



AUTORITÀ PER LE
GARANZIE NELLE
COMUNICAZIONI



PBS in Italy

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Organization of the PBS in Italy

- Art 43 of Italian Constitution
- Artt 45-51 of the Italian AVMS Code
- The «Convenzione» with RAI
 - 20 years
 - Ending on May 2016
- The «Service Contract»
 - 3 years
 - Last contract ended on 30 Dec 2012

The role of AGCOM

- Drafting the guidelines for the Service Contract (Art 45 co.4 of the AVMS Code)
- Identifying the new obligations for the PBS in line with the technological innovation
- Checking the compliance with the provisions (Art 48 of the AVMS Code)
 - Financial penalties up to 3% of the turnover
 - Suspension of the licence for up to 90 days

The draft Law on PBS

- Art 1: the new Service Contract will last 5 years
- Art 2 & 3: Governance
- Art 4: Public financing → Govt Decree
- Art 5: General provision: the Government will draft a Decree to adapt the PBS tasks to the new media environment

PBS financing in Italy I

- Today
 - The «Canone»: a tax, grounded on the specific goals of the PBS: quality of service and educational purposes (Cost. Court, 284/02)
 - Problems in collecting it
 - DEBATE: how to ensure that it is used for PBS purposes
 - Advertising
 - Stricter limits than the private sector

PBS financing in Italy II

- Future perspectives
 - The debate is hot due to the 2016 deadline
 - Possible outcomes (which will be reflected in the Govt Decree):
 - Fee in the electricity bill
 - Removal of the «Canone»

PBS obligations I

- Traditional obligations
 - Artt 45 of the AVMS Code
 - National coverage
 - Adequate amount of educational and cultural programmes in all channels
 - Broadcast of political programmes reflecting the composition of the Parliament
 - Broadcast, in specific moments, of programmes for kids
 - Free broadcast of «social» messages in line with the requests of the Council of Ministers
 - Availability of interactive programmes
 - Service Contract

PBS obligations II

- New obligations introduced by latest AGCOM guidelines and valid for all channels (generalistic and thematic)
 - Possibility of identifying immediately the programmes of the public service
 - Availability of public service programmes in all channels
 - Specific training in IT and English language
 - Increase the quality of music production
 - Improve pluralism and non-discrimination in access to the media
 - Improve minors' protection especially by making sure that advertising targeting kids in their pre-scholar age is not broadcast
 - Improving independent european production

Public Value test

- The logic of the test
- The Italian approach so far
- The possibility of running the test in view of the modernization of the PBS tasks and obligations

Further reflections

- We assist to a decrease of the role of the NRAs in the definition of public service remit
 - Problem of independence of NRAs also linked to the dire economic situation
 - Trend of governments to re-centralize competencies in the audiovisual sector and as regards the PBS
 - The position of the NRAs should be supported
- having guidance or standard models at the EU level for the conduct of Market Impact Assessments (MIA) and Public Value Tests (PVT) would be very important

Conclusions

- Hot debate on the role of the PBS in Italy in view of the new «Convenzione» which will be stipulated in 2016
 - A draft Law is being discussed by the Parliament in order to rethink the PBS remit and financing
- The NRAs have an important role not only in checking the compliance of the PBS, but also in defining their remit (see AGCOM guidelines)
 - This role should be reaffirmed by the EU, which should also provide guidance on MIA and PVT



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Thank you!!!



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