

**Question for written answer E-003469/2015  
to the Commission**

Rule 130

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Subject: Rai Way

Rai Way is an S.p.A. (joint-stock company) which was set up on 1 March 2000 to manage analogue and digital television infrastructures in Italy. It has some 2 300 relay stations and the majority of its shares are held by the Italian Treasury Ministry, through RAI.

Mediaset S.p.A. is the other big player in Italian TV, with it and RAI together accounting for more than 90 % of the radio and television market.

On 25 February 2015, EI Towers S.p.A., which is 40 % controlled by Mediaset, made a public takeover bid to buy Rai Way for a total of EUR 1 225 billion, linked to securing control of two-thirds of the business.

The Italian Government has said that, in the Prime Ministerial decree of 2 September 2014<sup>1</sup>, the government indicated that the Treasury cannot allow its holding to fall below 51 %. This reference however is not binding, since it is a premise rather than a provision: 'considering the appropriateness of the State retaining a holding of no less than 51 per cent in RAI, in order to guarantee continuity of the service provided by Rai Way and RAI itself'.

In view of this, can the Commission say whether the purchase by EI Towers of a majority holding in Rai Way would be in breach of European antitrust law?

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<sup>1</sup> [http://www.governo.it/Presidenza/DICA/6\\_EVIDENZA/dPCM%20RAI%20WAY\\_.pdf](http://www.governo.it/Presidenza/DICA/6_EVIDENZA/dPCM%20RAI%20WAY_.pdf)