

Institutional relations and the organisation

4.1. Institutional relations

4.1.1. International relations

The main evolutionary dynamics of the international context and the role of the Authority

The past year has featured a number of initiatives in Europe, with actions and proposals, of both primary and sub-primary level, intended to achieve significant effects on the tools and procedures of regulatory intervention in all sectors under the Authority's competence.

Firstly, since last summer, attention has focused on the adequacy and the prospects for reform of the European regulatory framework for electronic communications in general, with a wide analysis of both the scope of the application of the framework and of its objectives and the regulatory tools available, with a view to possible adjustment in pursuit of the aims of the internal market. In this respect, regarding the primary European standardization, a proposal was put forward for a regulation laying down measures concerning the single European electronic communications market ("Connected Continent" package), adopted by the European Commission last September and currently subject to assessment by the European Parliament and Council within the sphere of the joint-decisional legislative process (see chap. 1.3). Another provision of European legislation, of importance for the electronic communications sector, is also currently in the preparatory stage, bearing measures to reduce the implementation cost of high-speed electronic communications networks.

European initiatives in electronic communications

The secondary provisions adopted or promoted by the European Commission over the last twelve months include the Recommendation on the imposition of consistent non-discrimination obligations and cost methodologies to promote competition and investment in broadband (adopted in September 2013) and the revision, currently underway, of the Recommendation on relevant markets.

In the context of these specific initiatives, a systematic discussion on the possible areas of review of the entire legislative framework for the sector has also been launched. This discussion, triggered off by the drafting, on the part of the European Parliament, of the report on the implementation of the 2009 telecom package (approved last October), sees BEREC plays a leading role as an advisory body of the European institutions involved in the process of updating of the framework.

The role of BEREC

Again, in the electronic communications sector, there has also been a full development of the formulas for regulatory cooperation contemplated by the 2009 framework; BEREC, the network institutionally appointed by European law to promote regulatory cooperation in the sector, has continued to play a key role in the proliferation of coherent solutions on a European scale, both in the context of the consolidated mechanism of vertical connection between national authorities and the European Commission for the regulation of national markets as referred to in articles 7 and 7-bis of the Framework Directive (Directive 2002/21/EC, as amended by Directive 2009/140/EC), and in the exercise of its technical-advisory role towards the European institutions regarding the major regulatory packages.

In the wake of the electronic communications model, there has also been a reinforcement of the institutional and operational mechanisms for European regulatory cooperation in other fields of interest to the Authority.

There has been an important step forward in this direction in the field of audiovisual and multimedia content, with the establishment, in February 2014 by the European Commission, with decision of 3 February 2014, of the ERG-A, the European Group of Regulators of the audiovisual sector, which is assigned an advisory role towards the Commission on the issues covered by the Audiovisual

Cooperation mechanisms in media services

Media Services Directive, as well as a forum for the exchange of information and experience between sector regulators (on this point, see. para. 1.3.2.).

and in postal services.

The reinforcement of the dynamics of sharing of good practice between sector regulators and dialogue with the European Commission also regards the postal services sector. The European Regulatory Group for the Postal sector (ERG-P), founded in 2010, continues to discharge an important advisory role towards the Commission and to consolidate its own internal operational practices.

The institutional character recognized by European law to the various above-mentioned advisory groups (albeit with different institutional models, in terms of mission and organizational methods, due to the differentiated legislation regarding the sector) testifies to the success of the model of horizontal cooperation between regulators and the vertical connection between these and the Commission, for the purpose of facing the regulatory challenges posed by the different economic sectors under the Authority's competence, as well as promoting the internal market, a goal which, to varying degrees, directs the action of the European and national institutions in all of the above areas.

The Authority's activities in the OECD

In light of the increasing convergence of several issues of a purely institutional nature, the establishment, in September 2013, of the Network of Economic Regulators (NER), within the Regulatory Policy Committee (RPC) of the OECD, is significant. This multi-sector network, aimed at the global exchange of best practices and of institutional and organizational models between regulators in OECD countries, is an example of advanced cooperation between regulators in the wake of convergence, outside of the constraints imposed by European law. The Authority has participated in all the meetings of the platform, actively contributing to the structural organisation of the same, as well as in the first lines of activity, including contributions to the *OECD best practices for the governance of regulators*, published in April 2014, and to the analysis currently in progress on the assessment of regulators' performance.

Bilateral cooperation

The active participation in the various networks of regulatory cooperation mentioned above (as well as other sector networks operating on a different geographical scale, as will be mentioned below), attention to the issues of convergence (because of their expertise cutting across various economic sectors) and the high level of technical qualification of its staff, the Authority is in a privileged position on a number of important current regulatory issues. Hence the numerous requests for regulatory assistance and the dense network of bilateral exchange with sector regulators inside and outside Europe, which leads to a commitment on the part of the Authority, both within the sphere of specific EU twinning projects and TAIEX programmes, aimed at the harmonisation of the sector framework on the part of European Union candidate countries and neighbouring countries, through specific venues and through instruments of bilateral cooperation.

Electronic communications

BEREC consolidation

Over the last year, within the European system of regulatory cooperation in the field of electronic communications, developed on the basis of the constant dialogue between National Regulatory Authorities (NRAs) and the European Commission, the role of BEREC as a technical filter has been further consolidated, and various internal operational solutions have been defined, aimed at ensuring full implementation of the series of powers conferred on BEREC by its founding regulation (Regulation No. 1211/2009 of the European Parliament and Council of 25 November 2009).

In a context in which national and European law are intertwined, the NRAs now operate daily on two distinct and at the same time highly interdependent levels: the national and the European level. In fact, from the perspective of the single market, the regulation of national markets cannot disregard the ongoing dialogue with the Commission and BEREC; at the same time, the implementation of the European

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regulations for the sector, in view of subsidiarity, requires the protection of the NRA of the national markets.

It follows that the NRA not only fulfil the formally contemplated obligation of participating actively in the life of BEREC, contributing to the formation of its decisions but, even more significantly, they give an important contribution to the consolidation of the European regulations on electronic communications, exchanging information and opinions with each other and with the Commission within the innovative institutional bottom-up type architecture designed by the legislator in 2009.

The issue of opinions on the part of BEREC within the sphere of the market analyses carried out by the NRA and communicated to the Commission pursuant to articles 7 and 7-*bis* of the Framework Directive, has continued to be the focus of its advisory activities, with definition of the beneficial effects expected in terms of promoting the single market. During the period in question, BEREC has adopted eleven Opinions on cases on which the Commission expressed "serious doubts" about the compatibility of the measures proposed by NRA with European law; most cases regarded proceedings concerning the identification of the most appropriate regulatory obligations at national level. In the many cases in which BEREC considered the Commission's doubts founded, tripartite cooperation "NRA-Commission-BEREC" took place, expressly contemplated by article 7-*bis*, which gave national regulators additional tools to support the identification of effective regulatory solutions, within the scope of the European legislative framework.¹⁴⁵

Except for one case which was subjected to examination by the European Commission and, consequently, by BEREC, in said period, the Authority made its own experts available to BEREC in numerous "Phase II" cases, clearly demonstrating its commitment within the BEREC system and the capacity to make a qualified contribution to the drafting of opinions as contemplated by articles 7 and 7-*bis*.

Apart from the specific dynamics within the scope of the regulatory process pursuant to articles 7 and 7-*bis*, BEREC, in its advisory capacity, addressed its attention to the various initiatives of regulatory importance undertaken by the Commission and other European institutions.

The commitment of BEREC merits special attention in this regard, as does the particular role played by the Authority as the holder of the Presidency of the ad hoc work group, in reference to the legislative initiative known as the "*Telecom Single Market*".

With the declared aim of promoting the full creation of an internal market of electronic communications services, the European Commission's Regulation proposal, currently under the attention of the European co-legislators, contains proposals likely to cause significant effects in the sphere of the regulatory objectives of the sector (such as the new importance given to the "global competitiveness of the Union" with respect to the traditional objectives of promoting competition, efficient investment and consumer well-being under the current framework), the instruments prepared (among others, the new system of authorization for access to the market-based system "Home NRA - NRA Host", the proposed veto power of the Commission on solutions destined for "European" operators, the introduction of standardized solutions for the wholesale market and the regulatory regime for operators able to provide roaming services at domestic prices) and institutional balances (change in the division of powers between the Commission and Member States in the field of spectrum management, new BEREC governance mechanisms and proposed regulations on net neutrality and consumer protection).

¹⁴⁵ In the period considered, BEREC did not agree with the approach of the European executive in assessing national measures in three cases. One concerned the proposed measure communicated by the Authority regarding the updating of the prices for the services provided on the wholesale access markets (markets 4 and 5) for 2013; details are given in the specific section of this report.

BEREC opinions
on the market
analyses

Other advisory
activities:
- the review of
the regulatory
framework;

Because of the significant impact on the regulatory framework of the sector, BEREC has worked on the Regulation proposal since its approval last September; while agreeing with the general objectives of the internal market and the promotion of investment, immediately after the publication of the proposal BEREC also expressed serious concern regarding the methodology, the objectives of the provision, the fragmentation of the action and alteration of the effective regulatory balances existing at present (see BEREC declaration of 16 September 2013); thus, a more detailed analysis of the implications of the measure proposed by the Commission has been produced, published by BEREC in October (see the "views" of BEREC of 17 October 2013).

In view of the analysis of the European executive's proposals on the part of the relevant parliamentary committees ITRE and IMCO, BEREC started monitoring the development process of the legislative resolution from the first reading in the European Parliament, to the vote of a European Parliament plenary session on 3 April 2014.

After publication, on 4 April, of a brief statement on the European Parliament's position, which recognized the validity of the parliamentary approach and the fact that several weaknesses inherent in the Commission's proposal had been resolved, BEREC discussed the contents of the parliamentary resolution on first reading and the areas of the proposed reform where there was still room for improvement, publishing its conclusions on 17 May. As mentioned above, the discussion was accompanied by a more extensive assessment of the areas of the regulatory framework which BEREC believes should be analysed on the occasion of the next review of European legislation. The discussion was first formalised in a preliminary contribution to the European Parliament Member Trautmann, in the context of preparation of the report on the state of implementation of the 2009 regulatory framework.

- the non-discrimination obligations and costing methods;

After the intense work carried out last year on the draft of the Commission's Recommendation on the consistent application of the non-discrimination obligations and costing methods to promote competition and investment in broadband (condensed in the Opinion of March 2013), BEREC's commitment continued with monitoring of the progress of the provision and its many revisions, until its approval last September.

- the relevant markets and the solutions;

One important line of activity started during the reporting period is the analysis of the Commission's proposals for the revision of the 2007 Recommendation on relevant markets suitable for *ex ante* regulation in accordance with Directive 2002/21/EC. The periodic review of this soft law act assumes crucial significance in the regulation of the sector, since it directly influences the organisations falling within the competence of the NRA and the methods by which these are required to analyse the markets under their supervision. To this regard, after having given its contribution to the public consultation in 2013 and having organized a public workshop on the occasion of the plenary meeting last February in Stockholm, after the Commission formalised the final proposal for the provision, on 25 March 2014, BEREC is now preparing an Opinion on the draft of the new Recommendation, which is expected to be approved during the June plenary meeting. Put briefly, the draft of the new Recommendation proposes the further reduction (from seven to four) of markets subject to *ex-ante* regulation, through the elimination of markets No. 1 and No. 2 (respectively the market for access to the public telephone network at fixed points and the wholesale market of fixed network incoming services), and a new organization of the market for wholesale fixed network access (current markets nos. 4, 5 and 6), with the intention of expanding the scope of the current market No. 4 to include Vula, and a differentiation between wholesale broadband services for private customers and services for the business market.

On the other hand, still regarding the procedures and criteria by which the NRA are required to perform the analyses of national markets and to identify solutions to be imposed on operators with significant market power, downstream of

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the Common Positions on markets nos. 4, 5 and 6 and the definition of a methodology for monitoring national implementation of the same by the NRA, BEREC has launched a detailed monitoring campaign this year, scheduled for completion in September, in order to promote compliance on the part of the NRA with regulatory solutions representing best practices and to thus contribute directly to the creation of the internal market.

Regarding international mobile roaming, despite the overlap with the regulations proposed by this proposal for a "*Telecom Single Market*" Regulation, BEREC - after the approval of the Guidelines for wholesale access in accordance with article 3 of the Regulation (in 2012) and the Guidelines on the remaining articles (in March 2013) - has continued to work on the implementation of the current Regulation No. 1211/2009 of the European Parliament and Council of 25 November 2009, completing the set of Guidelines necessary for its full implementation. In particular, in July 2013 BEREC adopted the Guidelines on the application of articles 4 and 5 of the Regulation relative to the separate sale of roaming services, an obligation which will enter into force next July. Said Guidelines represent an important reference for operators for the implementation of the technical specifications which are instrumental to the enactment of the Regulation, in order to protect competition in the retail supply of international roaming services.

- international mobile roaming.

In addition to the institutional duties formally delegated to BEREC by the European legislator, it has also carried out a series of independently planned activities included within the scope of the 2013 and 2014 Work Programmes, in the broader context of a medium-term strategy (see BEREC document No. BoR (12) 09 of 23 February 2012).

As in the past years and in line with the dual institutional level mentioned above (national and European) and with the central role recognised to regulatory cooperation within BEREC for internal-market purposes, constant, active and qualified supervision of all the BEREC working groups by the Authority's experts was ensured also in the period in question. As already mentioned, the Authority plays an important role in the activities connected with the development of the "Single Telecom Market" regulation. It is also worth remembering the line of activities, of an institutional nature, coordinated by AGCOM and aimed at defining and updating the BEREC procedural tools, in order to ensure its effective functioning; in particular, in the period under review, BEREC updated its own internal guidelines governing the adoption of Opinions pursuant to articles 7 and 7-*bis* of the Framework Directive and it defined the arrangements for the performance of additional advisory functions attributed to this body. It is also currently discussing updating the internal Regulation of the Regulators' Committee and of the Management Committee, to align these with the modifications introduced so far into the operating practices of the platform and to optimise the operating mechanisms.

Coordination of the BEREC working groups

AGCOM also coordinated the work group responsible for investigating the situation of the machine-to-machine services market in the Union, for a first assessment of the extent of the phenomenon and of possible friction exerted by the same on aspects of the current regulatory framework; in this context, in order to share their considerations with the stakeholders, BEREC organized a workshop on the subject last November.

AGCOM has also continued to ensure the coordination of the "BEREC-RSPG" group with the Swedish Authority PTS (in this regard we note the activities of this group relative to the analysis of the "*Telecom Single Market*" legislative initiatives in terms of the planning and management of the radio spectrum frequencies), of the "Regulatory Accounting" work group, in coordination with the German Authority BNetzA (with the periodic publication of the report on regulatory accounting systems in use in different countries) and the "Termination Tariff" work group, in collaboration with the French authority ARCEP (with their own consideration on the implementation of the Commission Recommendation on the subject of termination tariffs).

In the electronic communications sector, the Authority continued its commitment, strengthening it in several respects, within the sphere of the network of sector regulators in the Mediterranean (EMERG) in the Latin-American area (Regulatel).

The EMERG

The EMERG, which stands for *Euro-Mediterranean Network of Regulators*, has been active since 2008 and has the purpose of facilitating the sharing of good working practices between regulators on both shores of the Mediterranean and of promoting a greater degree of harmonization of the legal and regulatory frameworks of the countries of the MENA (Middle East and North Africa) area with the *acquis communautaire*. In the year just closed, the funding plan ensured by the European Commission through the NATP programme ("*New Approaches to Telecommunications Policies*") came to an end. The Permanent Secretariat of the EMERG, which has been a part of AGCOM since its constitution, therefore had to ensure, on the one hand, that the scheduled meetings for 2013 would take place (6 workshops, a Contact Network meeting and a plenary conference) and, on the other hand, to plan the activities for 2014 in the absence of external funding.

The six workshops of 2013, organized according to the new operating model proposed by AGCOM in the year of its presidency of the platform, were organized by all the NRA which acted as "*Rapporteurs*" and which coordinated the preparation of a final report, later approved in the Plenary meeting held in Amman in February 2014. The Authority, in particular, was a *rapporteur* for the workshop on Universal Service, held in Cairo on 22 and 23 May, and the first EMERG - BEREC joint workshop on "*Enforcement and judicial review of the NRA's decisions*", held in Brussels on 2 and 3 December 2013, with the collaboration of the *BEREC Framework implementation working group* of which AGCOM is the coordinator.

REGULATEL

The collaboration within the framework of the platform of the Central-South American regulators (REGULATEL) also showed significant developments: at the meeting on 31 October 2013, the Board of Directors of the platform decided to amend its Articles of Association and to adopt a new organizational structure similar to the EMERG. In addition, recognizing the importance of the support offered by the three European regulators participating in the platform (AGCOM, CNMC and ANACOM), the Board approved the change of the status of these latter from observers to Full Members. As a result of this change, the Authority's commitment in Regulatel extended also to the working groups, which - thanks to a new plan for funding on the part of the European Commission - the Authority can send its experts and ensure an effective exchange of best practices.

The CoCom

Like every year, the Authority has monitored the activities of the Communications Committee (CoCom) and the various technical sub-groups (in particular: *Mobile Satellite Services* - MSS, *Communications Broadcast Issues* - CBISS, *Authorisation and Rights of Use* - AUTH, and *Market Data* - DATA), providing support to the Italian delegation in relation to the issues on the agenda within its competence, and, where appropriate, joining the national delegation at the meetings of the various groups.

The ITU

Lastly, the Authority also took part in the activities of the *International Telecommunications Union* (ITU), sending a delegation to two of the main events of the past year, the *Global Symposium of Regulators* and the ITU Telecom World. At the first event, held in Warsaw from 3 to 5 July 2013, the regulators and policy makers of all the countries of the world were invited to exchange their views on the topic *4th Generation Regulation: Driving Digital Communications Ahead*. At the Telecom World summit, held in Bangkok from 19 to 22 November, regulators and policy met stakeholders to discuss *Communication that matters*, in order to analyse the way in which users communicate with each other, to discuss the strategies and business models of the major operators on the market, and to anticipate future challenges and new regulatory issues related to standardisation linked to the development of technology, in order to increase the security of network access and to avoid the widening of the digital divide.

The radio spectrum

During the reporting period, the Authority confirmed its active participation in the Radio Spectrum Committee (RSC)¹⁴⁶ and the Radio Spectrum Policy Group (RSPG).¹⁴⁷

Among the main issues discussed by the Radio Spectrum Committee in the reference period of this report, two mandates were conferred on the CEPT for the preparation of compatibility studies for the harmonization of broadband wireless services in the 1.5 GHz band (the L-band) and the 2.3 GHz band, also in shared mode; decision No. 2014/276/EU on the updating to the new broadband technologies of the use of the frequency bands 3.4-3.6 GHz and 3.6-3.8 GHz for BWA-type systems (Broadband Wireless Access), following the completion of the studies requested previously of the CEPT and the decision with the fifth annual update of the framework decision (No. 2006/771/EC) on the harmonisation of the spectrum for short-range radio devices (SRDs), with the contribution of significant innovations and the opening of discussions for the preparation of the sixth update.

The Committee's activities enable the spectrum to be made available quickly in a coordinated manner at EU level, and more efficiently, hence fostering the development of the internal market, in line with the policy objectives set by the first long-term programme for radio-spectrum policy (Decision of the European Parliament and the Council of 14 March 2012 No. 243/2012 / EU).

In relation to the activities of the RSPG, the reporting period saw the Authority actively involved in activities related to the completion of the two-year work programme adopted in 2012, under the chairmanship of AGCOM. In particular, it is important to review the adopted "*Strategic Challenges facing Europe in addressing the Growing Spectrum Demand for Wireless Broadband*", which is an inventory of the radio spectrum up to 6 GHz, analysing the various frequency bands and identifying those with a potential harmonization for the spread of wireless broadband. The Opinion also provides recommendations to the Commission about the possibilities to reach the targets set by the Radio Spectrum Policy Program (RSPP), in particular to identify at least 1200 MHz of spectrum for mobile broadband use by 2015.

Three reports were also approved on, respectively, *Spectrum Coordination Approach for broadcasting in the case of a reallocation of the 700 MHz band*, *Furthering Efficient Interference Management*, and *Strategic Sectoral Spectrum Needs*, and, after a public consultation, two Opinions on *Common Policy Objectives for the World Radio Conference 2015*, and *Licensed Shared Access to Spectrum* (the latter giving recommendations in order to promote increasingly shared use of the spectrum, in particular if the spectrum is assigned to institutional managers such as Defence).

The Radio
Spectrum
Committee

The Radio
Spectrum Policy
Work Group

¹⁴⁶ Established by decision No. 676/2002/EC of the European Parliament and of the Council of 7 March 2002 (the "Radio Spectrum Decision"), the RSC pursues the purpose of encouraging a greater degree of harmonisation in the EU for the management and use of the radio spectrum. The Committee, chaired by the Commission, provides for the definition and adoption of technical implementation measures, for which, if necessary, it requests the CEPT (the European Conference of Postal and Telecommunications) carry out special technical studies on the basis of formal mandates. For Italy, the Authority and the Ministry of Economic Development - Department of Communications, each within their respective powers, participate in the Committee's work.

¹⁴⁷ The RSPG was constituted by decision No. 2002/622/EC of the Commission (later amended by decision No. 2009/978/EC), the members of which are the national authorities responsible for radio-spectrum management. The Authority assists the Ministry of Economic Development, as the Italian representative, with respect to the national distribution of responsibilities in the radio-spectrum field.

The “good offices”

Of particular importance for Italy, as a form of Community assistance for coordination between neighbouring countries, is the establishment of “good offices”, institutionalised by the RSPG in the *Process of EU Assistance in bilateral negotiations with third countries and between EU countries*. The good offices are assistance activities to the countries concerned, provided under a work group led by an expert in a third country, which closes with a technical opinion which the RSPG then submits to the European Commission in order to facilitate the resolution of coordination problems. This mechanism was activated for the first time in the case of the problems of coordination of television bands between Italy and Malta, and it was then extended to the Italy-France and Italy-Slovenia issues. Other countries involved in the negotiations with Italy, such as Croatia and Switzerland, also participated in the works. During the period covered by this report, several meetings were held under the leadership of France and a number of initiatives were launched by the players involved, with progress which so far bodes well for the resolution of disputes by negotiation. The same mechanism has also been used in other cases still in progress, for example between Germany and Belgium.

The working groups

During the reporting period, the Authority actively participated, as usual, in the meetings of the various working groups formed for the implementation of the work programme, composed of national experts, and also benefiting from the participation of the Commission's services, contributing to the preparation of texts and coordinating the national position with the Ministry of Economic Development.

The new RSPG programme

At the beginning of the year, the RSPG approved the new works programme, for a two-year term, which includes various topics such as “*Long term strategy on the use of the UHF band*”, “*Efficient awards and use of spectrum harmonised for wireless broadband*”, “*Preparation of the next World Radio Conference WRC 2015*”, “*Review of the Radio Spectrum Policy Programme*”, as well as maintaining the institution of the good offices.

Audiovisual

The period in question was of particular significance for the institutional set-up of sector cooperation and outlining of the nature of the same.

Cooperation between national authorities

In fact, the dynamics of promoting good practices between national authorities have gradually emerged in an increasingly more incisive way in the audiovisual and multimedia content sector, despite the margin of discretion (much larger than contemplated by the regulatory framework for electronic communications) which the European legislator leaves the Member States in the implementation of the regulatory framework.

The need to strengthen cooperation between NRA and the audiovisual sector and to form a group of regulators had already been highlighted several times over the past months: as early as January 2013, a report of the *High Level Group on Media Freedom and Pluralism* suggested the creation of a network of regulatory authorities, based on the model of the electronic communications sector, in order to share best practices and identify regulatory standards¹⁴⁸; the same suggestion emerged from the results of two public consultations launched by the European Commission in March 2013, which showed strong interest regarding the issue of independence of regulators and their cooperation. The next European Parliament resolution on the definition of standards for media freedom in Europe of May 2013 called upon the national audiovisual regulators to cooperate and coordinate their activities through the creation of an association of audiovisual media-services regulators. Lastly, in November 2013, the Council of Europe's conclusions invited the Member States to ensure the independence of their NRA in the audiovisual sector and the Commission to strengthen, albeit through non-legislative measures,

¹⁴⁸ See Recommendation No. 6 of the Report of the High Level Group on Media Freedom and Pluralism.

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cooperation between NRAs in the field of audiovisual media services (see para. 1.3.2.).

All this led to the formal decision of 3 February 2014, with which the European Commission set up the "European Regulators Group for Audiovisual Media Services (ERGA)", with the aim of providing the Commission with support and advice on the implementation of the regulatory framework of the sector and the prospects for reform; for study and analysis activities, the ERGA may set up technical working groups composed of experts from the national regulatory authorities.

The institution of
the ERGA

From an organizational perspective, the model adopted is very similar to that used by similar regulatory cooperation networks (in particular, the RSPG and the ERG models, the predecessor of BEREC, were considered): participation is limited to the independent regulators of the 28 Member States and the Commission will take the role of observer (like the candidate countries and the EPRA) and will give an additional contribution to the organization providing the platform's secretariat.

Despite strong national features which characterize the audiovisual sector, the NRA have welcomed the Commission's initiative; technological progress and the rapid development of the market, which is poised to break up the traditional barriers between the other communications sectors, in fact now require responses which are as unequivocal as possible and the ERGA, from this point of view, can play a synergistic role with respect to the activities of national regulators. The first meeting of the ERGA was held in March 2014; the Group adopted its own internal procedural rules and was appointed as the chairman of the French regulator CSA.

The Authority continues to perform its role as Member of the Board of the EPRA (European Platform of Regulatory Authorities) and a central role within the platform. As usual, in 2013 the EPRA held two meetings, one in Krakow (in May 2013) and the other in Vilnius (in November 2014). At the meeting in Krakow, the AGCOM experts coordinated the session which dealt with "Protection of minors in a connected environment" (also acting as content producer) and the panel on political communication. On the occasion of the meeting in Vilnius, as well as coordinating the session *Supervising VOD Services: best practices & methodology* and the follow-up of the panel on Political Communication, a presentation was given on the Authority's experience relative to on-demand videos.

The EPRA

The Authority continues to contribute to the Network of regulators of the audiovisual sector in the Mediterranean area (MRNA). The Network aims to provide a constant exchange of information and considerations among its members (now numbering 24 NRAs and constantly growing) regarding issues of common interest in the audiovisual sector. At the plenary meeting of the Platform held in Limassol, Cyprus, on 24 and 25 October 2013, the Authority participated in the discussion of the points on the agenda, giving a specific contribution in the sessions on the position of radio and television public-service broadcasting, and the fight against gender discrimination.

The MRNA
network

Lastly, on 12 July 2013, the Authority organized a workshop on "New media and regulation frontiers" to celebrate the conclusion of SEE Digi-TV, a two-year project organized and funded by the European Commission, within the framework of the EU Neighbourhood Policy in order to coordinate the process of transition from analogue to digital-terrestrial television in South East Europe (SEE). For this project, Italy is represented by Informest¹⁴⁹ and the Authority, which was directly responsible for the preparation of the report on the comparative analysis of the legal frameworks

The SEE Digi-TV
project

¹⁴⁹ Informest is a public body, owned by the Region of Friuli Venezia Giulia, the Ministry of Economic Development and the Region of Veneto, constituted by Italian law No. 19 of 9 January 1991 with the aim of promoting economic development and internationalization processes with respect to the Balkan countries.

of the countries participating in the project¹⁵⁰, guidelines for the harmonisation of such frameworks to the *acquis communautaire* and the study on technical standards to be applied to digitization in the Balkans. The reports were approved at the Budapest conference on 17 and 18 April 2013 and it was decided to publish them on the project website. Beyond the full achievement of the objectives set by the Contract signed by the consortium of regulators with the European Commission, the project has enabled the Authority to strengthen institutional relations in a geographic area in which the transition from analogue to digital-terrestrial has led various interference problems with neighbouring countries, and has often made interaction between AGCOM and their respective regulators difficult.

The postal sector

The ERG-P

During the reporting period, the European and international dimension has become even more important in the postal sector, as well as the Authority's commitment. In particular, the Authority has increased its involvement in the activities of the European Regulators Group for Postal Services (ERG-P), at all levels: working groups, contact network, plenary sessions.

In this period, the ERG-P has published important papers on cost allocation, international parcel delivery, service quality and user protection, market indicators and VAT exemption. The Authority is present with its own representatives and actively participates in all the ERG-P working groups, introduced in order to harmonize the development of the common postal market and to develop best practices through the comparison between the different NRA on specific issues and data. In 2013, the Authority assumed the role of co-chairperson (along with the Swedish Agency) in the group on net USO costs and VAT exemption.

In 2013, two plenary sessions were held on postal matters, attended by all the Authorities' chairpersons; in particular, in the plenary session hosted by AGCOM in Rome in June 2013, there was also an important workshop aimed at defining the direction of ERG-P activity for the years 2014-2015.

In May 2014, in a meeting with other European regulators, the Authority was asked by the European Commission to present its experience in data collection in the Italian postal sector and to outline the methodology used in the processing of the same to be included in their statistical reports.

The Authority, through questionnaires and requests for information, drawn up by other Regulatory Authorities, international organizations or by specific working groups, also actively cooperates on the acquisition of data on the Italian postal market.

Twinning projects

During the reporting period, the Authority was engaged on the completion of the twinning project with the *the Telecommunications Regulatory Commission* (TRC) of Jordan, in the launch of the twinning procedure with the *Instance Nationale Des Telecommunications* (INT) of Tunisia and in the follow up of the most important result of the twinning project with the Israeli Ministry of Communications (MOC), which was concluded in early 2013.

The twinning project with the Jordanian TRC, in which AGCOM was involved in a consortium with the Spanish regulator CMT/CNMC and the *Direction générale de la compétitivité, de l'industrie et des services* of the French Ministry of Economy, Industry and Employment, was completed in September 2013. The goal of the project, launched in October 2011, was to contribute to the development of

¹⁵⁰ The countries which have participated in the project, through their respective regulatory authorities in the audiovisual sector, are Slovenia, Italy, Austria, Hungary, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Macedonia, and Albania.

The project with the Jordanian authority

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competition on the electronic communications markets in Jordan, through the strengthening of the national regulatory framework and the full development of the operational capacity of the Jordanian regulator.

During the twinning, the experts of the European consortium spent about 700 man-days in Jordan, thanks to which all the objectives of the Agreement signed with the EU Commission were achieved. The Authority was entrusted with tasks of particular importance for the success of the various twinning elements: the preparation of the fact-finding reports¹⁵¹, the organisation of public consultations, the drafting of the proposals for regulations and resolutions for the TRC, and the response to government inquiries in view of the amendment of the Jordanian Telecommunications Act. In particular, in component 3, the Authority's experts made a key contribution to the achievement of objectives regarding the planning of the activities to be carried out in view of digitization; while in component 4, the Authority conducted an analysis of the Jordanian legal and regulatory framework and drew up guidelines for its modernization and its harmonization with the *acquis communautaire*. It is worth noting that almost all of the suggestions which emerged from this last component were included in the last draft law reforming the sector drawn up by the Jordanian government.

For more efficient use of the extra resources available under the project, the Authority has also launched an ambitious project aimed at the publication, before the conclusion of the twinning, of a Green Paper on converged services. The Authority's experts, supported by colleagues from the TRC, therefore launched a public consultation with a questionnaire addressed to stakeholders in the audiovisual and telecommunications sector, they collected information from reports and field studies, and lastly they organised the information obtained in the first draft, presented to the public on the occasion of an international seminar organized in Amman in August 2013.

The conclusion of the twinning activities was marked in September 2013 with a conference open to the public and the media in which the results of the project were summarized. The Authority's commitment and significant achievements during activities related to the twinning project (which went well beyond the provisions of the Agreement) also led the TRC to request the Authority to sign a Memorandum of Understanding which will allow the two regulators to continue their cooperation on a bilateral level, in particular in the areas of action identified by the reports drawn up by the component on the NGN and by the legal component, and for continuing the activities linked to the Green Paper.

With reference to the twinning project carried out by AGCOM, the German regulator BNetzA and the Spanish regulator CMT with the Israeli Ministry of Communications (MOC), which ended in early 2013, the European Union delegation, on the occasion of the publication the final report on the twinning activities, placed great emphasis on the activities carried out for the development of data collection software which would allow the Israeli Ministry to periodically monitor market developments. The activities for the development of said software (developed by the winner of a call for tenders published by the EU delegation and developed on the basis of the results of the Twinning data collection working group coordinated by AGCOM) are now almost complete and the installation of the new data collection system of the MOC should take place at the end of July 2014.

The project with
the Israeli
Ministry of
Communications

¹⁵¹ As a result of activities carried out within the legal component of the project (component 4) the AGCOM experts delivered reports focusing on: the independence of the TRC, the sanctioning powers of the Jordanian regulator, procedures for the issue of qualifying licences, the resolution of disputes, consumer protection, rights of way, the universal service, net neutrality, service quality, and the monitoring equipment placed on the market. All reports contain a section on the analysis of European best practices, a section on the analysis of the Jordanian regulatory framework and a section on the analysis of the differences and proposals for the harmonisation with the *acquis communautaire*, which were sent to the European Commission and published on the TRC website.

Twinning with the
Tunisian
authority

Lastly, the Authority - as leader of a consortium set up by the Spanish regulator CNMC and the *Direction générale de la compétitivité, de l'industrie et des services* of the French Ministry of Economy, Industry and Employment - participated in the tender procedure for twinning in favour of the *Instance Nationale Des Telecommunications*, the regulator of the electronic communications sector in Tunisia. Following the presentation of the proposal, in December 2013, on 28 January the European Commission delegation in Tunis informed the Ministry of Foreign Affairs and the Authority that the proposal submitted by the consortium led by AGCOM was the winner of the selection procedure. The twinning will take 24 months, for a value of Euro 1.2 million, with which the European Commission will finance the activities associated with the development of the project, including flights and transport, per diem allowances for the experts, translations and interpreting and visibility costs (conferences, workshops, etc.).

The strategic objective of the project is to contribute to the evolution of competition in the telecommunications, media and postal sectors in Tunisia, through the strengthening of the regulatory framework in which the INT works and the full development of the latter's operational capacity. For the three sectors, intense training and transfer of skills is planned, as well as analysis of the regulatory framework and best practices and local harmonisation with the *acquis communautaire* by drafting reports, regulations and legislative proposals designed specifically for the Tunisian market.

The TAIEX and other bilateral meetings

Bilateral
meetings:

Over the last year, the Authority received a substantial number of requests for bilateral meetings, aimed at the exchange of best practices and regulatory responsibilities in the areas of competence.

- with the
Serbian
delegation;

With regard to requests for bilateral meetings within the TAIEX programme, funded by the European Union and aimed at the harmonisation of the regulatory framework of non-EU countries with the *acquis communautaire*, on 24 and 25 March 2014, the Authority received the visit of a delegation from the Ministry of Foreign and Internal Trade and Telecommunications of the Republic of Serbia; the meeting concerned allocation of the digital dividend for broadband mobile systems.

- with the Indian
delegation;

In the past year, there has also been an intense period of bilateral meetings with regulators and other European and non-European institutions.

On 28 May 2013, the Authority received a delegation from the Indian Ministries of Industry and Commerce, Communications and Finance: discussion topics focused on the regulation of electronic communications services, with specific reference to the regulatory framework at national and European level concerning access and interconnection to the fixed network and management of the radio spectrum (in terms of its use for mobile broadband services).

- with the
Chinese
delegation;

On 1 July 2013, the Authority met with a delegation of the Administration of Radio, Film and TV and the Guangxi People's Broadcasting Station of the Chinese region of Guangxi: the meeting focused on Italian experience of the radio and television system and in particular on regulations relative to licenses and authorisations, digital rights, pluralism and the protection of minors and minorities.

On 26 October 2013, the Authority received a delegation from the Department of science and technology of the Ministry of industry and IT of the Chinese Republic and of the major mobile operators in the country: the meeting explored European and national dynamics with respect to mobile interconnection and the regulation of international roaming services, also in light of the approval of the new EU regulation on international European roaming tariffs which entered into force on 1 July.

On 13 and 14 January 2014, the Authority met with a delegation of the *Agence Nationale de Reglementation des Telecommunications* (ANRT) of Morocco on

- with the
Moroccan
authority;

4. Institutional relations and the organisation

the issues of sharing telecommunications infrastructure and the regulation of rights of way.

On 7 and 8 April 2014, the Authority met with a delegation of the Regulatory Authority of Romania (ANCOM) to share its experience on the definition of the net cost of the universal service in the postal sector and to compare the methodological aspects considered for said definition.

- with the Romanian authority;

Relations in the period relative to the National Broadcasting and Telecommunications Commission, the Thai Authority for converging regulation, merits a separate mention. Following an initial visit by the Chairman and a representative of the NBTC Board, in June 2013, several technical meetings were held, hosted by the Authority, focusing on numerous regulatory issues relating to electronic communications and audiovisual services (including frequency planning, consumer protection, television monitoring and liberalization of the Fixed and mobile telecommunications market). The interest in the experiences and the solutions adopted by AGCOM led, among other things, to the opening of the first Centre for the Mediation of Disputes between Managers-Users in Bangkok, organized according to the alternative management model of procedures for resolving disputes, adopted by the Authority and by the Co.re.com. At present a number of initiatives aimed at further strengthening cooperation between the two authorities are being studied.

- with the Thai authority.

4.1.2. Relations with national institutions and with the Ministry of Economic Development

Relations with the Government and Parliament

With the start of the XVII legislature and the opening of the Houses and of the Parliamentary Committees, in the summer of 2013 the dialogue between the Authority and Parliament also resumed.

In this regard, firstly, the parliamentary hearings of the Authority's Chairman on the subject of intellectual property and the protection of minors on communications and information media are worth mentioning.

The parliamentary hearings:

The first, in particular, took place on 19 June 2013 at the United Commissions of the 7th Senate (Public Education, Cultural Heritage) and the 8th Senate (Public Works, Communications) with the aim of providing for the updating of the issues which emerged in the field of copyright. A hearing was held on the same subject on 17 July 2013, before the United Commissions of the 7th sitting (Culture, Science and Education) and 9th sitting (Transport, Post and Telecoms). The cabinet which took office in 2012 thus presented for the first time to Parliament, in its renewed composition, the structure of the regulatory framework on copyright with respect to electronic communication networks, highlighting the action strategy and the elements of continuity with the activities carried out by the Authority during the previous government. In presenting the aims and measures contemplated by the Authority's regulations, the text also referred to the role of Parliament, which is responsible for exercising primary legislative power on the subject in question, as well as the importance of establishing a constructive dialogue with parliamentary and with the socio-economic stakeholders.

- on copyright;

To ensure stability in the dialogue with the institutions involved in disciplining new digital rights for the media sector, on 15 January 2014, the Authority held a new hearing before the United Commissions of the 7th and 9th sittings dedicated to the issues of intellectual property on electronic communications networks and the protection of minors in audiovisual media programming, broadcasting and advertising.

- on the new digital rights;

With regard to the first topic, the hearing proved to be important, with the adoption of Resolution No. 680/13/CONS of 12 December 2013 which laid down the regulation relating to the protection of copyright on electronic communications networks. With the hearing of January, therefore, the Authority Chairman presented to the parliamentary institutions the results of a long and in-depth analysis and exchange of information and opinions with the institutions, companies, associations and all relevant stakeholders, started as long ago as 2010, of which the hearing summarized the key stages. The occasion also served to illustrate to the House the basic system of the positive regulations adopted.

In terms of child protection, the hearing illustrated the regulatory framework through its most recent developments, particularly with regard to the powers entrusted to the Authority, and then presented to the representatives of the House of Deputies, a summary of significant regulatory actions and supervision adopted by the sector regulator in 2013. On the basis of the experience gained in this sector, as well as investigations conducted within the sphere of work for the preparation of the "White Paper on the relationship between media and children", the Authority also informed Parliament of some priority areas for legislative intervention in this matter, which is called for in view of the changes taking place in audiovisual media programming, broadcasting and advertising.

The common treatment of these issues was also an opportunity for the Authority to stimulate parliamentary debate on action to be taken to guarantee the fundamental rights of the individual within the sphere of mass communications media. It is, indeed, a goal which constantly inspires the action of the independent regulator in the exercise of the powers entrusted by the law.

- on the Rai
service contract;

On 16 October 2013, the Chairman Cardani also held the first parliamentary hearing before the renewed Commission for the general guidance and supervision of radio and television broadcasting services, within the sphere of the joint service contract RAI 2013-2015 drawn up by the MED and by Rai. The Authority's hearing is not required by law, but is a practice that has been established since the 2007-2009 service contract, the first one stipulated after the reform of public-service broadcasting introduced by Italian Law No. 112 of 2004. To this regard, the Authority emphasised the public nature of the contract, drafted according to the public service obligations laid down by law and expanded and specified in the Authority's guidelines issued on each renewal, and subject to the mandatory opinion of the general and supervisory Parliamentary commission. This recalls the role of public service broadcasting in the current market: the definition of the new public service mandate must reflect the development and diversification of the digital era, while maintaining the features of a universal service and extending to users the advantage of the new audiovisual and information services as much as possible. Also in view of the renewal of the concession agreement of RAI in 2016, the Chairman has also expressed the Authority's willingness to enter into a joint debate on the role and updating of the public-service mission.

- on legislative
and
administrative
simplification.

Lastly, on 3 March 2014, the Chairman Cardani presented at a hearing before the Parliamentary Commission for the simplification of the House of Representatives, the Authority's contribution to the fact-finding survey on legislative and administrative simplification, launched in November 2013. The text of the hearing presents the main experiences gained in the execution of its functions and also through continuing interaction with the subjects operating in the sectors involved, illustrating the initiatives that it has taken in terms of simplification and transparency in favour of citizens and businesses and presenting some concrete proposals for action in order to significantly reduce the administrative burden on operators in the sector and at the same time to allow for more efficient and fairer administration.

Parliamentary Queries

4. Institutional relations and the organisation

The Authority, in the reference period, by means of procedures entirely managed with computerized systems, promptly communicated to the Prime Minister's department and the Ministry of Economic Development every element under its competence useful for responding to the many queries.

The subject of the queries was problems concerning the nature, functions and organisation of the Authority; the protection of copyright on electronic communications networks, the promotion of the legal offer of digital works, the instruction of users in the correct use of the same and the enforcement of the tools for the protection of copyright online, the reorganization and rationalization plan of the Poste Italiane, the universal service and the supply of the services included in the same; the Telefónica-Telecom Italia operation and in particular the implementation of the "golden powers" regulations and the separation of the Telecom Italia network; the fact finding survey on the Authority's advertising revenues and in particular the findings relative to the sector of advertising brokerage and advertising via mass communications media; plans for the allocation of frequencies, methods of allocating numbers to providers of the audiovisual media services authorized to broadcast audiovisual content via digital-terrestrial technology, the problems related to the allocation of LCN numbers; the adoption of electronic measures alternative to instant messaging used in the tariff-revision phase and contemplated limitations to contractual amendments; issues related to the contract of service between Rai and the Ministry of Economic Development, repressive actions against said phenomenon, supervision and sanctions against operators in the case of fraud in remote contracts to protect consumers, unrequested activation of services on mobile phones, premium services offered by misleading web pages and the subscription to services transmitted on the Internet in the form of advertising participation in competitions with prizes; regulation concerning the automatic numbering plan for digital-terrestrial television channels, both unencrypted and those of pay TV; assessments linked to the integrated communications system; the distribution of advertising resources within the television market; institutional political pluralism on television networks and protection of the same; restrictions on ownership of newspaper publishing companies imposed on the television broadcasters; football television rights and their assignment; the regulation of audiovisual media services transmitted online or the radio or by other electronic communication means and the supply of on-demand audiovisual media; migration on fixed and mobile networks and associated inefficiencies; ADSL connections.

The Authority maintains a constant relationship of collaboration with the Prime Minister's department and with the Ministry of Economic Development in order to give the Government immediate feedback in answer to requests for relevant information required to provide comprehensive responses to parliamentary questions and queries.

Opinions communicated to the Antitrust Authority on cases of the abuse of dominant positions and concentrations

In the period between April 2013 and March 2014, within the sphere of the institutional collaboration with the Antitrust Authority (AGCM - *Autorità garante della concorrenza e del mercato*), the Authority, in execution of Art. 1, section 6, of Italian law 249 of 31 July 1997, transmitted to said Antitrust Authority opinions on concentrations and cases of the abuse of a dominant position regarding operators of the communications sector. In particular, the Authority was asked for an opinion on 3 cases (1 abuse of a dominant position and 2 cases of concentrations), as illustrated in the following table.

Table 4.1. Opinions transmitted to the Antitrust Authority

Opinio	Type	Arrival	Parties	Resolution
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n				
A429	Abuse of dominant position	22/03/2013	RTI/SKY – Football world cup	283/13/CONS
C7493B	Technological modification DVB-H/DVB-T	07/11/2013	Elettronica Industriale S.p.A.	679/13/CONS
C3932B	Revision of concentration measures	23/12/2013	Telecom Italia/Seat Pagine Gialle	17/14/CONS

Opinions on abuse of dominant position

Regarding the case of abuse of a dominant position, in April 2013, the Authority delivered its opinion on the final provision relative to the inquiry "A429 - RTI/SKY - Football World Cup," on conclusion of the investigation subsequent to a report from the company Reti Televisive Italiane S.p.A. of presumed breach of Art. 102 TFEU on the part of Sky Italy Ltd. regarding the acquisition of rights to broadcast exclusive coverage of the World Cup 2010 and 2014. Said investigation was later broadened to also include the ascertainment of the existence of other infringements on the part of Sky, consisting of the acquisition of exclusive rights for broadcasting, on all Italian pay-TV platforms, matches of the UEFA Champions League football tournament, with the exception of the best Wednesday match of the seasons from 2012 to 2015. In its favourable opinion, the Authority agreed on the definition of the relevant market for pay-TV, as well as the evaluation of AGCM with respect to the non-existence of the conditions for charging Sky for abuse of a dominant position with regard to the acquisition of exclusive rights to transmission in Italy and on all pay platforms of the broadcasting rights for the World Cup in 2010 and 2014 and the UEFA Champions League matches, with the exception of the best Wednesday match. In particular, with reference to the broadcasting rights for the World Cup in 2010 and 2014, it was found that the evidence produced did not seem sufficient to show that the fact that Sky was the exclusive holder of the rights in question represented an effective obstacle to competition from other operators offering pay-TV services or that it is part of a deliberate exclusion strategy on the part of the satellite operator. Neither did the evidence on record seem sufficient to show that the World Cup represents necessary audiovisual content for effective competition in the provision of pay-TV services. Lastly, with regard to the acquisition of the exclusive rights to broadcast, on all pay-TV platforms in Italy, matches on the UEFA Champions League football tournament, with the exception of the best Wednesday match, for the 2012-2015 seasons, the AGCM pointed out that, as a result of the negotiations which had taken place and the negotiations by Sky and RTI, the broadcasting rights for the UEFA Champions League for the seasons 2012-2013 and 2013-2014 were available for pay TV both on the DTT platform and on the satellite platform, without prejudice to the unencrypted transmission of the best Wednesday match by RTI. Therefore, given the outcome of the negotiations which led to the opportunity for RTI to also transmit, via pay-TV, all matches of the UEFA Champions League for the two seasons 2012-2013 and 2013-2014, the Antitrust Authority found, also with reference to such rights, that the assumptions on which the allegations were unfounded.

Opinions on concentrations

In December 2013 the Authority delivered its opinion on the resolution not to open investigations on the merger "C7493B - Elettronica Industriale/Technological modification DVB-H / DVB-T", consisting of the request submitted by the company Elettronica Industriale S.p.A. to modify the concentration operation "C7493 - R.T.I. - Reti Televisive Italiane/Company unit of Europa TV", authorized by AGCM with provision No. 15333 of 10 April 2006. In particular, in the outline of the aforesaid resolution, the Antitrust Authority authorized the acquisition of total control on the part of the company RTI of a business unit owned by the company Europa TV S.p.A. consisting of the company's transmission network, the transmission frequencies (multiplex) and the complimentary contracts connected to the same, excluding the license for the channel *SportItalia*. Among the mandatory measures imposed by

4. Institutional relations and the organisation

AGCM in connection with this authorization, RTI had to dedicate the multiplex exclusively to the supply of television content on mobile devices using the DVB-H platform. However, in February 2013, Elettronica Industriale applied to AGCM for a modification of the original concentration, consisting of the conversion of the multiplex it had acquired for DVB-T technology and revocation of the restrictions on the frequency resource, both as regards the technologies used, and for the aspects associated with the business model used, which delegated to the mobile telephony operators the choice of content and the collection of advertising investments. On the occasion of the request, Elettronica Industriale also contemplated a number of restrictions consisting of the assumption on the part of the Mediaset Group of a commitment (with no expiry) aimed at excluding, in the party's opinion, the possibility of the operation producing any effect on the Group's market share of television advertising. AGCM, in the framework of the provision to which the opinion referred, decided not to open the inquiry, maintaining that the modification of the concentration operation, as set out in its essential elements, was not likely to have negative effects on competition, in as much as regarding a technological change in the use of the resource without affecting the number of frequencies available to the party.

The Authority, in its favourable opinion, agreed with the identification of the relevant markets and the assessments made by the Antitrust Authority, with a few caveats. In particular, the Authority stated that the proposed amendment complied with the principle of technological neutrality - introduced by directive 2009/140/EC and implemented by the Electronic Communications Code - as well as the need to ensure efficient use of the spectrum. With reference to the digital-terrestrial broadcasting market, the Authority stated that the need to verify the competitive conditions of the market led it to launch, with Resolution No. 438/13/CONS, a special analysis procedure - currently in progress - designed to obtain information on current usage patterns and conditions for the sale of transmission capacity allocated for the delivery of audiovisual content and services on the main broadcasting platforms (digital terrestrial, satellite, fixed-line telecommunications networks), in order to possibly introduce obligations for the sale of transmission capacity on digital terrestrial television networks. Finally, the Authority verified respect for the anti-concentration limits - governed by article 43, sections 7 and 8 of the Consolidated Act on audiovisual media and radio services - relative to authorizations for the supply of television programmes, as a result of which it found that no national content supplier had exceeded the 20% limit in 2013, either in the case of the system referred to in section 7 of said article 43, or in that in the following section 8.

Lastly, in January 2014, the Authority issued its opinion on the outline of the final resolution on the concentration operation "C3932B - Revision of concentration measurements Telecom Italia/Seat Pagine Gialle", consisting of the instance presented by Seat Pagine Gialle to AGCM aimed at obtaining the removal of the ban on the joint distribution of the publications White Pages and Yellow Pages, imposed by provision No. 8545 of 27 July 2000 (procedure C3932): with this measure, the AGCM had approved a concentration consisting of the acquisition by Telecom Italia S.p.A. of the complete control of Seat Pagine Gialle S.p.A.

The Authority, in a favourable opinion, agreed with the definition of the relevant market of advertising in alphabetical and category directories, and also with the assessments of the AGCM. In particular, in the draft provision to which the opinion referred, the AGCM decided to lift the ban on the joint distribution of alphabetical and category telephone directories, imposed by the decision authorising the above-mentioned concentration, maintaining that the measure was no longer justified by the need to safeguard competition. The Authority agreed with this position, sustaining, as pointed out by the AGCM, that the measure was no longer justified in the light of the altered market context. The market for advertising in alphabetical and category telephone directories has in fact undergone significant

changes since 2000, the year in which the measure approving the merger of Telecom Italia/SEAT Pagine Gialle was implemented. Firstly, there is no longer a corporate relationship with Telecom Italia. In addition, the White Pages has lost its value as the official list of subscribers to telephone service and any operator which wishes to produce a list has access under fair and non-discriminatory conditions to the database of fixed telephone service subscribers (DBU) in existence since 2005. Moreover, subsequent to Italian legislative decree No. 70/2012, the supply of printed directories of subscribers has been excluded from the scope of universal service obligations. At present, therefore, since there is no official list of subscribers and many operators could potentially produce an equivalent publication, Seat Pagine Gialle no longer has the potential benefit derived from the combination of its own category directory and the only existing list of subscribers. Furthermore, despite the imposition of the measure which prohibits the joint distribution of category and alphabetical directories, the market in question, due to its particular features, has not been subject to the development of competition by several operators. Therefore, the joint distribution of White Pages and Yellow Pages is not in itself an obstacle to the development of competition on the market. Lastly, the development of the Internet and of the tools that allow for consultation on different platforms (web, voice services, smartphones and tablets) exerts a significant competitive pressure with respect to advertising in printed directories and the use of hard-copy publications is gradually narrowing to the portion of users less inclined towards new technologies.

4.1.3. Relations with universities and research organisations

Over the last year, the Authority has launched several initiatives with academic institutions and research bodies in order to investigate some of the complex technical and regulatory issues that affect the development of different areas of electronic communications, media services and postal services.

In particular, the Authority collaborates with universities and research centres in order to safeguard the technological innovation processes underlying regulatory action, to strengthen the synergies based on the exchange of information and experience with the academic world, and to promote the development of studies and research. The ultimate aim, subject to the performance of research activities, is to support investigation and experimentation, to introduce regulatory innovations to be implemented by the Authority, and to reduce possible uncertainties in which the action of policy makers has effect in the various communications segments.

It is to be noted, firstly, that in the last year the collaboration between the Authority and the universities has produced some research on specific topics of institutional interest, within the programme "Services and Content for New Generation Networks" (SCREEN), which proposes to study in detail the issues related to the development of digital content and services, highlighting the potential impact on the future action of the policy maker.

Specifically, the research activities have, among other things, resulted in the publication, on the Authority's website of five reports:

1. services and application platforms for personal communications and digital media (2 May 2013);
2. digital services and application platforms for companies and public administration (19 December 2013);
3. policies in support of the offer of digital services, platforms and content (19 December 2013);
4. Future Internet: converging scenarios, enabling factors and new services (3 March 2014);

Collaboration
within the sphere
of the SCREEN
programme

4. Institutional relations and the organisation

5. "The value chain and business models of the digital ecosystem" (March 3, 2014), which examines the components of the value chain of the digital ecosystem, and the business models that are being seen at retail level, and which concludes with a review of the main processes applied in practice in the industry.

In the coming months, after completion of the research focused on the mapping of new services, new players and new scope for the digital ecosystem, the works will focus on specific issues. In particular, in the next year the studies that aim to analyse the determinants of the digital divide and e-inclusion policies will be completed, as well as the research focusing on the Internet markets and ecosystem ("Internet and competition", "Internet and society" and "Internet and innovation"), as well as studies which examine the current state of the art and the main problems that arise with regard to the protection of the users of the network and of social networks.

In 2013, the Authority also decided to fund masters scholarships for graduate students for the preparation of theses on topics of interest to the Authority. The support provided focuses on the improving the training of young graduates in the fields under the Authority's competence, and to encourage the study and exploration of issues related to the activities carried out by the various offices. The Authority, in this sense, as a result of a "Selection procedure for University Master's Degrees for the award of scholarships AA2013-2014 AA2014-2015" (Resolution No. 439/13/CONS) has awarded ten scholarships, each for the amount of Euro 2,500 (Resolution No. 669/13/CONS).

Scholarships

Furthermore, many forms of cooperation established by the Authority with the academic and research world did not involve any financial burden for the administration. These include the granting of free patronage. Over the years, the Authority has received numerous requests from public and private bodies for training involving the granting of "free patronage", which authorizes the use of the Authority's logo and name during the presentation and execution of the courses. The Authority, over the years, has granted the free patronage to public and private universities, training schools, centres and observatories, in order to promote workshops, training courses and master's degree courses, in view of the relevance of the issues which have been of interest to the Authority. Free patronage has been granted, among other things, applying the criteria of relevance to the institutional activities and the public interest pursued.

Free patronage

Lastly, it should be noted that during the past year, the Authority has renewed the agreement with the Fondazione Ugo Bordoni, a higher institute of culture and research under the supervision of the Ministry of Economic Development (see Resolution No. 540/13/CONS). The Agreement, stipulated for the first time in 2009 (see Resolution No. 429/09/CONS), relates to the performance of study, processing and analysis activities aimed at a deeper understanding of technical, scientific, economic and regulatory issues, in order to achieve forms of joint collaboration in the application and communication of the results to society at large. The Agreement has so far represented an investment in the long-term nature of scientific and technological research and in the development of prototypes and experimentation, also instrumental to the technical regulation of the sector.

Relations with the FUB

Renewal occurred upon completion of the series of studies undertaken in 2012. In fact, in 2013 the results of the Executive Research Projects carried out by the Fondazione Ugo Bordoni, entrusted to the same by Resolution No. 707/11/CONS., were published. Pursuant to Resolution No. 490/13/CONS, the works on the three executive research projects were published, which regarded in particular:

1. full implementation of the monitoring of sound levels of advertising and commercial communications by the use of the Authority's software and personnel training ("Loudness");

2. classification of decoders for the reception of television programmes in digital technology ("Misura Decoder");

3 fact-finding analyses on the allocation, assignment and use of the radio spectrum ("Spectrum inventory").

In 2013, the Authority considered it appropriate, in the light of the results achieved during the previous activities, to continue collaboration with the Fondazione Ugo Bordoni to ensure a timely alignment of the activities with the priorities of regulatory intervention outlined by the European and national regulatory framework, renewing the agreement with Resolution No. 540/13/CONS. In particular, the activities currently underway have been defined in special executive projects, approved with Resolution No. 712/13/CONS and Resolution No. 27/14/CONS, and they consist of:

1. the classification of decoders for the reception of television programmes via digital technology, in order to update the Authority's current system of comparison, available at www.agcom.it/decoder, which allows the consumer to assess the signal receiver most suited to his/her needs and consumption profile and, therefore, to make an informed choice;

2. the establishment of a monitoring unit for the postal services market and the study of the prospects of integration between postal services and electronic communications services;

3. the creation of a system for comparing the commercial offers of electronic communications services supplied by operators which customers can subscribe to through contracts;

4. the computerised management of the regulation on the protection of copyright on electronic communications networks.

4.1.4. The Financial Police and the Postal and Communications Police

Collaboration between the special radio broadcasting and publishing unit and the Authority

The Financial Police, whose duty is to protect negotiating freedom, entrepreneurial freedom and the free market, carry out important functions - as well as supervising respect for taxation obligations - also in the radio and television, electronic communications and publishing sectors.

This is in virtue of the relevant provisions and the Memorandum of Understanding between the Authority and the Financial Police which, through the Special Broadcasting and Publishing Unit, which is one of the Special Units, ensures every possible form of collaboration and the professional skills to influence in a flexible but decisive manner the quality of actions and their effectiveness.

The collaboration, in the period considered (1 May 2013 - 31 March 2014), focused mainly on the following operational segments: licence fees due from broadcasting companies, equal access to information channels, positions of control or of association in publishing, television programming with respect to user protection (advertising, television sales, the protection of minors, etc.), and online copyright.

The operating capacities of the Special Unit have also developed initiatives, with the contribution of the Operations Office of the Special Units Command, for the duplicate projection of contextual analyses and risks in the areas under the Authority's competence.

During the period in question, the Special Unit completed 292 inquiries. Of these, 185 ensued from specific requests for collaboration on the part of the Authority, pursuant to the Memorandum of Understanding stipulated with the

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Finance Police. The Authority was informed of 333 irregularities of an administrative nature and 21 subjects were reported to the Judicial Authority-

Licence fees due from the broadcasting companies, pursuant to Art. 27, paragraphs 9 and 10, of Italian law No. 488 of 23 December 1999

The activity of the Special Unit, in the area in question, is represented by a verification of the accounting and management aspects of the obliged subjects, in order to determine the amount of the fees due (equal to 1% of turnover for the national television broadcasters, with maximum limits for other types of broadcasters).

For this purpose, a database is used detailing the subjects operating in the sector, as indicated by the licences issued by the Ministry of Economic Development and by the Communication Operators' Register held by the Antitrust Authority in order to identify the broadcasting companies that have not yet paid the fees due.

Thanks to the action carried out towards certain national television companies, cases of evasion of said contribution have been discovered.

The Authority has reported the results of the checks to the Ministry of Economic Development - Communications Department.

Equal access to information media ("par condicio")

Pursuant to Italian law No. 28 of 22 February 2000, the Memorandum of Understanding and the regulatory provisions issued on each occasion by the Authority, the Special Unit gives a significant contribution to *par condicio* for the activities of:

- acquiring magnetic media and publications;
- the management of reports on local broadcasters and publications, interfacing, according to need, with the provincial dictates of the Financial Police;
- direct assistance by personnel quotas.

This takes place mainly during the European Parliament election campaigns, the political, regional and administrative elections and for every referendum.

Positions of control or association between companies requesting publishing contributions

Within the sphere of the collaboration relationship, the Authority asked the Special Unit to make inquiries in order to verify the existence of any positions of control and/or associations, also indirect, between companies requesting the publishing contributions, pursuant to Art. 3, paragraph 11-ter, of Italian law No. 250 of 7 August 1990.

Furthermore, on the basis of Presidential decree No. 223 of 25 November 2010, the Authority - at the request of the Information and Publishing Department of the Prime Minister's Office communicates that the ownership structure of the applicant publishing house conforms with the provisions in force and that it holds no stakes relevant as regards control or association as envisaged by Art. 2359 of the Italian civil code.

With the aforesaid legal provisions, the legislator has aimed to introduce into the system protective provisions which prevent a publishing house from obtaining the grant more than once in the period of the application.

In order to discover the legitimacy of the perception of the grants issued by the State to publishers, the Special Unit carried out in-depth studies and analyses of the discipline, and of the ownership structures and financial situation of the companies concerned, aimed at defining the risk indicators and operating methods for the subsequent controls to be carried out "in the field".

In various circumstances, the inquiries carried out have allowed "reconstructing" of complex and articulated company and cooperative designs carried out parallel to and officially entirely separate from those declared, governed

by subjects without evident connection with each other, allowing the guarantor Authority and the Information and Publishing Department to prevent companies from obtaining the grant more frequently than permitted.

User protection relative to television and radio programming

Controls on television and radio programming allow the Communications Authority to exercise the supervisory power pursuant to Italian law No. 249 of 31 July 1997.

In the situation in question, the investigations of the Special Unit involve the monitoring of the programmes broadcast by the television and radio stations and mainly regards advertising, television sales, and the protection of users and minors (Italian law 223/1990 and Italian Legislative Decree 177/2005 and subsequent amendments and additions).

In the period considered, the action of the service allowed for detection of many cases of illicit behaviour, reported for the opening of the relative sanction procedures.

In particular, breaches were identified regarding advertising (crowding, positioning and content of "ads"), breaches of the provisions to protect users and minors (the broadcasting of transmissions prejudicial to physical, mental and moral development, and transmissions with pornographic content during the night-time bracket).

Online copyright

For the protection of copyright on the electronic communication networks, the legislator has attributed specific responsibilities to the Authority pursuant to the following provisions of Italian law: law No. 633/1941 (Art. 182-*bis*, introduced by Italian Law No. 248/2000); Italian Legislative Decree No. 177/2005 (Art. 32-*bis*, introduced by Italian Legislative Decree No. 44/2010); Italian Legislative Decree No. 70/2003, implementing Community directive 2000/31/EC on e-commerce.

In this context, the Special Unit and the territorial departments of the Financial Police carry out constant and careful monitoring of the Internet, with considerable results, aware that the illegal practices perpetrated via this network may represent market distortion.

On 31 March 2014, the Regulation on copyright for electronic communications networks entered into force, approved by Resolution No. 680/13/CONS of 12 December 2013, which, pursuant to Art. 4 of Annex A to said resolution, has set up the Committee for the development and protection of the legal offer of digital works, of which the Commander of the Special Unit is a member.

Activity carried out by the Postal and Communications Police Section with the Authority

The Postal and Communications Police, in the period from 1 May 2013 to 30 April 2014, collaborated, as usual, with the Authority within the sphere of the Memorandum of Understanding, for the execution of the inquiries on the telecommunications infrastructure and networks and the connected services and products.

Also subsequent to reports received by the Authority from users, the Postal Police participated in the execution of inspections initiated by the Authority across the entire national territory, against the principal telecommunications operators. This activity was mainly aimed at verifying compliance with the legislation regulating the sector, with regard to the correct use of surcharged numbers, directing its action, particularly with regard to surcharged services, also known as value-added content services, or premium services, in particular those provided through SMS and MMS or via data connection on mobile telecommunication networks (mobile Internet), an integral and significant supply of telephony, on numbers in the "decade 4".

4. Institutional relations and the organisation

The Section has also collaborated actively in the execution of inspections on several fixed telephony operators, aimed at verifying, also with reference to reports submitted by users, compliance with the legislation of the sector in terms of activation, migration, NP and termination of access services on the fixed network and, in general, the rules protecting consumers.

As part of the checks mentioned above, the Department has carried out detailed monitoring activities on numerous Internet sites, through navigation from personal computers and smartphones, including wap and web, aimed at verifying compliance of the procedures for the activation of the surcharged services in decade "48" with the principles of good faith and loyalty in commercial transactions, as well as regarding correct information for users on the nature of the service available by "subscription" and the mode of activation and deactivation of the same. This activity concerned the principal mobile operators in the country and some of the major Content Service Providers. A total of 600 websites, links and advertising banners were monitored.

During the reporting period the usual verification continued on the value-added numbers like 899, 892 and 895 advertised during television broadcasts, in order to check on compliance of premium services with current legislation and, in particular, compliance with the rules of the initial information message, of the services offered and of the pricing applied, with particular reference to Resolution No. 26/08/CIR (Art. 5, section 4, Art. 18, section 1, and Art. 19, section 1) and decree No. 145/06 (arts. 12 and 13) and also regarding compliance with the Regulations on radio and television advertising and television sales, contemplated by Resolution No. 538/01/CSP and subsequent amendments and additions, and the provisions on interactive propaganda, audiotex, videotex and similar, pursuant to Art. 1, section 26 of decree No. 545/96, as amended by the Italian Law No. 650 of 23 December 1996, activity which concerned about 20 broadcasters. All of the violations found were reported to the competent departments of the Authority for assessment and for the adoption of the consequent sanctions which, so far, have resulted in the imposition of fines for a total of approximately Euro 335,000.00.

Collaboration was also carried out in the execution of inspections on two companies operating in the mobile phone sector, aimed at verifying compliance with the Authority's Resolution No. 2/14/CONS of 9 January 2014, regarding the order to adapt the daily capacity of processing users' portability requests pursuant to Resolution No. 147/11/CIR, and in general, with the rules protecting consumers, with particular reference to residual credit and the transparency of information.

The Section also offered its collaboration to the Authority with respect to the "sports rights", assisting the Offices delegated to check compliance with the applicable regulations, in order to check on the truth of claimed breaches reported against the broadcasting companies. 10 local television broadcasters were checked, for presumed breach of Resolution No. 405/09/CONS of 17 July 2009.

The Section then assisted the Authority in the performance of the supervision of the postal sector, collaborating with the inspection activities carried out on several postal operators, in order to verify compliance with the provisions introduced by Italian legislative decree No. 261 of 22 July 1999, relating to the offer to the public of postal services subject to individual licensing and/or general authorization.

The Section also collaborated on inspections subsequent to reports of alleged unfair business practices in the electronic communications sector which inferred that, in several respects, breach on the part of the sector operators of the legislation on consumer protection, such as the failure or delay in handling requests for service withdrawal/termination or unilateral change in terms and conditions without giving the notice prescribed by the regulations.

The activity on the initiative of the judicial police, related to matters of specific competence, resulted in 18 charges, without arrest, on the same number of

individuals, and the enforcement of a court order for one subject to be remanded in custody. This activity was carried out within the sphere of computer crime involving sharp practice, fraud, credit card cloning, the fraudulent activation of SIM cards, telephone harassment, identity theft and email account theft.

The Postal and Communications Police, at national level, within the sphere of institutional matters similar to those of the Communications Authority, carried out, through its local units, activities concerning copyright, checking on 1 commercial enterprise, reporting 19 individuals, imposing 1 fine, confiscating more than 504 gbytes of electronic material and monitoring 396 virtual spaces, finding 95 with illicit content and confiscating 12. Within the sphere of the telephony sector, 2746 reports were received for both fixed and mobile telephony; 234 people were charged, 73 searches were carried out, and 10 fines were imposed for a total sum of Euro 1,022,292.00.

With regard to the Internet, 5,991 sites of various kinds were monitored, as well as 523 sites offering online gaming and gambling, and 51 breaches were found and 13 people were prosecuted. Lastly, 396 virtual spaces were monitored with respect to copyright, 95 of which were found to contain illicit content; 12 were confiscated together with more than 504 GBytes of material and 900 other physical media.

Within the sphere of the radio frequency sector, 16 broadcasters were checked, 3 were closed down along with the confiscation of more than 4,590 telecoms devices, 6 offences were identified and 19 people were charged.

4.2. The instrumental and auxiliary bodies

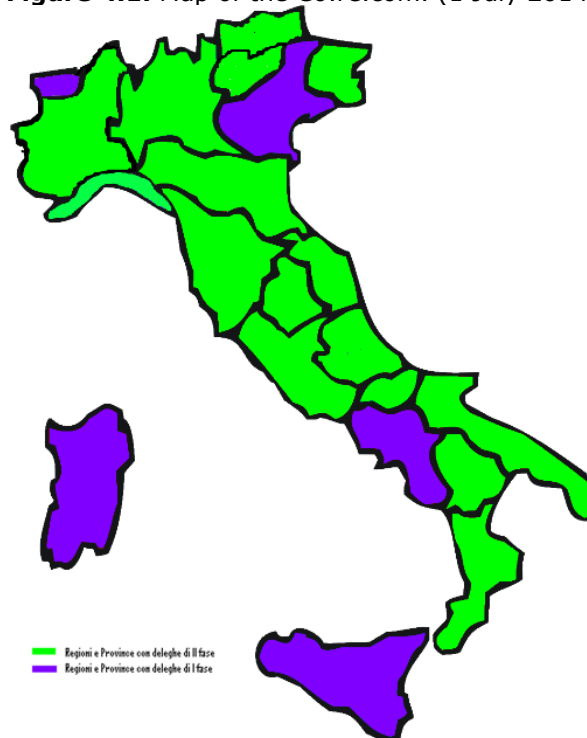
4.2.1. The Regional Communication Committees

Italian law No. 249 of 1997 established the Regional Committees for communications, giving them a "dual nature": as regional bodies, in terms of structure, functioning and responsibilities as advisory bodies, and as "functional" bodies of the Communications Authority.

The Committees are therefore "mixed bodies", assigned the task of advising the regions in the field of communications as well as the powers delegated by the Authority in order to safeguard the requirement for decentralization throughout the country for the exercise of the functions in the field of communications. They are in a situation of functional dependency with respect to the regional administrations and the Authority and they are therefore called upon to perform their activities in the service of both the regional legislative assemblies representing the needs and interests of the local community, and as a "technical" guarantee body, held to exercise the most rigorous impartiality and independence in their activities. To date, all the regions have received "first phase" delegations, such as that of carrying out the mandatory attempt at conciliation in disputes between electronic communications users and operators, the management of the requests for correction, the monitoring of compliance with the provisions relating to surveys and the protection of minors in the sector of local broadcasting. With regard to the process for conferring further authority, the "second phase" delegations, consisting of the resolution of disputes between electronic communications operators and users, the monitoring of compliance with the programming obligations and with the provisions relating to local broadcasting, through monitoring local broadcasters, and that of keeping the Communications Operators Register (COR), is gradually being completed, with only five regions still excluded, as of 1 July next (Figure 4.1).

Phase I and II
delegated duties

Figure 4.1. Map of the Co.re.com. (1 July 2014)



Source: The Authority

2013 was characterised by the consolidation of application of the delegated functions, pursuant to the Framework Agreement of 2008.

Institutional
Authority/Regions
Relationships

There has been reinforcement of the system of institutional relations between state bodies and decentralized bodies not based on criteria of functional hierarchy, but on sincere cooperation and equal partnership in the context of a common administration with a high degree of integration between the National Regulatory Authority and the Regional Communications Committees, which confers a strategic role on the Committees which are in direct contact with the regional institutions, the Authority, the public and the communications operators.

The delegated functions that the Co.re.com. are called upon to perform are obviously instrumental for the creation of a system of effective protection and guarantee for individual users, operators and local communities, understood as cultural, social and economic contexts in our constitutional order, as well as also in the European system of integrated communications. It is strategic, therefore, to appreciate the value of the activity of the Co.re.com. and to broaden its scope, as an alternative to a federal system which would impoverish the potential national synergies.

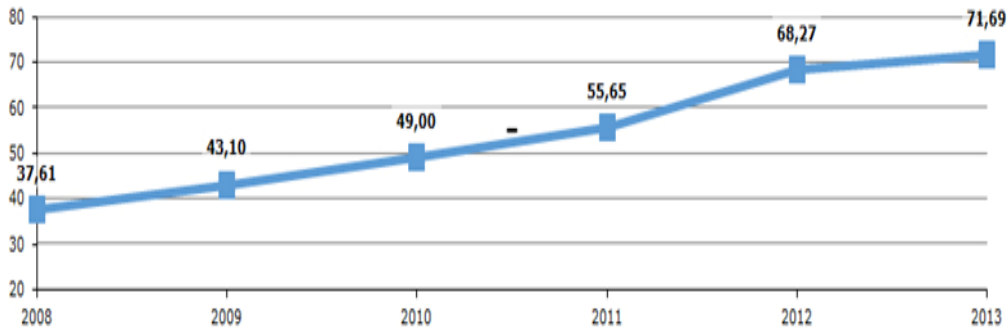
To this end, preparatory works for the updating the 2008 Framework Agreement were started, with the establishment of a Working Group within the Authority. The Group has been entrusted with developing a proposal for the revision of the Framework Agreement currently in force between the Authority and the Regions, also with contributions from the National Coordination of the Co.re.com. Chairmen.

The analysis of the relevant content of the Framework Agreement calls for a reflection on the critical elements that have emerged through local implementation of the activities such as, in particular, the lack of human resources made available by regional institutions, as well as the value of the experience gained in over a decade of management of the delegated matters.

The completion of the path taken by the Co.re.com. and the regional institutions, which will be completed with the accession of the five regions missing, is the platform on which to work to re-evaluate the powers delegated and which can be delegated and, possibly widening the scope of cooperation to new functions, consistent with the evolution of technology and of the regulatory system and regulatory environment.

The resolution of
disputes between
electronic
communications
users and
operators

The delegated activity which has most engaged the Co.re.com. in terms of human and economic resources, the pride and prestige of the decentralized system of communications, is confirmed as being that relative to the resolution of disputes between electronic communications users and operators.

Figure 4.2. Conciliation applications (2008-2013, thousands)

Source: processed by the Authority using Co.re.com. data

With a slight increase of 4.77%, there is a certain stability (Figure 4.2.) in the number of users who take recourse to the compulsory conciliation offered free of charge by the Co.re.com., which in 2013 received 71,692 requests for conciliation, broken down according to region as shown in Table 4.3, and 9,166 requests for temporary measures.

It must be noted that the economic value relative only to conciliation proceedings concluded in 2013 at the Co.re.com. was more than Euro 25 million at the national scale.

The constant, albeit slight, increase in requests, subject to compliance with the conclusion term of the proceedings prescribed by the regulations, requires an increase in the reconciliation boards with the operators, which are not always available or able to satisfy all requests. The insufficiency of the boards, in turn, causes the postponement of the dates of the hearings beyond the procedural terms, with the consequence of extending the average time for the conclusion of the proceedings, and also inducing users to give up the settlement procedure and to file action before the ordinary courts. In addition, the increase in requests exerts strong pressure on the supporting structures of the Committees which are already under stress due to the adverse economic situation, and struggle to find a balance between the average times of the hearings, the boards available and compliance with the procedural terms.

During the year, numerous meetings were held with the electronic communications operators, in particular with those who have contributed most to the increase in litigation, in order to identify the best practices useful for improving the efficiency of the system.

In general, in the face of problems common to almost all operators, due, in many cases, to staff reductions and consequent organizational rearrangements, an attempt has been made to direct their policies towards greater attention to the quality of services, greater transparency and care in the management of the relationship with the customer and relative complaints and, at the same time, to promote the use by the Co.re.com. of electronic communications tools.

The use of electronic means

These instruments, such as audio-conciliation or video-conciliation, not only make it possible for operators to manage litigation through internal resources, in general with specific technical skills which allow a greater possibility of the amicable settlement of disputes, but also meet the interests of users who thus do not have to reach the seat of the Co.re.com., at the considerable time and cost, sometimes for a dispute of relatively modest value. With this in mind, an increasing number of the Committees, supported by the Authority, in the regions with the most extensive territory, have relocated the conciliation procedure to the various town halls, also by the stipulation of appropriate agreements and memoranda of understanding with the URP offices spread across the country.

Other issues discussed during the meetings with operators and the Co.re.com. have been the difficulties encountered by the Committees in the management of litigation where they found themselves involved in the disservices of different operators, as well as the discontinuous participation at hearings in some regions, especially in those in which the management of the disputes is outsourced to external law firms, which, absent at hearings without notice, had the effect of nullifying the activity of convening and conducting said hearings.

For disputes between electronic communications users and operators, the same cases of certain inefficiencies at the local level occur in different areas with minimum differences, with the absolute dominance of cases of delays in services or in the management of complaints, inefficiencies in fixed and mobile number portability, followed by disputes over billing, in particular for data traffic, and the suspension or administrative interruption of service. The policy of the operators is oriented towards minimising litigation, also through the strengthening of customer-management services.

Compared to previous years, there is a reduction in serial anomalies, consisting of the proposition of a series of copious requests for conciliation regarding the same problem, often by the same legal representative, involving entire communities, towns or villages, affected by the same service failure or natural disaster, also thanks to the effective work of the Co.re.com. aimed at discouraging incorrect use of the conciliation instrument which distracts resources from the ordinary management of the reconciliation requests.

The extension of the delegated power for defining claims could be a deterrent to the negative outcome and to the continuation of proceedings before the Co.re.com., the final arbitrator of the dispute, to induce users to hope for a better resolution of the case and, unfortunately, allowing the legal representatives the right to higher remuneration for their assistance.

The increase in requests for resolving disputes, which in 2013 exceeded 7,000 cases of which 5,605 came before the Co.re.com. delegates, as shown in the table below, involves a significant commitment on the part of the Co.re.com. supporting structures, which have to devote more of their qualified resources to the delegated activity. This increase in litigation required the Authority to assist some Co.re.com. in the conduct of hearings aimed at defining the disputes, with the aim, largely achieved, of eliminating the backlog accumulated by means of settlement agreements reached in the hearings.

Table 4.2. Requests for dispute resolution 2010 - 2013

	2010	2011	2012	2013
AGCOM	1,024	1,342	1,448	1,775
Co.re.com.	2,723	2,910	3,856	5,605

Source: processed by the Authority using Co.re.com. data

In 2013, of the 5,605 requests presented to the Co.re.com., 1,418 were withdrawn also because they were settled by transaction before the relative hearing, 1,703 were settled by a transaction during or subsequent to the hearing before the Co.re.com., for 636 a provision to define the dispute was adopted by the Co.re.com., and the remainder are still pending. The data of the requests received and their outcome is given in Table 4.4, broken down according to Region and Autonomous Province.

The definition of disputes

4. Institutional relations and the organisation

Table 4.3. Obligatory conciliation attempt

	CONCILIATIONS						TEMPORARY PROVISIONS				
	Applications received	Applications inadmissible	Conciliations closed	Positive outcome	Negative outcome	Non-appearance	Applications received	Applications inadmissible	Applications accepted by the operator	Applications dismissed	Temporary provisions adopted
Abruzzo	2,613	62	2,228	1762	466	89	440	45	193	65	145
Basilicata	1,993	101	1,510	1,148	362	206	102	5	89	5	3
Bolzano – Autonomous Province	549	4	452	331	121	12	129	1	128	0	0
Calabria	7,364	1,093	5,322	3,287	2,035	949	810	94	415	140	161
Campania	11,673	560	8,080	6,670	1,410	2,391	666	85	357	46	178
Emilia Romagna	4,757	159	4,438	3,335	1,103	54	613	36	303	54	199
Friuli Venezia Giulia	1,400	7	1,112	884	228	17	150	5	145	12	12
Lazio	8,480	487	8,064	6,458	1,606	273	1,254	26	407	113	531
Liguria	2,061	80	1,461	1,092	369	156	347	35	256	17	39
Lombardy	5,536	203	4,595	3,886	709	449	829	51	612	51	28
Marches	1,731	409	1,152	858	294	78	119	5	108	0	6
Molise	466	9	450	293	157	7	107	7	32	16	21
Piedmont	4,820	63	4,740	4,044	696	326	859	1	745	7	106
Apulia	5,702	460	3,794	3,134	660	768	613	52	295	109	157
Sardinia	258	15	183	160	23	10	29	4	11	3	6
Sicily	1,828	226	1,248	653	595	177	340	79	207	18	36
Tuscany	5,161	198	4,633	3,154	1,479	224	772	116	293	41	318
Trento – Autonomous Province	629	2	610	560	50	0	135	0	96	0	36
Umbria	1,954	46	1,883	1,303	580	104	365	23	209	2	82
Aosta Valley	222	1	220	136	84	1	44	0	34	0	10
Veneto	2,495	15	1,922	1,145	777	0	443	22	180	0	58

4. Institutional relations and the organisation

Table 4.4. The definition of disputes

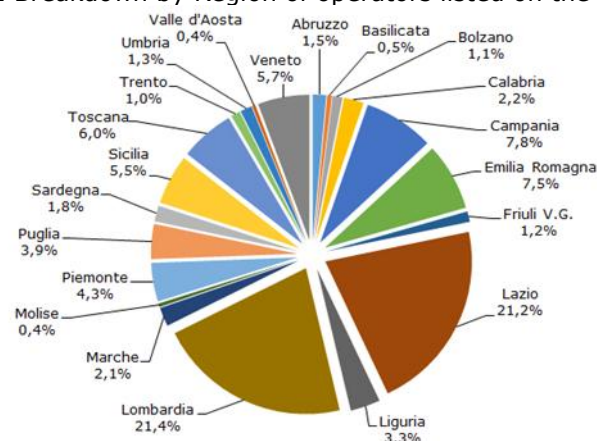
	DEFINITIONS				TEMPORARY PROVISIONS	
	Applications received	Renunciations	Transactions	Decisive provisions	Applications received	Temporary provisions adopted
Abruzzo	169	31	122	7	8	2
Basilicata	242	91	94	16	4	0
Bolzano - Autonomous Province	61	29	11	15	2	0
Calabria	947	330	95	207	43	0
Emilia Romagna	764	27	315	52	34	12
Friuli Venezia Giulia	138	8	27	48	0	0
Lazio	836	259	367	111	13	8
Lombardy	448	40	159	36	24	1
Marches	81	6	10	1	2	1
Molise	82	0	32	25	7	7
Piedmont	319	74	115	3	9	2
Apulia	194	57	100	9	7	1
Tuscany	949	392	217	36	46	16
Trento - Autonomous Province	27	10	18	3	0	0
Umbria	348	64	21	63	33	12

In 2013, the decentralized management system of the Communications Operators Register (COR) has been improved and simplified by the changes made to the computer system which, in accordance with the provisions introduced by Resolution No. 393/12/CONS, has sanctioned the computerisation of all communications to be made to the COR by registered or registering operators.

The Co.re.com. have also updated the Register in their respective areas, sending 3,559 reminders to operators already enrolled whose position was possibly outdated.

The delegated activity of the management of the COR regarded 12,687 workers, out of 16,804, broken down by region in the Public Register (Figure 4.3).

Figure 4.3. Breakdown by Region of operators listed on the COR (%)



Source: processed by the Authority using Co.re.com. data

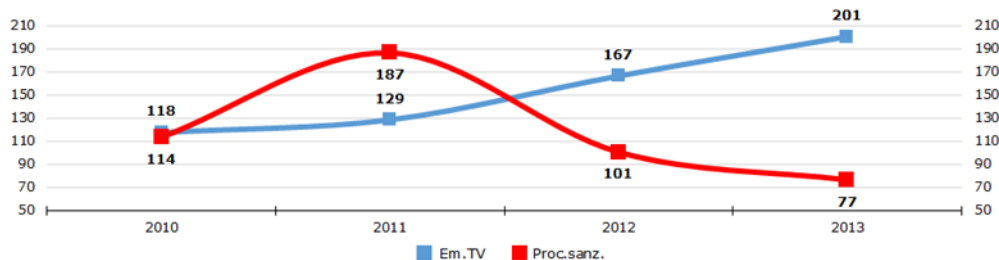
The media sector in all regions is a factor of territorial competition, therefore the mission of the Co.re.com. must aim at supporting the local industry, mediating with the central institutions, but also at advancing the role. The territorial information continues to be a strategic element of public service. Television, radio and local press are at the heart of a radical transformation with uncertain prospects. Local television stations - through newscasts - broadcast information on the initiatives, decisions and activities of local governments, and therefore they contribute to informing the public, and they help to increase a kind of social control over the activities of local politicians who hold office in local government.

With reference to the delegated activity, in the Regions where supervision of compliance with the legislation on audiovisual media was delegated, 201 local broadcasters were monitored with respect to the various programming areas identified by the Authority. The data resulting from the monitoring show that most of the alleged breaches charged, no less than 42 out of a total of 77, regard the obligations on advertising, although there is a significant decrease compared to the previous year when there were 101, and the year before that when there were 187 reported. In 2013, there were only 4 breaches of the rules laid down to guarantee the user identified by the Co.re.com., while there were 22 breaches of programming obligations on the part of local operators, in spite of the changeover of the ordinary system to digital-terrestrial technology.

With regard to the reducing trend of surveillance violations, it is worth emphasising that they continue in spite of the increase in broadcasters monitored. The greater effectiveness of the policy of moral suasion promoted by the Co.re.com. is therefore confirmed, compared to the traditional deterrent approach of the system of sanctions.

In particular, in 2010, the first year of the experimental operation of delegations in the field of supervision, the monitoring of local broadcasters on the initiative of the Co.re.com. began, although the checks on compliance with regulations was not concluded, while as of 2011, there has been a significant increase in monitored subjects, in view of the extension of the delegated activity to new regions, and an appreciable decrease in the sanction proceedings opened by the Co.re.com.

Figure 4.4. Supervision of local broadcasters 2010 - 2013



Source: The Authority

The activity of the monitoring office and supervision of compliance with audiovisual legislation by local broadcasters is now accompanied by what has become a consolidated tradition, research on programme scheduling and the evolution of the language of the media, as well as the promotion of television quality, which is more attentive to the users' expectations. This valuable work, in recent years, has gradually been reduced due to budget restrictions that have affected the public functions of research and incentives for the cultural and social development of the country in the various regional forms. The restrictions on public spending have also influenced the process of analysing socio-political pluralism, resulting in the reduction of costs for monitoring *par condicio* in the election and

4. Institutional relations and the organisation

referendum campaigns during which the Co.re.com. have exercised their function of monitoring compliance with the rules on equal access to the media for political communications and checking the accuracy of information subsequent to reports.

The Co.re.com. performed their duties of monitoring compliance with the provisions on the publication and circulation of survey results on the mass communications media in the local area, contained in the Regulation approved by Resolution No. 256/10/CSP, and according to the guidelines laid down by the Authority. Controls were carried out on 315 subjects, and four cases were transmitted to the Authority, for the adoption of sanctions.

With regard to the delegated activity carried out by the Co.re.com. on the right to rectification, in 2013 the tendency not to resort to such means of protection at local level except in exceptional cases was confirmed, with only 4 cases opened, 3 of which were dismissed by the relative Co.re.com.

The table below shows the state of the delegated functions of the 21 Regional Communications Committees that have been formed (Table 4.5).

Table 4.5. Co.re.com: laws on constitution, the chairpersons and the delegated functions

	Constituting law	Chairman	Phase I delegated functions	Phase II delegated functions
			(resolution, stipulation, entry into force)	
Abruzzo	Regional Italian Law No. 45 of 24 August 2001	Filippo Lucci	166/06/CONS 07 September 2006 1 October 2006	23/11/CONS 1 April 2011 1 May 2011
Basilicata	Regional Italian Law No. 20 of 27 March 2000	Ercole Trerotola	402/03/CONS 18 December 2003 1 January 2004	429/11/CONS 17 November 2011 1 January 2012
Bolzano – Autonomous Province	Provincial Italian Law No. 6 of 18 March 2002.	Roland Turk	546/07/CONS 07 December 2007 1 March 2008	429/11/CONS 11 November 2011 1 January 2012
Calabria	Regional Italian Law No. 2 of 22 January 2001 and successive amendments	Alessandro Manganaro	402/03/CONS 16 June 2004 1 July 2004	668/09/CONS 16 December 2009 1 January 2010
Campania	Regional Italian Law No. 9 of 01 July 2002 and successive amendments		617/09/CONS 10 December 2009 1 January 2010	
Emilia Romagna	Regional Italian Law No. 1 of 30 January 2001 and successive amendments	Giovanna Cosenza	402/03/CONS 05 February 2004 1 March 2004	333/09/CONS 10 July 2009 1 October 2009
Friuli Venezia Giulia	Regional Italian Law No. 1 of 10 April 2001	Giovanni Marzini	402/03/CONS 29 January 2004 1 February 2004	333/09/CONS 10 July 2009 1 October 2009
Lazio	Regional Italian Law No. 19 of 03 August 2001	Michele Petrucci	402/03/CONS 18 December 2003 1 January 2004	668/09/CONS 16 December 2009 1 January 2010
Liguria	Regional Italian Law No. 5 of 24 January 2001	Alberto Maria Benedetti	402/03/CONS 19 February 2004 1 March 2004	119/14/CONS 20 June 2014 1 July 2014
Lombardy	Regional Italian Law No. 20 of 28 October 2003	Federica Zanella	95/05/CONS 03 March 2005 1 May 2005	617/09/CONS 16 December 2009 1 January 2010
Marches	Regional Italian	Pietro	18/04/CONS	340/13/CONS

Annual report on the activity carried out and on the work programmes
2014

	Constituting law	Chairman	Phase I delegated functions	Phase II delegated functions
			(resolution, stipulation, entry into force)	
	Law No. 8 of 27 March 2001	Colonnella	28 July 2004 1 September 2004	19 June 2013 1 July 2013
Molise	Regional Italian Law No. 18 of 26 August 2002	Federico Liberatore	617/09/CONS 16 December 2009 1 January 2010	429/11/CONS 14 December 2011 1 January 2012
Piedmont	Regional Italian Law No. 1 of 07 January 2001	Bruno Geraci	18/04/CONS 16 June 2004 1 July 2004	250/12/CONS 17 September 2012 1 October 2012
Apulia	Regional Italian Law No. 3 of 28 February 2000	Felice Blasi	615/06/CONS 21 November 2006 1 January 2007	333/09/CONS 10 July 2009 1 October 2009
Sardinia	Regional Italian Law No. 11 of 28 July 2008 and successive amendments	Giorgio Atzori	281/13/CONS 22 June 2013 1 July 2013	
Sicily	Regional Italian Law No. 2 of 26 March 2002 and successive amendments	Ciro Di Vuolo	428/11/CONS 1 December 2011 1 January 2012	
Tuscany	Regional Italian Law No. 22 of 25 June 2002	Sandro Vannini	402/03/CONS 28 January 2004 1 February 2004	617/09/CONS 16 December 2009 1 January 2010
Trento – Autonomous Province	Provincial Italian Law No. 19 of 16 December 2005	Carlo Buzzi	695/06/CONS 16 March 2007 1 April 2007	617/09/CONS 16 December 2009 1 January 2010
Umbria	Regional Italian Law No. 3 of 11 January 2000	Mario Capanna	402/03/CONS 05 February 2004 1 March 2004	617/09/CONS 16 December 2009 1 January 2010
Aosta Valley	Regional Italian Law No. 26 of 04 September 2001	Enrica Ferri	402/03/CONS 17 December 2003 1 January 2004	
Veneto	Regional Italian Law No. 18 of 10 August 2001	Alberto Cartia	18/04/CONS 23 December 2004 1 February 2005	

Source: The Authority

The activities of the Co.re.com. in 2013 are mentioned in the section below dedicated to the single regions, with more in-depth detail given in the annual reports of the Co.re.com.

As of May 2012, the Co.re.com. of Abruzzo has carried out all the delegated functions in a regular manner. In 2013, the institutional site of the Co.re.com. was improved and the functions for the online use of services and information were simplified, including the activation of interactive services for conciliation management.

The support structure of the Committee has pursued the improvement of the quality standards achieved in the previous year in the management of the increasing number of conciliation requests received, reducing the time for convening hearings and extending the video-conciliation system to the town of Teramo, already in use at the L'Aquila and Pescara Co.re.com. headquarters. The success of the activity performed by the Abruzzo Co.re.com. in terms of conciliations led it to be established as best practice at international level and the object of interest by the Thai Communications Authority - the National Broadcasting and

Co.re.com.
Abruzzo

4. Institutional relations and the organisation

Telecommunications Commission (NBTC), whose representatives met with the Abruzzo Co.re.com in the summer of 2013.

The Committee, in continuity with past years, directed its informative activity to the promotion of the functions delegated by the Authority, also via television advertisements, audiovisual products and banners inserted into the main local communication channels.

With reference to the protection of children, which has always been a priority aim of the Abruzzo Co.re.com, a project was launched to increase awareness of the dangers inherent to the use of the web on the part of children, "*Web-users beware*" (*Naviganti allerta*). The "Mediucation" award was also introduced to give recognition to those communications projects (best newspaper, best website, etc. ...) submitted by the schools of the region, with the dual aim of promoting greater awareness in the use of the media by children and to encourage students to develop formative and educational strategies, aimed at presenting the problem of the informed use of the media to their peers or to younger students, as a kind of reciprocal teaching.

As part of the enhancement of institutional synergies in the area, the Abruzzo Co.re.com. signed an agreement with the Department of Psychological, Humanistic and Territorial Sciences of the "G. D'Annunzio" University of Chieti - Pescara to set up a scholarship for the topic "The clinical and health dimension in information psychology", and an agreement with the University of Teramo for the activation of 5 traineeships.

Co.re.com.
Basilicata

In 2013, the Co.re.com. of Basilicata performed all the delegated functions, including the second phase functions, as an extension of the experimentation which had, in fact, been concluded positively on 31 December 2013. In the same year, the Committee's term of office lapsed in advance because of the early fall of the Regional government and the elections held in the month of November, and it is at present continuing its activities while the appointments which will follow are pending.

In 2013, there was a slight decrease in the conciliation applications, which the administrative structure was able to manage with the support of external experts, within the procedural terms.

With regard to attention to the territory and population, the Basilicata Co.re.com, with a leading role in the resolution of problems arising with the transition to digital-terrestrial television, launched a survey aimed at identifying the information-technology equipment of high schools in the region, in order to promote activities aimed removing the digital divide information and fostering the information education of new generations.

It also shared the purpose and the organisation of research sponsored by the Stampa di Basilicata, aimed at the production of the "Report on Information and Communications in Basilicata - year 2013", drawn up and submitted at an event in Matera organized by the Press Association.

Again in 2013 the initiative dedicated to removing the communication barriers was renewed with the undersigning of an agreement with the regional TG3 for the transmission of a daily newscast in sign language during the programme "Buongiorno Regione".

In 2013, the Bolzano Committee successfully completed the experimentation of the delegated functions of the second phase.

In April 2014, the members of the new committee were sworn in, chaired by Roland Turk.

In the course of 2013, bilingual obligation was guaranteed, pursuant to the prescriptions of law, through the implementation of the software for access to the COR portal in German, thus ensuring the use of the two languages recognized by the Statute of Autonomy in all sectors of the provincial Communications Committee. This implementation facilitates the management of the COR in an area of modest

The Committee of
the Autonomous
Province of
Bolzano

geographic size which is characterized by the high density of registered communications operators.

In supervising the protection of minors, the Committee, together with the Provincial Office for Audiovisual Media, organized a series of seminars with the aim of further training teachers on this issue.

Co.re.com.
Calabria

The year 2013, in Calabria, is important for the organization of the Second Regional Conference on Communications, the acts of which are being published, promoted by the Calabrian Co.re.com. no less than thirty-two years from the first edition, which has been found valuable not only for the analyses carried out, but also for the indications proposed in order to optimize the mission of the Calabrian media. The wide panorama of media in Calabria was photographed in its entirety, also focusing on the difficulties encountered in the transition to digital-terrestrial television and the many names which cannot yet be associated with consolidated programme schedules.

The effort to carry out the delegated tasks on time has continued successfully, in line with the procedures and guidelines set out by the Authority, as well as co-ordination at national level including, for example, the efficiency of the system for monitoring and data collection of data relative to television programming, generated from 183 authorized trademarks, and the administrative organization of the structure to support the Committee.

Within the sphere of the delegated task concerning disputes, the Co.re.com. has recorded a significant increase in cases of conciliation, also encouraged by the adaptation to the needs of electronic communications operators, which can connect from their registered offices through a three-way video conference system, with the possibility also for users to take avail of distance participation in conciliation hearings at the provincial and municipal offices which are suitably equipped with computerised instruments for this purpose.

The Campania Committee, declared definitively lapsed and not yet reappointed except for the Chairman, last January left an exceptionally large number of cases for conciliation, more than 11,000 and constantly increasing, with which the support structure is managing to cope, limiting the backlog with the use of part time employees of the Regional Council, in spite of staff shortages. The appointment of an executive, entirely dedicated to the ordinary management functions of the body, was a clear signal on the part of the Regional Council aimed at strengthening the structure and its organization.

Co.re.com.
Campania

In this direction, it was necessary to reinforce and improve services to users, especially in light of the critical organizational aspects, and the Committee's website was also restructured in order to provide users with information on the Co.re.com. and its activities.

The collection of reports of breach of legislation on child protection, an activity carried out in collaboration with the Children and Adolescents Watchdog of Campania, was rationalised precisely through the website.

In July 2013, the new Emilia-Romagna Co.re.com. took office and, in the six months of operations, it has dealt with its predecessor's backlog, it has launched and consolidated relations with the political authorities, the structures and the services of the Region of Emilia Romagna, and it has planned activities for 2014.

Co.re.com.
Emilia Romagna

The informative and communications platform of the new Co.re.com. site (<http://corecom.assemblea.emr.it>), has been upgraded and the management and computerisation procedures of the disputes section have been revised. The problems relative to the organisation and personnel have been solved by a series of recruitments following competitive selection, including the hiring of temporary workers.

The remote conciliation service continued from Cesena Town Hall and the Headquarters of the Province of Rimini, and it is planned to progressively coverage

4. Institutional relations and the organisation

of the whole region. Within the sphere of the settlement of disputes, the new Committee has had to manage a significant backlog of cases which, already in the early months of 2014, also thanks to the successful collaboration of the operators involved and the Authority's support, is being progressively reduced and will be reduced to zero by the summer.

Also in 2013 many initiatives have confirmed the vocation of the Emilia Romagna Co.re.com. for inter-institutional relations aimed at research in the field of the protection of children and the media. In the year in question, the Co.re.com. and the Edumecom Centre of Treviso, in collaboration with the Department for Equal Opportunities of the Emilia-Romagna Region, promoted the media education project *#restiamoconnessi*, which led to the creation of workshops in junior high schools with the aim of promote active citizenship and the informed use of the Internet, with particular attention to online rights and responsibilities. The project "Online and offline lifestyles of adolescents in Emilia-Romagna" was developed together with the Department of Psychology of Bologna University and in collaboration with the Italian Society of Paediatrics. Lastly, in 2013 the results of the research "The new information models between ethics, technology and rules" were disclosed, produced in collaboration with the Rosselli Foundation - Media Economics Institute, dedicated to the analysis of the transformations concerning the relationship between information and new media.

The Co.re.com, together with the Zaffiria Centre and the Department of Education, School of Psychology and Development Sciences of the University of Bologna, promoted the fifth edition of the National Conference on Media Education, *Medi@tando*.

The contribution consisting of the "Survey on the coverage of the TGR Rai Emilia-Romagna" was valuable, also on the regional panorama of communications", *produced* with the aim of analysing the reception of the signal throughout the region and to identify any measures necessary to overcome critical situations, also by setting up technical boards with Rai, Railway, consumer associations and local administrators.

In November 2013, the new Friuli Committee took office chaired by John Marzini, and premises were transferred to the more prestigious seat of the Regional Council; simultaneously a reorganization process of the Regional Council was initiated, which includes support to the Co.re.com. Service within the sphere of the watchdog bodies.

In the course of 2013, the experimental project started in 2012 with the opening of a Co.re.com. operational point in Udine, was put into practice, thus responding to the needs of the citizens of the province who were previously forced to apply to the headquarters of Trieste.

The data relative to the obligatory reconciliation attempts and the settlement of disputes show a significant slowdown in the year under review, despite the expansion of the use of video conciliation in link-up with the Pordenone and Tolmezzo URPs, and experimentally at the Co.re.com. offices in Udine.

In the year in question, the monitoring laboratory has been modernized and integrated with more advanced software and the structure and organization have been adapted to the new operational demands, with the replacement of personnel and increased resources.

With regard to the delegated task regarding the protection of minors, the Co.re.com, in collaboration with structure for the protection of children and adolescents, presented the project web reputation 2013, aimed at fostering awareness on the part of both the adults and children of the reputation of the Internet, promoting informed and correct use of new technologies. The project, aimed at young people, their parents, teachers and educators, has involved the production of booklets and six videos.

Co.re.com. Friuli
Venezia Giulia

Co.re.com.
Lazio

The mandate of the Lazio Committee chaired by Francesco Soro ended in 2013, and with the event of 27 September 2013, the balance of its activities carried out in the period 2008-2013 was presented: more than 50,000 users were served, about Euro 3.5 million a year were reimbursed to citizens of the region, and, with regard to the delegated COR function, over 4,500 cases were managed by the Rome headquarters.

The activities of the mandate which produced appreciable spin off included the valuable project "Connected and Social TV Monitoring Unit", started up at the end of 2012 which is being developed with the aim of assessing the dimensions of the change caused by the social TV in Italy.

The new Committee, chaired by Michele Petrucci, took office on 14 March 2014, but it has already initiated significant projects regarding the area of disputes, on "Media and minors starting from the AGCOM White Paper," on the Lazio television system, on the improvement of external communications and on the reinforcement of institutional relations.

The Co.re.com. Lazio still has a significant workload, both relative to litigation with a total of more than 11,000 applications received, and for the management of the Communications Operators Register, having territorial jurisdiction over more than 2,700 operators.

In July 2013, the Regional Council of Liguria renewed the Committee, chaired by Angelo Maria Benedetti, which has identified the activities to be carried out for improving performance in the delivery of services to the regional community and as regards publicising the activities of the new theme site which is being activated.

Co.re.com.
Liguria

In the year of reference, the Liguria Co.re.com. has adapted its structure and resources in order to provide for the delegated functions of the second phase which were transferred in March 2014, with effect from 1 July of the current year. The Liguria Co.re.com. continues the successful collaboration activities in the Region with the Ligurian consumer associations, the Postal and Communications Police, and the local MED Inspectorate.

Through the project "Minors and Multimedia", the Committee continues to promote programming quality also with the involvement of other institutions in Liguria, on issues related to children.

In 2013 the renewed Lombardy Co.re.com, now chaired by Federica Zanella, took office in September, and continued the tasks already consolidated over time and with the support of a stable and efficient structure.

Co.re.com.
Lombardy

During the year, the communications campaign was completed, aimed at spreading knowledge of the system for the conciliation of disputes between telecoms users and operators, which began in 2011 with the affixing of billboards, and continued in 2012 on the web, and which has also been carried forward through the use of "television access" spaces made available by RAI3, as well as increasing the presence and activity on the social networks, with the result of increasing requests for conciliation submitted to the Co.re.com.

Despite the significant increase in cases, the structure has fulfilled its functions in a timely manner demonstrating the strength of an organization now integrated with the decentralized communications system which interprets the deep meaning.

The activities aimed at the younger age bracket included the second edition of the competition "Doma il Bullo" aimed at rewarding the best films that develop themes on the fight against bullying.

The various initiatives to foster awareness on the subject of children, where the Co.re.com. is always very active, also included another work aimed at building a new culture: that of digital education. It was thus decided - in 2014 - to launch the "sportello Halp! Web-reputation giovani" [Help desk: web-reputation for the young] through which it intends both to offer help through a Help Desk to which interested

4. Institutional relations and the organisation

parties can apply in order to ask for corrective action or removal, in cases which do not fall within the responsibility of the postal police.

Moreover, the second edition of the "Premio Fair play calcio e tv" has been launched, conceived with the intention of contributing to the improvement of the quality of the television service offered in the region as well as communication the positive values of sport which, as also set out in the "Media and Sport Code", place the competitive spirit at the service of a correct and peaceful development of human relationships.

Another issue, to which the Lombardy Co.re.com. has made a significant contribution over the years, is that of the web reputation, focussing particularly, in 2013, on young people within the sphere of the delegated duty of protecting minors on television and expanding the scope to media in general, also because of the position of the Chairman Zanella on the Media and Minors Committee as the member representing the Co.re.com. In addition, the Committee is dedicated to designing the Help Web Reputation desk, a pilot project at European level, which will be launched in the second half of 2014.

Co.re.com.
Marches

In 2013, the Marches Co.re.com. was engaged on launching and experimenting the exercise of the further functions delegated with effect from 1 July 2013.

Consequently, the website has been expanded with new sections designed to give information on the delegated functions and to facilitate access to the services for the Marches citizens.

In 2013 the Marches Co.re.com. joined the project "The Co.re.com. is with you", acquiring and broadcasting an institutional advertisement promoting the services offered by the Co.re.com. in the region.

As regards the activities for younger the Marches Co.re.com. has also promoted information on the social networks and the risks associated with their use through the promotion of the book "Facebook: parents strike back" (*Facebook: genitori alla riscossa*), and has enhanced the network of institutional relationships with regional participation in the children's and adolescents' watchdog project, recounting experience gained in the media sector, as well as continuing the work started with the project "Better informed adults, safer children" (*Adulti più informati, bambini più sicuri*) in collaboration with the Communications Police and the Regional School Department.

Co.re.com.
Molise

The Molise Co.re.com. exercises its functions *in prorogatio* while the new appointments to be made by the Regional Council, which took office in January 2014, are pending.

On 31 December 2013, the experimental period of the exercise of the phase II delegated functions terminated, following the consolidation of the organization of the support structure and operating procedures, in particular connected with the management of the operators' register.

The Co.re.com. carried out its supervisory activities on local broadcaster, outsourcing surveys and monitoring.

Co.re.com.
Piedmont

In 2013 the Piedmont Co.re.com. successfully completed testing of the execution of the phase II functions.

The structure, as reorganized and expanded, has proven that its stability and organizational skills are adequate for the integration of the decentralized communications system.

The Piedmont Co.re.com. has a computerised system to support the activities carried out within the sphere of the administrative procedure for the management of conciliation between citizens and electronic communications operators, which takes avail of advanced platforms for document management, business process management, digital forms and tools for sharing documents and information between different subjects. Through the integrated use of these platforms a

comprehensive information system has therefore been made available which can be used in different contexts; this information system also lends itself to development to meet the need of limiting the movement of the people involved, and as early as 2014 conciliations will be decentralized and users will be able to undersign the relative deeds directly on special tablets by graphometric signature.

With regard to activities related to the delegated tasks regarding the protection of minors, the Piedmont Co.re.com. has put in place an effective supervisory action also aimed at limiting violations and at the same time carrying out valuable research and programming quality initiatives.

In particular the Piedmont Co.re.com. has signed a Memorandum of Understanding with ITER-Città of Turin (the Turin Institution for Responsible Education),RAI, Turin University (Department of Educational Philosophy and Sciences), the regional network of schools for the Teleintendo-Logos "Project for TV understanding and socializing" and the Regional Education Office of Piedmont, with the purpose of the promotion of the use of expressive and digital languages in the different types and levels of school in collaboration with the Teleintendo project on "The School of Languages: the creation and experimentation of a digital-expressive curriculum for the Italian school".

The Piedmont Co.re.com. has been a member, since 2008, of the Inter-institutional and inter-professional "Tuttinrete" committee and in 2013 it organized the conference "Education in the age of the Social Networks. Facebook: parents strike back. A guide to avoid losing one's children online", produced in collaboration with the Regional Office of Education of the Ministry of Education, Universities and Research, with the participation of teachers, students and representatives of forces of law and order.

In 2013, the activity of the Puglia Co.re.com. has been penalized by the constraints of the Stability Pact, which the Region of Apulia left on 31 March 2014, which forced the interruption of many of the Committee's projects, as well as the expiry of the short term contracts, extended to 31 December 2016, which constituted a substantial portion of the human resources involved in the performance of delegated activities. Despite the difficulties of an economic nature which influenced the composition of the support structure and, inevitably its organisation, as well as preventing the execution of research and study events and activities with Bari University and the Apulia Consumption Institute, the Co.re.com. carried out all the functions delegated in accordance with the Authority's guidelines and indications.

Co.re.com.
Apulia

As of 1 July 2013, the Sardinia Co.re.com. has carried out the delegated first phase activity, completing the coverage of the whole country.

Co.re.com.
Sardinia

The Co.re.com, in order to promote new activities in the territory, arranged the acquisition and subsequent programming, in 2014, of the television advertisement "The Co.re.com. is with you" to advertise all the delegated functions.

With reference to the delegation on the protection of minors, the Co.re.com. has put into its web page all the information needed for users to report any violations.

With regard to the delegation relative to disputes, to facilitate and promote the use of the instrument of the obligatory conciliation attempt, the Co.re.com. has instituted a toll-free phone number where all the relative information is given.

Within the sphere of the research and study activities, the Co.re.com. is still in the first planning phase and there are many initiatives that it intends to carry out, mainly for the benefit of young people, including the sponsorship of a handbook on the world of the web "between resources and risks", which will also involve the Postal Police, and a statistical study on the awareness of children in terms of web-related risks, inspired by the initiative "Web-users beware" (*Naviganti allerta*), created by the Co.re.com. of Sicily, a competition for the creation of a television advertisement for the social prevention of the risks of surfing the net, addressed to

4. Institutional relations and the organisation

high school students, a study on the use of the image of women and children in advertising on the local television channels with a comparison with national advertising and, lastly, a survey on "The TV that I would like."

It is also worth noting the commitment of the Co.re.com, aimed at the protection and encouragement of the use of the Sardinian language, and its function in communications, as a feature of local identity, culture and social community of Sardinia.

After the successful experimentation of the delegated first phase activities, the Co.re.com. of Sicily regularly performs said activities according to the Authority's guidelines and indications.

In 2013, with an increase of the conciliation cases, the exercise of the delegated functions was further consolidated, in particular regarding the protection of minors, with respect to which the Committee continued to foster the awareness of children of the dangers inherent in the use of the web, through a project called "Web-users beware " (*Naviganti allerta*) and the promotion of the book "Facebook parents strike back" in Sicilian schools.

While the important work of monitoring the transition to digital-terrestrial broadcasting in the area continues, and the Committee's authority has become consolidated locally, the Sicilian Co.re.com. has decided to acquire the other delegated functions and it has obtained the approval of the Regional Assembly of Sicily, and is awaiting the final decision of the Region of Sicily in order to formally present the request to the Authority.

The Committee of Tuscany took office on 4 May 2012, and has closed its first full year of activity, providing for the definition and approval not only of the programme of activities for 2012, but also for 2013. The Co.re.com. has carried out intense activity concerning the protection of minors with information addressed to students, teachers, parents and grandparents on the appropriate use of the Internet and new communications technologies, with the launch of the project "Internet@minors@adults" (*Internet@minori@adulti*). The project has produced a handbook, to which the Department of Political and International Sciences, the Postal Police and the Deputy Public Prosecutor of the Supreme Court contributed, which was published in September and which is still being circulated and distributed in the various provinces of the Region.

The survey on the state of the sector was very valuable, carried out through "The monitoring unit for local TV in Tuscany with the transition to digital terrestrial", in collaboration with the Tuscan Regional Inspectorate of the Ministry of Economic Development, for the mapping of the television signal for the digital-terrestrial platform, the results of which are expected by the end of April 2014.

Many agreements have been stipulated with the Departments of the Universities of Tuscany, including one which provides for the implementation of monitoring for a "Census of web TV, web radio and web press in Tuscany," which characterize the vocation of the Tuscan Co.re.com. for the evaluation of the synergies in the area in their larger extension which, in 2013, also gave rise to the agreement with the Istituto degli Innocenti for the implementation of monitoring the family in the digital age, with the aim of investigating how and to what extent the new digital communication tools fit into the family context today and alter its dynamics, starting from parent-child relationships.

With regard to the resolution of disputes between electronic communications users and operators, the Tuscan Co.re.com. has set itself the target of completing the management process and of settling the disputes within the terms contemplated by the Regulation, and of continuing the delocalisation of the services to the public, with the opening of two new contact points at the Town Halls of Grosseto and Livorno.

Co.re.com.
Sicily

Co.re.com.
Tuscany

The Committee of
the Autonomous
Province of
Trento

Recently, in April 2014, the composition of the Committee of Trento was renewed without interruption in the ordinary execution of all the delegated functions.

With the introduction of the new portal which manages the COR, the Co.pro.com has not only involved all communications operators active in the Autonomous Province of Trento, but has also put into place collaboration with the competent offices of the Chamber of Commerce, showing great capacity and efficiency of the local government system. The supervision of two broadcasters which transmit in the Province in accordance with the regulations in force did not reveal any violation and confirmed the success of the supervisory activity carried out in past years.

Over the five years of the mandate which concluded in 2013, there was intense commitment in the field of child protection, creating a dense institutional network between the local organizations, with the publication of the study "Media and minors. Social policies for an informed use of old and new media technologies", presented at a convention in June at the University of Trento, dedicated to the memory of Renato Porro.

With regard to disputes between operators and users, there has been a steady increase over time in the cases of conciliation and the successful agreements reached which are typical of the activity of this Co.re.com.

The Umbria Co.re.com. now carries out regularly all the functions delegated pursuant to the framework agreement of 2008, guaranteeing supervision and protection in the Region, including the management of the COR in close contact with the operators.

Co.re.com.
Umbria

Several memoranda of understanding have been stipulated, including that with the Association of Journalists of Umbria, which enrich the Co.re.com. experience and opportunities for studying the media sector of Umbria. Of these, the project "Community TV" has continued with success, involving the examination of solidarity between generations and which aims to represent, through the production of media content, the emerging local needs and of making known local protagonists and experiences of doubtless local value, an initiative promoted with the cooperation of local broadcasters.

Among the research activities on the system of communications in Umbria, in 2013 the research "The system of local media in Umbria" was presented, carried out in the previous year.

Furthermore, the Umbrian Co.re.com. promoted the constitution of a committee of experts on communications to the female public, thus also taking the lead in an effective action for the promotion of the principle of equality and the qualification of activities related to gender communications.

At the end of 2013, the composition of the Aosta Valley Committee was also renewed.

Co.re.com. Aosta
Valley

The Co.re.com. of the Aosta Valley, which performs only the first phase delegated activities, interpreted the audiovisual theme through the presentation of an evening dedicated to the project "The television that I would like."

The Veneto Co.re.com. Veneto is still today delegated to perform only the first phase functions, although it is hoped that it will soon be aligned to the other regions exercising all the delegated functions.

Co.re.com.
Veneto

In 2013 the structure moved back to Mestre, with the difficulty of the move, but also with the knowledge that this new location allows easier access to the people who use the Co.re.com. services, especially the conciliation service. With the help of the IT department of the Regional Council, the Co.re.com. has created a new website <http://corecom.consiglioveneto.it/corecom/> and it also participated in the initiative of national coordination of the Co.re.com. for the distribution of the institutional television advertisement "The Co.re.com. is with you".

4. Institutional relations and the organisation

The activity of the Co.re.com. relative to monitoring compliance with the regulations to protect children was particularly intense, due to having received a large number of reports of breach from the associations active in the Region.

With the project "Wireless generation and cross-media" (*La wireless generation e crossmedialità*), carried out by the University of Padua - Department of Industrial Engineering, the Veneto Co.re.com. wished to offer a path for the education and training of the new generations on the new technologies and to ensure the protection of minors, composed of initiatives for the training of teachers and laboratory activities in support of children using mobile phones as a means of all-inclusive communication (Internet, radio, TV, etc.). Also on the subject of the younger section of the public, in 2013 the Committee started the publication of the series "I Quaderni del Co.re.com. Veneto", consisting of research and studies on topics of interest such as: the system of local communications, education and awareness of the use of the media, the protection of minors, socio-cultural pluralism and political-institutional information, the first issue of which is dedicated to "Sport and Media. The position of violence in sport".

The Veneto Co.re.com., which has always recognised the importance to local industry in order to promote a culture of responsible communication and the spread of the information culture, commissioned Rosselli Foundation Institute for Media Economics to carry out the research entitled "The state of health of local TV stations in Veneto in the new digital scenario and the impact on the regional audiovisual system".

In addition, in 2013, the Co.re.com. began the a survey on web TV, web radio and web press in the area, to construct as complete a map as possible of the many operators which have emerged in recent years, as well as to provide the Venetian community and local institutions with a fact-finding tool which could prove useful for possible action in this area, as yet little known and certainly underused in consideration of the potential, in synergy with the Veneto Association of Journalists.

The reconciliation attempts are carried out thanks to the signing of a Memorandum of Understanding between the Regional Council and the Regional Government, also at the Region's Public Relations Offices in Belluno, Padua, Treviso and Vicenza, substantially covering the entire territory of the Veneto Region.

4.2.2. The National Council of Users

The National Council of users, set up within the Authority by Italian law No. 249 of 31 July 1997, has the task of protect the rights and needs of citizens involved in the communication process and of taking special care to defend the rights and developmental needs of non-adult users.

The NCU, in order to perform such important tasks, prepares suggestions and opinions on all issues relating to the protection of users' rights, which suggestions and opinions are addressed mainly to the Authority, Parliament and the Government, but also to all public and private bodies which operating in the audiovisual sector.

The Authority's regulations concerning the criteria for the designation, organization and functioning of the NCU, pursuant to Resolution No. 54/99 and successive amendments, assigns to said organism the task of encouraging the implementation of the democratic requests to safeguard human dignity in the communications system, as well as the pluralism, objectivity, completeness and impartiality of information and communications and requires the NCU to based its activities on the principles of freedom and the right to information and communications contained in the Constitution and in national and Community legislation, and on the basic criteria for the protection of consumers and users.

The NCU

The composition of the NCU represents the best expression of the pluralism of associations and civil society; in fact its eleven members are chosen by the Authority from the experts designated by the most representative users' associations engaged in the protection of children, and in the family and educational fields, and in the protection of people with disabilities, and said members are particularly skilled in the fields of law, sociology, psychology, child education and mass-media.

The subjects
dealt with

The attention of the NCU, during the reference period, was devoted to the protection of users in general, especially the weaker sections of society and the young who are the most vulnerable, whose safeguard often conflicts with the negative values conveyed by the, at times, particularly invasive means of communication such as television and in connection with the new media, to which the younger generation is, however, undeniably attracted. The NCU has focused continuously on promoting awareness of the problems inherent to the relationship between children and the media and the role the latter play in the formation and evolution processes of children and adolescents, at the same time fostering the promotion of more effective protection for the latter.

The situation of
the media

With regard to the general situation of the audiovisual sector, the NCU pointed out that in view of the strong growth of the media, the technological development of the electronic media and their now full interconnection, has resulted in a generalized proportional increase in the number of users, and that this growth, while positive, has, however, made it even more necessary to introduce a policy for the constant improvement in the quality of programmes and more incisive action to protect users in order to ensure their correct information and entertainment based on programmes which respect human dignity and person's cultural identity.

The NCU, on several occasions, has discussed issues related to the rules to be applied to ensure safer use of the Internet and to combat the serious phenomenon of pornography, child pornography on the web and cyber-bullying and, also subsequent to the serious events in the news in which some very young people have even committed extreme acts after being subjected to insults and defamation on the Internet, the Council believes that there is urgent need to find effective strategies to quickly block out damaging contents. To this end it pursues the project of creating an operational synergy between institutions and associations for the protection of children in order to render more effective the work of the prevention and control of such phenomena. In this context, the NCU readily joined the technical committee against the phenomenon of cyber-bullying involving the Ministry of Economic Development, the Authority, the Postal and Communications Police and the Children and Adolescents Watchdog, and representatives of associations and web operators. Said committee has approved a draft self-regulation code which stipulates that operators of social network services undertake to activate specific mechanisms for reporting cyber-bullying, in order to prevent and contrast the proliferation of the phenomenon and, as far as technically possible, to ensure greater efficiency to combat the phenomenon of cyber-bullying through the precautionary temporary block of any harmful content reported.

The safe use of
the Internet

The NCU has also continued its activities within the permanent board for confrontation with the associations of people with disabilities set up on its initiatives with the Authority, the Ministry of Economic Development and the FISH and FAND federations which unite the associations of the sector, continuing the work of communicating the charter of rights of people with disabilities in communications and of overcoming communication barriers, known as the "Services Charter for the Removal of Communication Barriers".

Communications
media and
disabled users

The board launched a series of hearings with telephony operators and broadcasters during which the difficult problems of the relationship between the media and people with disabilities were discussed. In particular, the permanent board for confrontation launched a major initiative to promote access to radio and television programmes for people with sensory disabilities and to ensure the same

4. Institutional relations and the organisation

autonomy, social and professional inclusion and participation in the life of the community with particular regard to audiovisual content, in view of the importance of the same in the ongoing process of integration and elimination of obstacles to the inclusion of the socially more vulnerable subjects.

Within the sphere of the works, it was found, in fact, after the meeting with various operators of the sector, including RAI, Sky, LA7 and RTI, which illustrated the initiatives adopted individually to ensure access to audiovisual content by people with sensory disabilities, that there was a need to act promptly in order to ensure the implementation of the provisions of Art. 32, section 6, of Italian legislative decree No. 177 of 31 July 2005, which requires audiovisual media service providers to adopt, after consultation with the associations which represent people with disabilities, suitable measures to facilitate access on the part of those with sensory disabilities to audiovisual media services. The overall framework of action emerging from the interviews was highly differentiated and therefore the board, which seems to be the most appropriate tool for talks with the associations as contemplated by law, agreed on the need for audiovisual media and radio services providers to implement measures which are coordinated and suitable for ensuring access in accordance with the prescription of the Consolidated Law on audiovisual media and radio services, and has identified the association Confindustria Radio Television as the best counterpart for launching effective and useful debate for defining the tools for access to broadcasting in the case of a self-regulatory code.

Proposals on advertising

The NCU has continued its efforts aimed at relaunching the legislative bill to ban the advertising of gambling in the protected time slot, the text of which was sent at the time to the House of Representatives. The proposal is particularly important for the NCU as it tends to *eliminate any form of audiovisual advertising for gambling in the time slots during which the protection is of the highest level and specific, as contemplated by the self regulation code on television and minors. The initiative stems from the fact that the phenomenon of gambling is becoming more and more invasive especially among the weaker sections of the population, namely adolescents, with distorting effects on their behaviour. Gambling is in fact compulsive behaviour, the dynamics of which can be considered similar, albeit in the absence of the use of substances, to other forms of addiction such as drug addiction or alcoholism.*

Initiatives for the protection of minors

The NCU has promoted a global reorganization of the legislation on media and children involving television, Internet, video games and video telephony, providing a unified system of co-regulation rules and various means to ensure more secure protection for the correct physical and mental development of children. In the opinion of the NCU, for these measures to be truly effective, there must be a more precise system of supervision and sanctions. This process should be the basis of the definition of a new Media and Children's Code, which lays down the general principles and the objective criteria for the operators of the four areas mentioned, in the preparation of products and services. The proposal of the NCU has received, over the course of time, the official support of numerous associations, organizations and institutions that have fully agreed with the framework. On the basis of these numerous adhesions, the NCU believes that it is necessary to define new legislation, this time at the primary legislative level, which provides for the adoption of a system of self-certification of the age bracket of the target on the part of the producers of audiovisual works themselves. The control of the self-declarations, which will be carried out *a posteriori* and only in specific cases, will be entrusted to an independent public body which will impose sanctions in cases of non-compliance. The proposal stems from the need to define new rules which can give greater assurance of the protection of minors in the current system of *ex ante* control carried out by the film review boards which has been found inadequate.

The need to introduce regulations to protect minors derives from the fact that they are increasingly more exposed to scenes of violence, sex and, in any case, inappropriate for their age. Such exposure, not being correctly subjected to regulation or control, creates the risk that such conduct is increasingly understood

by children as normal and acceptable. In consideration of this, the NCU believes that the current system of control based on the film review committees, referring only to films, does not give any protection to viewers of fiction or television films. The latter two types of products, in fact, not subject to prior control, are transmitted at the discretion of the broadcasters which, pursuant to applicable law, only apply a red or yellow dot and establish the time slot, and thus remove any liability from the producers of the works. This system, in the light of numerous complaints received from users' and consumers' associations, has proved increasingly inadequate to effectively protect child users.

The self-certification of the age bracket of the target on the part of the producer should, according to the NCU, involve not only films and trailers but all audiovisual works in the wider sense, in order to provide full and adequate protection for children's physical and mental development. In the opinion of NCU this kind of self-certification, already used successfully in the USA, leads to the positive fact that producers become responsible, and to the disappearance of prior controls and to an objective lightening of the *ex post* action.

The NCU has also devoted its attention to the negative practice of projecting trailers for films which are not necessarily banned but not unsuitable for children on the occasion of the screening of films for children. Numerous reports have highlighted this habit as particularly invasive and widespread in cinemas. The NCU has involved in a series of meetings on subject the children's and adolescents' watchdog with the intention of organizing a campaign of moral suasion intended to sensitise operators on the dangers of this behaviour and has pointed out with satisfaction that the watchdog has devoted a section of its annual report, recently submitted to the House of Deputies, to the specific problem of trailer inappropriate for children's viewing projected in cinemas before screening of children's films. The NCU intends to continue its efforts to combat this practice with an informative campaign, but also by promoting the introduction of specific legislation, although it believes that the adoption of the above-mentioned self-certification mechanism, together with the introduction of an age bracket below fourteen years could solve the problem upstream.

Lastly, it must be emphasized that the NCU, at the time, intervened promptly at the request of the Deputy Minister *pro tempore*, to contribute to the drafting of the new Service Contract between the MED and Rai. The NCU proposed a series of amendments which were largely incorporated into the final version of the service contract which the MED has submitted to the parliamentary committee for general guidance and supervision of broadcasting services. Among the most important amendments are those which provide for special safeguards for child users and people with disabilities, which ensure the recognition of public service programmes on the part of users, thanks to a special identifying stamp which commits the Rai to take into account equality of treatment between the various associations without favouritism and to constantly foster the representation of the real and non-stereotyped portrayal of women's roles, avoiding distorted representations of the female figure and the reduction of the female body to a commodity.

The protection of users and children in the audiovisual sector is, for that matter, an important part of the Authority's tasks, which carries out constant monitoring of audiovisual media and radio services in order to ensure compliance with the regulations for the protection of users and minors and the articulated assessment proceedings find that breaches have been committed, it will impose the sanctions contemplated by law. In carrying out these duties, it is important for the Authority to take advantage of an advisory body, particularly qualified in the specific subject, which thanks to its balanced and specialised composition, is able to express, with streamlined and flexible procedures, the viewpoint and the sensitivity of the voluntary sector and of civil society; it is therefore desirable for the relationship between the NCU and the Authority to be always constant and fluid in order to effectively contribute to the performance of the important functions of

4. Institutional relations and the organisation

protection for users and minors and to maintain the dialogue with citizens and users.

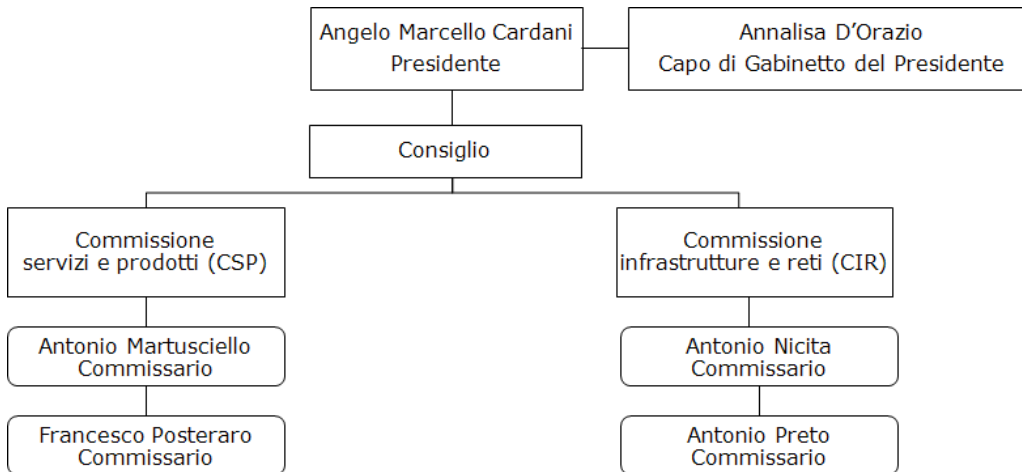
4.3. The organisation of the Authority

4.3.1. The organisation of the human resources

The Authority carries out regulatory and supervisory functions in many sectors, such as telecommunications, audiovisual services, publishing, postal services and, lastly, the protection of copyright on electronic communications networks. These functions and activities are carried out, pursuant to article 1, section 3, of the law which constituted the Authority, under the control of four bodies: the Chairman, the Council, the Infrastructure and Networks Commission (hereinafter "CIR" - *Commissione per le infrastrutture e le reti*), and the Products and Services Commission (hereinafter "CSP" - *Commissione per i servizi e i prodotti*). These Council and the Commissions are collegial bodies. The Council is composed of the Chairman and four Councillors, while the two Commissions are composed respectively of a Chairman and two Commissioners.

The Authority's
bodies

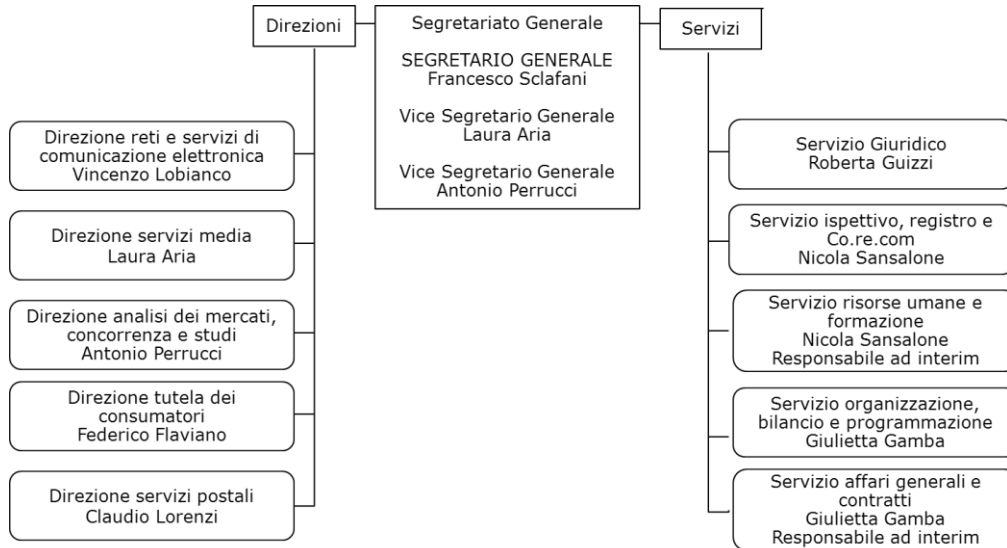
Figure 4.5. The Authority's bodies and the Chairman's department



Source: The Authority

The Authority's organisational structure is divided into Managements and Services, in turn subdivided into second level offices. At the head of the administrative structure, there is the General Secretary with duties of coordination, programming, planning and strategic control of the activities. The Secretary General, taking into account the priority aims and objectives fixed by the Collegial Bodies, answers both for the overall functioning of the structure and for the effectiveness and efficiency of the administrative action.

The Authority's
structure

Figure 4.6. The Authority's structure

Source: The Authority

With regard to the internal structure, according to the Regulation on the Authority's organisation and functioning, the Council must periodically check the organisational framework to ensure the functioning and efficiency by means of an integrated system of internal controls. To answer a general need for rationalisation, also in the light of an increasingly market specialisation of the departments, and to exploit the existing skills and professional abilities, the Authority has launched an important phase of reflection on its own organisational structure. Consequently, action on the organisational structure has been programmed, based on modern standards of efficiency, to reach a new definition of the existing departments of the structure, the personnel policies, the communications policies, and the programming and control system of the important legal actions taken. This reorganisation is also inspired by the general principles of containing overheads (spending review) and aims to reinforce the capacity of response and the effectiveness of the Authority's initiatives in the relative spheres of its competence.

Consistent with its own institutional objectives, the Authority has implemented and extended the use of electronic computerised procedures which can produce a positive impact on relations with companies and citizens. In fact, in implementation of the provisions of the Digital Administration Code ("CAD" - *Codice dell'Amministrazione Digitale*) and of the recent legislative innovations on the spread of information, the Authority has rendered its own information system more functional, managing in an even more efficient manner the heritage of data in its hands and internal and external communications with citizens and companies. In addition, through the implementation of the existing dematerialisation process of the administrative documentation, there is a tendency towards the complete digitalisation of the same, also resorting to the adoption of computerised procedures which involve the use of certified electronic post and digital signature, with a new integrated approach, in line with what is established by the CAD.

With regard to another aspect, it is worth mentioning, in particular, the consolidation of the simplified computerised procedures for access to the Communications Operators Register, which allow, on the one hand, for a significant optimisation of data management and, on the other, the elimination of the inefficiencies consequent to the conservation of documents in hard-copy format. There is also a close dialogue between the Authority and the Regional

The
computerised
procedures

Communications Committees for the definition of innovative procedures which can develop further integrated operating methods and collaboration for the execution of the decentralised functions which are performed by the local bodies.

The website

In order to improve institutional communications, administrative transparency and the availability of information, there has been a complete revision of the computerised system and the content of the Authority's website, and a version has also been prepared in the English language addressed to the fragmented globalised world of communications. The new portal, combining functionality and innovation, addresses, in a more effective and modern way, users, consumers and operators, and it gives particular attention to the aspects linked to access and use of the single sections.

Strategic planning

The Authority is also proceeding to complete the planning of the activities of strategic interest on regulation, supervision and protection of users in the sectors of competence ("strategic planning"). In the relative document (see chap. 5), the strategic objectives are indicated and the operating instruments which will be used to pursue the general economic-political aims which the Authority's activity will pursue in 2015. The strategic planning document is an important innovation for the Authority, and is intended to become an effective tool for management and control, aimed at improving the quality of the processes also in terms of greater transparency and efficiency towards operators and with citizens.

The regulation on administrative transparency

The Authority, in the last year, has launched important initiatives for administrative transparency, in order to make accessible the information and data concerning the organisation and the activities performed. In implementation of Italian legislative decree No. 33 of 14 March 2013 (the "Transparency Decree"), with respect to the principles of autonomy and independence which the law recognises to the same, the Authority has in fact adopted its own regulations on the matter, convinced that transparency is an indispensable factor for increasing administrative efficiency.

The Authority's Transparency Regulation was adopted on 28 October 2013 with Resolution No. 605/13/CONS. It also requires the Administration to comply with specific obligations of the transparency and communication of information with the publication of the documents, the information and the data relative to the organisation and the activity carried out, in a special section of the institutional website named "Transparent Authority". In particular, the Authority guarantees the quality of the data, the documents and the information given on its institutional site, ensuring the integrity, constant updating, completeness, timeliness, simplicity of consultation, comprehensibility, standardised nature, ease of access, conformity to the original documents in its hands, the indication of the provenance of such documents, and their possibility of their reuse.

The Authority has also appointed managers for the Authority's transparency (Resolution No. 670/13/CONS) who are responsible for checking the correct and prompt compliance with the obligations to publish the data and information on the institutional website, as well as the duty of ensuring that the information published is complete, clear and updated. In the exercise of the tasks assigned to the same, the transparency managers have the power to report to the Authority's Council and to the bodies appointed to perform internal controls and which have regulatory powers, any cases of non-compliance with the publication obligations. The Authority's Council deemed it opportune, in fact, not to assign the duty of transparency manager to a single subject, but to all the managers of all the first level organisational units, each within the sphere of his/her competence: this is because of the Authority's many and complex duties which precisely reflected in the publication obligations contemplated by the Transparency Regulation.

The Regulation also requires the Authority to draw up a "*Three Year Transparency Programme*". The Programme defines criteria and guidelines for a correct balance between the principle of transparency and the activity of the administration and the

4. Institutional relations and the organisation

guarantees regarding operators, citizens and users. The "Three Year Transparency and Integrity Programme 2014-2016" represents the first organic document for the implementation of the contemplated transparency procedures for the three year term of reference. The Programme is adopted after consultation with the representatives of the National Consumers' and Users' Council (CNCU - *Consiglio Nazionale dei Consumatori e degli Utenti*).

The reinforcement of the administrative structure is pursued with the completion of the recruitment activities defined by Resolution No. 351/11/CONS, regarding the programme for hiring personnel aimed at ensuring the progressive completion of the organisation's staff.

The Authority's
personnel

With the conclusion of the competitive procedures still in progress and the approval of the relative classifications on the part of the Authority's Council, twenty graduates have been hired with temporary specialists' contracts, the selection of which was launched with Resolution No. 414/11/CONS; six persons were hired with as permanent operators, subsequent to the competitive procedure launches with Resolution No. 420/11/CONS; one manager with skills in the field of regulating network services has been hired, the competitive procedure of which was launched with Resolution No. 59/12/CONS. In addition, the Council has recently decided to propose a period of training to twenty young graduates by a selective procedure pursuant to Resolution No. 153/14/CONS.

The Authority's staff, defined by Resolution No. 315/07/CONS, adopted in application of Art. 1, paragraph 543, of Italian law No. 296 of 27 December 2006, is composed of a total of 419 persons and the qualification of the personnel was modified by Resolution No. 374/11/CONS. The personnel in service at 15 April 2014 number 372 people. The organisation of the personnel in service, divided according to the various positions and taking into account the different types of contract (permanent, temporary, managerial), as well as the provisions of Art. 1, sections 18 and 19 of Italian law No. 249/97 and the subsequent provisions of Art. 3, section 67 of Italian law No. 350/2003, is shown in the following Table 4.6.

Table 4.6. The Authority. Personnel in service and organisational structure

	Permanent	In charge / without office	Temporary	Total	Organisational framework
Managers	34	3	2	39	45
Officers	142	7	47	196	220
Operators	93		15	108	119
Executives	28	1		29	35
Total	297	11	64	372	419

Source: The Authority

4.3.2. The Ethics Committee and the system of controls

In addition to the code of ethics contemplated by Art. 1, section 9 of Italian law No. 249 of 31 July 1997, adopted by the Authority in order to establish for its components and employees rules of fairness, impartiality, diligence, personal correctness and ethical and behavioural standards, the Authority has also established the Ethics Committee composed of persons of recognized independence and moral authority, to answer the need to carry out constant verification of the correct application of the rules of the code, and also to take avail of expert opinions in the field of institutional ethics.

The Ethics
Committee

The current code of ethics, the result of a careful review of the rules contained in the previous code carried out with the collaboration of the Ethics Committee, in order to ascertain their adequacy, lays down the rules of conduct for all the

Authority's staff, components and employees who must comply in performing their services which have particularly sensitive aspects since they involve important economic interests and they affect the fundamental social interests underlying the communications sector as well as in social life, in which conduct must be guided by the canons of dignity and decorum, in keeping with the quality of the function performed.

The rules on impartiality and confidentiality are of particular relevance in the code of ethics, since the Authority's personnel are committed to operating without favouritism and to respect secrecy. The code also emphasises the ban on accepting gifts and lays down detailed rules on conflicts of interests, on the obligations of abstention, on relations with the mass media and the ban on collateral activities. At present the Ethics Committee is chaired by Riccardo Chieppa and the other two members are the Chairman Angelo Gargani and the Chairman Egidio Schinaia.

The system of
controls

The control system consists of the Guarantee Commission, responsible for monitoring activities on the administrative and accounting regularity, and the Internal Control Service, which is responsible for activities relating to strategic control. Both bodies are fully independent and carry out their activities in constant collaboration with the Authority's offices.

The Guarantee Commission, on the basis of Art. 42 of the Regulation on Administrative Management and Accounting, exercises its supervisory activities in order to ensure that the structure complies with the laws and administrative regulations by carrying out checks on the acts of financial management and on contractual procedures, and it checks cash and balances. The Commission also expresses its opinion on the draft budget and on the annual financial report.

The Commission checks the accounting records against the results of the annual report, as well as the regularity of the management procedures. It is composed of the Chairman Fulvio Balsamo and by the commissioners Francis Caringella and Mario Piovano.

The Internal Control Service, pursuant to Art. 27 of the Organisation and Functioning Regulation, against a costs and income statement, checks on the achievement of the objectives required by law, by regulations and by the Authority's directives. It provides support in the field of performance evaluation; it checks on the achievement of the objectives set by current regulations and the Authority's directives, also in consideration of the correct and economical management of public resources, comparing costs and income.