

WRITTEN QUESTION E-1668/09

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to the Commission

Subject: The Europa 7 case

On 31 January 2008, the European Court of Justice (Case C-380/05) ruled in favour of *Europa 7*, finding that the Italian system for granting radio frequencies breached the principle of freedom to provide services and did not employ objective, transparent, non-discriminatory and proportionate selection criteria. The judgment followed the infringement procedure initiated in 2006 by the Commission against Italy under Article 226 ECT.

To date, the Italian Government has still not managed to put this crazy situation right.

In fact, even though the Italian Minister for Communications did allocate frequency channel 8 – freed up by restructuring some of Rai Uno's relay stations – to *Europa 7*, the station is still not able to broadcast. Basically, there are two reasons for this.

Firstly, as *Europa 7* maintains in a letter to Commissioner Reding, one frequency channel - granted on 11 December 2008 - cannot on its own guarantee 'coverage of 80% of the territory, 95% of the population and all the provincial capitals, which is what *Europa 7* was and still is entitled to and was guaranteed under the licence won in 1999'.

Secondly, the frequencies released by Rai Uno, and now theoretically held by *Europa 7*, are being claimed by a radio group that has lodged an appeal before the Lazio regional administrative court, thereby jeopardising their use.

Does the Commission not feel, in light of this, that it make a final appeal to the Italian Government to act to ensure the proper enforcement of the Court of Justice's decisions and the restoration of the basic rules governing the media system in every European Union country, which, however, do not seem to apply to Italy?