

*a)* broadcasts of all public service television and radio programmes of the company holding the franchise, with full coverage of all national territory, in so far as the state of science and technology permit;

*b)* an adequate number of hours of television and radio broadcasts devoted to education, information, training, and the promotion of culture, with particular regard to increasing appreciation of dramatic works, cinematographic works and works for television, including works in the original language, and musical works, recognised as being highly artistic or innovative; the number of hours shall be defined every 3 years in consultation with the Autorità per le garanzie nelle comunicazioni; recreational broadcasts for minors shall not be taken into account in calculating the number of hours;

*c)* broadcasts of the programmes referred to in subparagraph *b)*, in due proportions, at all times of day, including peak periods, and in all television and radio programmes;

*d)* access to programming, within the limits and in accordance with the detailed rules prescribed by law, for parties and groups represented in Parliament and in regional assemblies and councils, organisations associated with local authorities, national trade unions, religious denominations, political movements, political and cultural bodies and associations, legally recognised national associations of the cooperative movement, social welfare associations entered in the national and regional registers, ethnic and language groups and such other groups of substantial social interest as may request access;

*e)* establishment of a company for the production, distribution and transmission to other countries of television programmes designed to promote knowledge and appreciation of the Italian language, Italian culture and Italian firms by using programmes and broadcasts of the most important productions on the national audio-visual scene;

*f)* broadcasts of radio and television programmes in German and Ladin in the autonomous province of Bolzano, in Ladin in the autonomous province of Trento, in French in the autonomous region of Valle d'Aosta, and in Slovene in the autonomous region of Friuli Venezia Giulia;

*g)* free broadcasts of messages of social utility or public interest, requested by the Presidency of the Council of Ministers, and broadcasts providing adequate information on conditions on Italian roads and motorways;

*h)* broadcasts, at appropriate hours, of programmes aimed specifically at minors, taking account of the needs and sensibilities of young children and adolescents;

*i)* provision for keeping historical radio and television archives and guaranteeing public access thereto;

*l)* allocation of a quota of not less than 15 % of total annual income to the production of European works, including works made by independent producers; that quota shall apply as from the first service contract signed after the date on which the present law enters into force;

*m)* establishment, within the time limits specified in the present law, of infrastructures for the transmission of digital television programmes on terrestrial frequencies;

*n)* establishment of digital interactive public utility services;

*o)* compliance with the limits on peak-time advertising laid down in Article 8(6) of Law no 223 of 6 August 1990;

*p)* provision for the company holding the franchise to have one or more national offices, offices in each region and, for the region of Trentino-Alto Adige, in the autonomous provinces of Trento and Bolzano;

*q)* adoption of appropriate measures to protect persons with sensory disabilities, pursuant to Article 4(2);

r) optimum use and development of decentralised production centres, in particular for the purposes referred to in subparagraph b) and for the purpose of promoting local culture and local language facilities;

s) provision for distance teaching activities.

3. The regional offices or, in the case of the autonomous provinces of Trento and Bolzano, provincial offices of the company holding the general public television broadcasting service franchise shall operate under a system of financial and accounting autonomy with regard to the activity of fulfilling the public service obligations entrusted to them.

4. Guidelines on the content of further obligations incumbent on the general public television broadcasting service, defined in relation to market developments, technological advances and changes in local and national cultural requirements, shall be laid down by decision to be adopted in agreement with the *Autorità per le garanzie nelle comunicazioni* and the Minister for Communications prior to each 3-yearly renewal of the national service contract.

5. The company to which the general public television broadcasting service is entrusted by franchise shall be allowed to pursue, directly or through linked companies, commercial and editorial activities connected with the transmission of images, sound and data, and related activities, provided that they are not detrimental to the optimum performance of the public services covered by the franchise and that they contribute to the balanced management of the company.

### **Art. 18**

#### *(Funding of the general public television broadcasting service)*

1. For the purpose of determining the cost of providing the general public television broadcasting service, covered by the licence fees referred to in Royal Decree-Law no 246 of 21 February 1938, enacted by Law no 880 of 4 June 1938, as subsequently amended, and to ensure transparency and responsibility in the use of public funds, the company holding the franchise shall produce an annual balancesheet showing, under separate headings, income from fees and expenses incurred in the previous calendar year in connection with the provision of the said service, on the basis of a plan approved by the *Autorità per le garanzie nelle comunicazioni*, charging or allocating the costs on the basis of consistently applied and objectively justified accounting principles and defining clearly the analytic accounting principles on which the separate accounts are to be kept. Whenever the same staff, equipment, plant or other resources are used to discharge general public service duties and for other activities, the relevant costs must be shared on the basis of the difference between the total costs to the company, including and excluding public service activities. The balancesheet shall be forwarded to the *Autorità per le garanzie nelle comunicazioni* and the Ministry of Communications within 30 days of the date on which it is approved.

2. The separate accounts kept in accordance with paragraph 1 shall be subject to audit by a company of auditors nominated by the company holding the franchise and chosen by the *Autorità per le garanzie nelle comunicazioni* from the auditors entered in the appropriate list held by the National Companies and Stock Exchange Commission pursuant to Article 161 of the consolidated text referred to in Legislative Decree no 58 of 24 February 1998. The activities of the auditors shall be governed by the rules set out in Title III, Chapter II, Section

IV in Part IV of the consolidated text referred to in Legislative Decree no 58 of 24 February 1998.

3. The Minister for Communications shall issue a decree before the month of November each year, setting the amount of the licence fee to apply from 1 January in the following year, so as to enable the company holding the franchise to provide the service to cover the costs that are likely to be incurred in that year in fulfilling the specific obligations associated with the general public television broadcasting service entrusted to that company, estimated on the basis of the last balancesheet to be submitted and allowing for the expected rate of inflation and the demands of technological developments within the industry. Income from licence fees shall be distributed with due regard to the territorial organisation of the national networks so as ensure that they retain their economic autonomy.

4. The Company holding the franchise to provide the public service, referred to in paragraph 3 may not, directly or indirectly, use the income from licence fees to fund activities not connected with the general public television broadcasting service.

### **Art. 19**

#### *(Verification of performance of duties)*

1. In accordance with the principle established in the Communication from the European Commission on the application of State aid rules to public service broadcasting (2001/C 320/04), published in the *Official Journal of the European Communities* C 320 of 15 November 2001, the Autorità per le garanzie nelle comunicazioni shall be entrusted with the task of verifying that the general public television broadcasting service is effectively provided in accordance with the provisions contained in the present law, the national service contract and the specific service contracts concluded with the regions and the autonomous provinces of Trento and Bolzano, with due regard also to the parameters of service quality and indications of user satisfaction defined in the contract itself.

2. In cases of suspected failure to fulfil the obligations referred to in paragraph 1, the Autorità per le garanzie nelle comunicazioni shall, of its own motion or on the initiative of the Ministry of Communications in the case of the national service contract or of the regions and the autonomous provinces of Trento and Bolzano in the case of contracts signed by them, give notice of the initiation of investigations to the legal representative of the company holding the franchise, who shall have the right to be heard in person or by proxy within the time set when the notice is issued and shall be allowed to present deductions and opinions at any stage in the investigations and to be heard again before the investigations are concluded.

3. The Autorità per le garanzie nelle comunicazioni may, at any stage in the investigations, require firms, bodies or persons in possession of information or documents useful for the purposes of the investigations to provide the information and produce the documents; order inspections for the purpose of checking company documents and taking copies of them, if necessary with the cooperation of other State bodies; order expert opinions and economic and statistical reports, and require experts to be consulted on any matter that is relevant for the purposes of the investigations.

4. All notices, information or data relating to firms that are the subject of investigation by the Autorità per le garanzie nelle comunicazioni shall be covered by the provisions on official secrets, and shall also be covered by those provisions vis-à-vis the public authorities.

5. Officials of the Autorità per le garanzie nelle comunicazioni in the exercise of the functions referred to under paragraph 3 shall be deemed to be public officials. They shall be covered by the provisions on official secrets.

6. By act of the Autorità per le garanzie nelle comunicazioni, persons asked to provide the information or documents referred to in paragraph 3 shall be required to pay an administrative fine of up to € 25,000 if they refuse or fail without good reason to provide the information or produce the documents, or an administrative fine of up to € 50,000 if they provide incorrect information or produce false documents. These fines shall be without prejudice to the various sanctions provided for under the current system.

7. If, as a result of its investigations, the Autorità per le garanzie nelle comunicazioni finds that there has been a breach of the obligations referred to in paragraph 1, it shall set a time limit of no more than 30 days for the company holding the franchise to bring the breach to an end. In the case of serious breaches, depending on the gravity and duration of the breach, the Authority shall also impose an administrative fine of up to 3 % of the sales made in the last financial year completed before notice was served, setting a time limit of no more than 30 days for the company to pay the fine.

8. In the event of failure to comply with the notice referred to in paragraph 7, the Autorità per le garanzie nelle comunicazioni shall impose the fine of up to 3 % of sales or, in cases where the fine referred to in paragraph 7 has been imposed, a fine of no less than twice the amount of the fine already imposed, with an upper limit of 3 % of sales as identified in paragraph 7, and shall also set a time limit for payment of the fine. In the event of repeated failure to comply, the Autorità per le garanzie nelle comunicazioni may order the firm to cease trading for up to 90 days.

9. The Autorità per le garanzie nelle comunicazioni shall give an account of the results of the checks each year in the annual report.

## **Art. 20**

### *(Rules governing RAI-Radiotelevisione italiana Spa)*

1. The general public television broadcasting service franchise shall be granted to RAI-Radiotelevisione italiana Spa for a period of 12 years from the date on which the present law enters into force.

2. Save as otherwise provided in the present law, RAI-Radiotelevisione italiana Spa shall be governed by the general rules applicable to joint-stock companies, including the rules on organisation and administration.

3. The board of governors of RAI-Radiotelevisione italiana Spa, comprising nine members, shall be appointed by the assembly. In addition to its role as governing body of the company, the board shall also exercise supervisory functions to ensure correct compliance with the aims and obligations of the general public television broadcasting service.

4. Persons who meet the requirements for appointment to constitutional office pursuant to Article 135(2) of the Constitution, or in any case persons of recognised professional ability and repute, who are known for their independent conduct, who have achieved distinction in

economic, scientific or legal activities, in the humanities or in the sphere of social communications, and who have substantial experience of management shall be eligible for appointment to the board of governors. If they are in employment, they shall, on request, serve in an unpaid capacity for the duration of their appointment. Members of the board of governors shall be appointed for a term of three years and appointments may be renewed once.

5. The chairman of the board of governors shall be appointed by the members of the board and the appointment shall take effect after it has been endorsed, by a two-thirds majority, by the parliamentary committee for the general direction and monitoring of television broadcasting services.

6. The governors shall be elected by voting on lists. To that end, the assembly shall be convened with advance notice, to be published in accordance with Article 2366 of the Civil Code, of at least 30 days before the day set for the meeting; the agenda that is published must contain all the subjects to be discussed and they may not be amended or integrated during the meeting, otherwise any decisions will be void under Article 2379 of the Civil Code; lists may be presented by shareholders who represent at least 0.5 % of the shares with the right to vote in the ordinary assembly and shall be brought to public attention, by depositing them at the head office of the company and publishing notices in three national daily newspapers, including two financial newspapers, at least 20 and 10 days respectively before the meeting. Save as otherwise provided in this article in respect of the maximum number of candidates on the list presented by the Ministry of Economic Affairs and Finance, each list shall contain a number of candidates equal to the number of board members to be elected. Each shareholder with a right to vote may vote for one list only. Should more than one list be presented, the votes cast for each list shall be divided by whole numbers from one to the number of candidates to be elected; the resulting quotients shall be allocated progressively to the candidates on each list, in the order in which they appear on the list, to form a single graded list on which candidates are placed on the basis of the quotient obtained. Those obtaining the highest quotients shall be elected. Should candidates have equal quotients, the candidate on the list presented by the shareholder holding fewer shares shall be elected. The procedures referred to in this paragraph shall also apply to the election of the trade union college.

7. Until the State has disposed of all its shares in the company, the Ministry of Economic Affairs and Finance's representative in the assembly shall, in connection with the appointment of members of the board of governors, present a list of candidates, indicating the maximum number of candidates in proportion to the number of shares held by the State. That list shall be drawn up on the basis of the deliberations of the parliamentary committee for the general direction and monitoring of television broadcasting services, and the indications provided by the Ministry of Economic Affairs and Finance, and shall be presented immediately in accordance with the detailed rules and proportional criteria set out in paragraph 9.

8. In meetings of the assembly of the company holding the franchise, convened to take decisions to annul or which entail the annulment or promotion of actions for which it is responsible to the governors, the Ministry of Economic Affairs and Finance's representative shall vote in accordance with the decision of the parliamentary committee for the general direction and monitoring of television broadcasting services communicated to that Ministry.

9. So long as the number of shares disposed of does not represent more than 10 % of the capital of RAI-Radiotelevisione italiana Spa, in view of the clear and pressing reasons of general interest for the company holding the franchise to continue to provide the general public television broadcasting service, the parliamentary committee for the general direction and monitoring of television broadcasting services shall, for the purpose of the single list to be drawn up in accordance with paragraph 7, indicate seven members to be selected by a single vote; the remaining two members, including the chairman, shall on the contrary be indicated by the majority shareholder. The appointment of the chairman shall take effect after it has been endorsed, by a two-thirds majority, by the parliamentary committee for the general direction and monitoring of television broadcasting services. Should the president or one or more members resign or be permanently prevented from serving, new members shall be appointed in accordance with the procedures referred to in this paragraph within 30 days from the day on which the committee is formally notified of the resignation.

10. The provisions referred to in paragraphs 1 to 9 shall enter into force on the 90th day after the day on which the first public flotation, pursuant to Article 21(3), closes. Should it be necessary to appoint the board of governors before that date, because its term of office has come to an end or for any other reason, the board shall be appointed in accordance with the procedures referred to in paragraphs 7 and 9.

#### **Art. 21**

##### *(Winding-up of State participation in RAI-Radiotelevisione italiana Spa)*

1. The merger comprising the incorporation of RAI-Radiotelevisione italiana Spa in RAI-Holding Spa shall be completed within 60 days from the date on which the present law enters into force. For the purposes of that operation, the time limits set in the last paragraph of Article 2501-ter, the first paragraph of Article 2501-septies, and the first paragraph of Article 2503 of the Civil Code, shall be drastically reduced. The licences, authorisations and franchises held by RAI-Radiotelevisione italiana Spa shall, under the present law, be transferred automatically to the incorporating company, without further formalities.

2. As a result of the merger operation referred to under paragraph 1, RAI-Holding Spa shall take the company name: «RAI-Radiotelevisione italiana Spa» and the board of governors of the incorporated company shall assume the functions of board of governors of the company resulting from the merger. The provisions of the present law relating to RAI-Radiotelevisione italiana Spa shall be understood to apply to the company resulting from the merger operation.

3. The process of disposing of the State's shares in RAI-Radiotelevisione italiana Spa, as resulting from the merger operation referred to in paragraph 1, shall be initiated within four months from the date on which the merger by incorporation referred to in paragraph 1 is completed. The shares shall be disposed of by public flotation, in accordance with the consolidated text referred to in Legislative Decree no 58 of 24 February 1998, as subsequently amended, and the relevant implementing regulations, and in Decree-Law no 332 of 31 May 1994, enacted with amendments by Law no 474 of 30 July 1994, as subsequently amended. The times, detailed rules on presentation, conditions and other aspects of the public sale or sales referred to in this paragraph shall be defined in one or more decisions of the interministerial committee for economic planning.



4. A proportion of the shares disposed of shall be reserved for persons attending the sale who produce evidence to show that they have paid the licence fee referred to in Royal Decree-Law no 246 of 21 February 1938, enacted by Law no 880 of 4 June 1938, as subsequently amended, for at least one year. Those shares may not be disposed of within 18 months of the date on which they were purchased.

5. In view of the clear and pressing reasons of general interest and public policy connected with the general public television broadcasting service franchise granted to RAI-Radiotelevisione italiana Spa, the clause on limitation of shareholdings, laid down in Article 3(1) of Decree-Law no 332 of 31 May 1994, enacted with amendments by Law no 474 of 30 July 1994, setting an upper limit of 1 % on shareholdings carrying voting rights for all the persons indicated in the said paragraph 1, shall be inserted in the articles of association of the company. Voting pacts between syndicates or block votes shall also be prohibited, as shall any form of agreement relating to the exercise of rights pertaining to shares in RAI-Radiotelevisione italiana Spa, including agreements made through controlled, controlling or linked persons, between persons whose total holdings exceed the limit of 2 % on shareholding, with respect to shares carrying voting rights, or joint presentation of lists by persons in that position. These clauses shall be inserted in the articles of association of the company automatically, shall not be open to amendment, and shall remain in force indefinitely.

6. RAI-Radiotelevisione italiana Spa may not dispose of any company branches before 31 December 2005.

7. The proceeds of operations to place ordinary shares in RAI-Radiotelevisione italiana Spa on the market shall be allocated, as to 75 %, to the sinking-fund for State holdings referred to in Law no 432 of 27 October 1993, as subsequently amended. The remainder shall be used to fund the purchase and rental incentives referred to in Article 25(7).

## **Chapter V**

### **TRANSITIONAL AND FINAL PROVISIONS AND REPEALS**

#### **Art. 22**

*(Implementation of the national plan for the allocation of digital radio and television frequencies)*

1. The Autorità per le garanzie nelle comunicazioni shall define the programme for implementing the national plan for the allocation of digital radio and television frequencies, with due regard to experiment and to the principles of gradualness and safeguarding the service for the protection of users.

2. In the event of any dispute concerning the application of frequency plans and access to infrastructures, the provisions of Article 1(11) of Law no 249 of 31 July 1997 shall apply.

#### **Art. 23**

*(Rules governing the opening phase of digital television transmissions)*

1. Until the national plan for the allocation of digital television frequencies is fully operational, persons exercising television broadcasting activities in any capacity at national or local level, who meet the requirements for obtaining authorisation to experiment with digital

terrestrial transmissions within the meaning of Article 2-*bis* of Decree-Law no 5 of 23 January 2001, enacted with amendments by Law no 66 of 20 March 2001, may undertake the said experiments, including experiments using simultaneous repeats of programmes already broadcast in analogue mode, until the conversion of the networks has been completed and may apply for licences and authorisation to start digital terrestrial transmissions from the date on which the present law enters into force and within the limits and time limits specified in decision no 435/01/CONS of the *Autorità per le garanzie nelle comunicazioni* of 15 November 2001, published in the ordinary supplement to *Gazzetta Ufficiale* no 284 of 6 December 2001, as subsequently amended.

2. Experiments with digital transmissions may be conducted in stations legitimately operating in analogue mode on the date on which the present law enters into force.

3. Transfers of plant or company branches between persons legitimately exercising television broadcasting activities at national or local level shall be permitted for the purposes of establishing digital networks, provided that any material acquired is intended for digital broadcasting.

4. In the event of undue pressure on television frequencies that may be used for experiments with digital terrestrial television broadcasts and interactive services within the meaning of Article 41(7) of Law no 3 of 16 January 2003, the provisions of Article 195 of the consolidated legislative provisions on postal services, postal banking and telecommunications, referred to in Decree no 156 of the President of the Republic of 29 March 1973, as subsequently amended, shall apply.

5. From the date on which the present law enters into force, a television network operator's licence shall be issued, on request, to persons legitimately exercising television broadcasting activities, under franchise or by general consent in accordance with paragraph 1, if they produce evidence to show that they have provided coverage for not less than 50 % of the population or of the local area.

6. Persons applying for a television network operator's licence must undertake, by a specific declaration to be made in the application, to comply with any provisions that may be established as part of the provision made in Article 29 of the regulation on digital terrestrial broadcasting, referred to in decision no 435/01/CONS of the *Autorità per le garanzie nelle comunicazioni* of 15 November 2001, published in the ordinary supplement to *Gazzetta Ufficiale* no 284 of 6 December 2001, as subsequently amended.

7. Applications for a national television network operator's licence may also be presented by persons operating legitimately at local level who produce evidence to show that they meet the requirements for the issue of a national television network operator's licence, who undertake to provide coverage for not less than 50 % of the population within six months of making the application, and relinquish their local television broadcasting permit.

8. Persons operating legitimately at local level, under franchise or authorisation, on the date on which the present law enters into force, may continue to exercise the activity of local network operator if they have a number of broadcasters covering in any case less than 50 % of the population.

9. In order to facilitate the conversion of the system from analogue to digital, transmission of television programmes shall continue, using stations legitimately operating on the date on which the present law enters into force. The list of sites contained in the national plan for the allocation of television broadcasting frequencies shall continue to be used for the purpose of relocating stations that repeatedly exceed or play a part in exceeding the limits and values established pursuant to Article 1(6)(a)(15) of Law no 249 of 31 July 1997.

10. The Ministry of Communications shall authorise appropriate technical modifications and operational changes to rationalise the existing analogue networks and facilitate their conversion to digital and, until the entry into force of the regional laws granting those powers to the region or province in accordance with Article 16(2)(b), shall authorise the relocation of stations required to achieve those aims.

11. Broadcasting and link stations operating legitimately may be converted to digital technology. The operator shall be required to inform the Ministry of Communications immediately when that takes place.

12. All frequencies set aside for the broadcasting service shall be used for transmitting in analogue and digital mode, without distinction; the current rules reserving three channels exclusively for digital experiments shall be repealed.

13. The provisions contained in Article 9 of the regulation on satellite broadcasts of television programmes, referred to in Annex A to decision no 127/00/CONS of the Autorità per le garanzie nelle comunicazioni of 1 March 2000, published in *Gazzetta Ufficiale* no 86 of 12 April 2000, shall not be affected.

14. Until 31 December 2006, the provisions on the establishment of electronic communications infrastructures shall apply to the establishment of digital terrestrial networks.

15. The provisions contained in this article shall apply with due regard to the principles established in Article 25.

#### **Art. 24**

*(Rules governing the opening phase of digital radio transmissions)*

1. In order to promote the development of digital radio broadcasting, the Autorità per le garanzie nelle comunicazioni, after hearing the views of the Minister for Communications and the main associations representing the radio companies, shall, within three months from the date on which the present law enters into force, adopt a regulation in accordance with the following principles and guiding criteria:

*a)* development of digital radio broadcasting (T-DAB) as a natural development of the analogue system;

*b)* guarantee of the principle of pluralism by providing for a wide range of programmes and services, maintaining a balance between national and local broadcasts;

*c)* provision of procedures and time limits for submitting applications and issuing digital sound broadcasting licences and authorisations to persons operating legitimately within the meaning of Article 1, paragraph 2-*bis*, of Decree-Law no 5 of 23 January 2001, enacted with amendments by Law no 66 of 20 March 2001, in accordance with simplified criteria. The

abovementioned permits may allow broadcasts in the user area, or part of that area, covered by the current franchise for analogue sound broadcasting;

d) rules governing the issue of licences and authorisations in accordance with the national plan for the allocation of frequencies for digital sound broadcasting, with respect to redundant resources;

e) definition of operating rules with a view to making rational and correct use of radio resources with due regard to the types of service provided;

f) definition of the phases of digital radio broadcasting development, bearing in mind the role of the company holding the public television broadcasting service franchise in accelerating that development;

g) rules on the opening phase in the implementation of the national plan for the allocation of frequencies, with special attention to the limits on the cumulation of radio programmes.

2. In order to facilitate the transition to digital broadcasting (T-DAB), the Minister for Communications may, within 60 days from the date on which the present law enters into force, establish a programme identifying special support measures, after hearing the views of the main associations representing the radio companies and the company holding the public television broadcasting service franchise.

3. In order to facilitate the transition to digital broadcasting (T-DAB) the provisions contained in Article 23(14) shall apply to radio companies and consortia.

4. The first sentence in Article 1, paragraph 2-*quater*, of Decree-Law no 5 of 23 January 2001, enacted with amendments by Law no 66 of 20 March 2001, shall be replaced by the following sentence: «A single person, exercising local sound broadcasting activity, directly or through a number of interlinked or controlled persons, may transmit signals to a maximum coverage of 15 million people».

#### **Art. 25**

##### *(Accelerating and facilitating conversion to digital transmission)*

1. In order to develop pluralism, digital terrestrial television networks have been in operation since 31 December 2003, offering programmes in clear, accessible through decoders or digital receivers.

2. The company holding the general public television broadcasting franchise, availing itself *inter alia* of the reserve of broadcasting blocks provided for in Decree-Law no 5 of 23 January 2001, enacted with amendments by Law no 66 of 20 March 2001, shall be required to establish at least two blocks broadcasting on terrestrial frequencies, with national coverage extending to:

a) 50 % of the population, as from 1 January 2004;

b) 70 % of the population, by 1 January 2005.

3. The Autorità per le garanzie nelle comunicazioni shall examine the full range of digital terrestrial television programmes before 30 April 2004, in order to determine in that connection, in the light of current market trends:

a) the proportion of the population covered by the new digital terrestrial networks, which must in any case be not less than 50%;

b) whether decoders are available on the national market at affordable prices;

c) whether the material actually available to the public on those networks also includes programmes other than the programmes broadcast by analogue networks.

4. Within 30 days of the completion of the examination referred to in paragraph 3, the Authority shall send a report to the Government and the competent parliamentary committees of the Chamber of Deputies and the Senate of the Republic, giving an account of its findings. Should the Authority find that the abovementioned conditions have not been met, it shall adopt the provisions indicated in Article 2(7) of Law no 249 of 31 July 1997.

5. The company holding the franchise referred to in paragraph 2 shall, in consultation with the Ministry of Communications, identify one or more broadcasting areas, normally coinciding with one or more local administrative areas which have difficulty in receiving analogue signals, in which to start full conversion to digital by 1 January 2005.

6. In the phase of transition to digital transmission, the company holding the franchise shall in any case ensure transmission of three analogue television programmes in clear and, at the times and in the manner referred to in paragraph 2, three digital television programmes in clear, in conditions of territorial polycentrism, in particular balanced distribution of the conception, realisation and production of programmes broadcast nationwide, with due regard to the proportion of subscribers, between existing production centres and regional offices as of the date on which the present law enters into force. In the phase of transition to digital transmission, sums earmarked by public authorities or public bodies, including financial bodies, for the purchase of space in the mass communications media for official notices, must be used in their entirety, within the space of each financial year, as to at least 60 % for daily newspapers and periodicals.

7. A regulation shall be issued, on a proposal from the Minister for Communications, in consultation with the Minister for Economic Affairs and Finance, within three months from the date on which the present law enters into force, pursuant to Article 17(1) and (2) of Law no 400 of 23 August 1988, defining, within the limits of the financial cover referred to in Article 21(7) of the present law and provided *inter alia* by transfer of the corresponding future receipts, the necessary purchase and financial leasing incentives to encourage increased distribution in Italian families of sets capable of receiving digital television signals, so as to provide effective access to programmes transmitted in digital mode. The regulation referred to in this paragraph may be implemented, amended or integrated only after the proceeds from the implementation of Article 21(3) have been collected, *inter alia* by transfer of future receipts.

8. If, on the basis of the examination carried out by the Autorità per le garanzie nelle comunicazioni in accordance with the provisions contained in paragraphs 3 and 4, it is found that the conditions referred to in paragraph 3(a), (b) and (c) have been met, until the plan for the allocation of digital television frequencies is fully operational the limit on the total number of programmes for each person shall be 20 % calculated on the total number of television programmes, including programmes covered by Article 23(1), permitted or broadcast nationwide on terrestrial frequencies, whether in analogue or digital mode. Television programmes broadcast in digital mode may form part of the basis for calculating whether they provide coverage for 50 % of the population. Programmes consisting of a simultaneous copy of programmes broadcast in analogue mode shall not be taken into account for the purpose of determining whether the 20 % limit has been observed.

9. The criterion for calculations referred to in paragraph 8 shall apply only to persons transmitting programmes in digital mode and providing coverage for 50 % of the national population.

10. In the case of the company holding the general public television broadcasting service franchise, programmes broadcast in digital mode using the reserve of broadcasting blocks provided for in Decree-Law no 5 of 23 January 2001, enacted with amendments by Law no 66 of 20 March 2001 shall not be considered for the purpose of the limits referred to in paragraph 8.

11. Subject to verification of the conditions referred to in paragraphs 1 and 3 and any consequent increase in the range available and in pluralism in the television broadcasting sector envisaged by the Constitutional Court, the period of validity of franchises and authorisations for nationwide analogue transmissions permitted under paragraph 8 and local analogue transmissions shall be extended by the Ministry of Communications, at the request of the persons concerned, to the time limit prescribed by law for the final conversion to digital transmission; the request may be submitted before 25 July 2005 by persons already transmitting in digital mode at the time and, in the case of persons broadcasting nationwide, providing digital coverage for at least 50 % of the population. In derogation from the provisions contained in Article 23(5), until the plan for the allocation of digital frequencies is fully operational, as soon as local television broadcasting companies provide evidence to show that they have provided digital coverage equal to at least 20 % of the actual analogue coverage, they can apply for a licence to operate at local level. In order to obtain a licence to operate at local level, they must, in addition to making the undertakings specified in Article 35(2)(a) and (c) of decision no 435/01/CONS of the *Autorità per le garanzie nelle comunicazioni* of 15 November 2001, published in the ordinary supplement to *Gazzetta Ufficiale* no 284 of 6 December 2001, as subsequently amended, undertake to invest in infrastructures within five years of obtaining the licence an amount of not less than € 1 million for each broadcasting area in each region covered by the local licence. That minimum amount shall be reduced to € 500,000 in the case of a licence confined to an area that is smaller than the area covered by the region and to € 250,000 in the case of any additional licence for further broadcasting areas within the region. Amounts invested within the meaning of Law no 57 of 5 March 2001 and amounts invested in experiments with digital television transmission shall in any case be taken into account for the purposes of the abovementioned undertaking.

12. Until the expiry of the time limit prescribed by law for the final conversion to digital transmission, the system of individual licences for the activity of network operator shall continue to apply in derogation from Article 5(1)(b).

13. For the purposes of enabling technologies to be converted, the company holding the public television broadcasting franchise shall be authorised to redefine the agreement with the Presidency of the Council of Ministers on broadcasting programmes abroad, including medium and short wave broadcasts, within three months from the date on which the present law enters into force. Law no 103 of 14 April 1975 shall be amended as follows:

a) the phrase: «to short wave outside the country, in accordance with Legislative Decree no 1132 of 7 May 1948 and Decree no 1703 of the President of the Republic of 5 August 1962» in Article 19(1)(b) shall be deleted;

b) the whole of the passage in Article 20(3) from the words: «through transmissions» to the end of the paragraph shall be deleted.

**Art. 26**

*(Special provisions for the autonomous region of Valle d'Aosta and the autonomous provinces of Trento and Bolzano)*

1. With due regard to compliance with the fundamental principles laid down in the present law, the autonomous region of Valle d'Aosta and the autonomous provinces of Trento and Bolzano shall make provision for the aims of the present law, within the ambit of the specific powers conferred on them under special statute and the relevant implementing regulations and with reference to the provisions contained in Title V of the second part of the Constitution, in passages where they provide for a greater measure of autonomy than that already granted.

**Art. 27**

*(Redevelopment of existing stations)*

1. All stations which have been in operation for at least ten years when the present law enters into force, even in relation to frequencies not registered pursuant to Article 32 of Law no 223 of 6 August 1990, or registered late, may continue to operate in so far as they are intended to improve the potential of the user area connected with the main station, which has been duly registered and granted a franchise, even if they have been ordered to shut down, on the ground that:

*a)* the said stations belong to persons who have been granted a franchise pursuant to the abovementioned Law no 223 of 1990 and do not contravene the local urban development regulations;

*b)* those stations must be reported, with technical specifications including the abovementioned aim, within six months from the date on which the present law enters into force;

*c)* the said stations do not interfere with other stations operating legitimately;

*d)* the said stations do not serve provincial capitals or other cities with a population of more than 100,000;

*e)* they are very small stations, with a maximum power of 10 W;

*f)* they are very small stations operating in difficult mountain areas, more than 750 metres above sea level.

**Art. 28**

*(Repeals)*

1. The following provisions shall be repealed:

*a)* Law no 103 of 14 April 1975, with the exception of the third, fourth and fifth paragraphs of Article 1, Articles 4, 6, 17, 19, 20 and 22, and Titles III, IV and V, which shall remain in force in so far as they are compatible with the present law, save as otherwise provided in Article 20 of the present law;

*b)* Article 3(1)(b) of Law no 67 of 25 February 1987;

*c)* Articles 1, 2, with the exception of the third sentence in paragraph 2, and 15(1) to (7) of Law no 223 of 6 August 1990;

*d)* Article 4, paragraph 1-*bis*, of Decree-Law no 408 of 19 October 1992, enacted with amendments by Law no 483 of 17 December 1992;

*e)* Law no 206 of 25 June 1993, with the exception of Article 3 and Article 5, save as otherwise provided in Article 20 of the present law;

f) Article 2(1), (6) first three sentences only, (8), (9), (10), (11), (14), (15) and (19), and Article 3(6), (7) and (9) of Law no 249 of 31 July 1997;

g) Article 2(4) of Decree-Law no 433 of 18 November 1999, enacted with amendments by Law no 5 of 14 January 2000.

**Art. 29**

*(Entry into force)*

1. The present law shall enter into force on the day following the day on which it is published in the *Gazzetta Ufficiale*.