

WRITTEN QUESTION P-1785/05  
by Lilli Gruber (PSE)  
to the Commission

Subject: Compatibility of Italian legislation in the audiovisual sector with Community competition law

On 19 December 2002 the Italian authority governing competition and the market issued an opinion on the state of the broadcasting system and RAI (the Italian broadcasting corporation) and it has carried out an investigative study on the television sector (document 2004/IC/23).

There is an urgent need to resolve the problems pointed out in the EP's resolution of 22 April 2004 (P5\_TA (2004) 0373) and one year after the adoption of the resolution the Commission has still not followed up the requests made by Parliament. The switchover in television broadcasting to digital terrestrial television provides a unique opportunity to modify the context of competition in the broadcasting sector. The above-mentioned authority claims in its document that the switchover from analogue to digital terrestrial television will mean that the current duopoly in the national analogue television market will be transferred to the future market supplying networks for the digital transmission of programmes, thereby making the duopoly in Italian television even worse from the point of view of both competition and the regulation of licences in the new regulatory framework governing electronic communications.

In view of all this, can the Commission ascertain, one year after the adoption of the Italian law governing the standards for the broadcasting system and RAI (the Gasparri Law No 112 of 3 May 2004) whether:

- the legislative definition of an 'integrated communications system', as the only relevant market, is not in conflict with Community rules on competition and does not make a clear and accurate definition of the relevant market impossible;
- the 'system for allocating frequencies' does not simply legitimise the de facto situation and/or whether it prevents the entry of new operators onto the television market in Italy, thereby infringing Community competition law, and whether the same system is not in conflict with the new regulatory framework for electronic communications, in particular with Article 9 of Directive 2002/21/EC<sup>1</sup> and Article 7 of Directive 2002/20/EC<sup>2</sup>, which stipulate, inter alia, that the allocation of radio frequencies for electronic communication services should be based on objective, transparent, non-discriminatory and proportionate criteria?

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<sup>1</sup> OJ L 108, 24.4.2002, p. 33.

<sup>2</sup> OJ L 108, 24.4.2002, p. 21.