

4.1. The Regional Communications Committees

The year 2008 was a particularly significant one for the Co.re.com.'s and for the future prospects of their institutional activities as AGCOM's functional bodies. In fact, on 4 December 2008, the new framework agreement was signed by AGCOM, the Conference of Regions and Autonomous Provinces, and the Conference of the Presidents of the Legislative Assemblies of the Regions and the Autonomous Provinces. The assignment of new and important control and management functions contributes to creating an advanced system for governing communications in the local context, which corresponds to the logic of subsidiarity that tends to permeate the entire institutional structure. In fact, almost six years have gone by since the signing of the first framework agreement (2003) and the function delegation system has developed and become stronger; the regional Committees have become established throughout the whole country¹, with the role of important bodies for guaranteeing and protecting consumers and users, as well as for safeguarding pluralism and the freedom of information².

The signing of the new framework agreement defined the legal framework through which, in addition to the functions already delegated to the Co.re.com.'s with regard to the protection of minors, the publication and dissemination of surveys on communication media, the exercise of the right to correction, and the experiment of the obligatory attempt at a settlement of the disputes between electronic communications bodies and customers, it will be possible to delegate other important functions such as the oversight of the compliance with the programming obligations and the provisions on the exercise of the local radio and television activity, through monitoring activities, keeping of the Register of communication operators, and settlement of electronic communications disputes. Also to be added to this is the activity carried out by the Committees regarding grants to local radio and television broadcasters and the application of the regulations concerning political plurality during election and referendum campaigns, pursuant to Law no. 28 of 22 February 2000, as amended by Law no. 313 of 6 November 2003.

From the institutional standpoint, a course of action was developed involving AGCOM, the Conference of the Presidents of the Legislative Assemblies of the Regions and the Autonomous Provinces, and the Conference of Regions and Autonomous Provinces in the setting up of a political table, within the framework of

¹ There are seventeen Committees with delegations; missing are those of Campania, Molise, Sardinia, and Sicily.

² Art. 1, paragraph 13, of Law no. 249 of 31 July 1997, "Establishment of the Communications Regulatory Authority and standards governing the telecommunications and broadcasting systems", resolutions no. 52/99/CONS and no. 53/99/CONS, framework agreement of 25 June 2003 between the Authority and the Conference of the Presidents of the Regions and Autonomous Provinces and the Conference of the Presidents of the Assembly, the Regional Councils, and the Autonomous Provinces.

which a profitable discussion was held, for the purpose of reconsidering the topicality of the governance instruments with regard to the establishment of the Committees, in keeping with the principles of independence, representation of minorities, and transparency, and with the process of revision of the EC regulatory framework of the electronic communications sector. Said principles, as expressed in Articles 5 and 6 of the new framework agreement, were identified as qualifying points of convergence of the new agreement, expanding the principle of loyal collaboration already envisaged, while at the same time guaranteeing uniform parameters for carrying out and monitoring the delegated activities. In particular, the above-mentioned articles state that: "the contracting administrations, aware of the importance of the public interests connected with the exercise of the delegated functions, agree to an implementation of the agreement based on a spirit of loyal collaboration, in order to guarantee a constant exchange of experience and permit the acquisition, by AGCOM, of information and proposals also with reference to the existing critical managerial issues, at the same time identifying the most suitable solutions." This objective is pursuable through the evaluation of the utilization of the grants disbursed by AGCOM, with the acquisition of all information and documentation considered useful, and the holding of periodic discussions, according to the provision of Art. 5, paragraph 2, which envisages: "the establishment of specific joint committees for the purpose of analysing in depth any administrative coordination problems and proposing solutions for them," and paragraph 3 of the same article: "the parties agree on the implementation terms for the necessary checks by AGCOM and also agree to carry out the monitoring of the administrative procedures in keeping with the principles of simplification and effectiveness of the actions

The intention was thus to identify a model of active and responsible participation in the carrying out of the delegated functions by the Co.re.com.'s which, in view of a major increase in responsibilities and duties, will contribute to the building of a local organizational structure to guarantee and protect the parties concerned.

Resolution no. 666/06/CONS brought an end to the experimental period of the exercise of the delegated functions, pursuant to the previous framework agreement and, at the same time, the transition to the ordinary system for exercising them was arranged, starting from 1 January 2007. In fact, it was decided that the Co.re.com.'s were ready to undertake responsibilities and duties of greater complexity through the delegation of still other functions.

In particular, the decentralization of the dispute settlement function, through a reunification of the preliminary and decision-making phase, will entail a greater recourse to the out-of-court settlement of disputes with an undoubted advantage for operators and users; the delegation of the function of oversight of the compliance with the programming obligations and the provisions on the exercise of the local radio and television activity, through the monitoring of the broadcasts of the local broadcasters, will lead to more organic and systematic actions, avoiding duplications of preliminary activities, in matters of guaranteeing users, protecting minors, political-institutional and socio-cultural pluralism, and verification of the compliance with the programming obligations and regulations on advertising. Lastly, through the delegation of the keeping of the Register of communication operators, the Co.re.com. will have available information that is fundamental for its oversight activities, both delegated and its own.

Considering the conferral of the new delegations, AGCOM earmarked a larger financial contribution for the Co.re.com.'s. This decision, albeit in a difficult economic context, is proof of AGCOM's desire to invest in the development of the

Co.re.com.'s, not simply as its own functional bodies, but as entities whose action, at the local level, is fundamental for the pursuit of the institutional objectives with which it is entrusted.

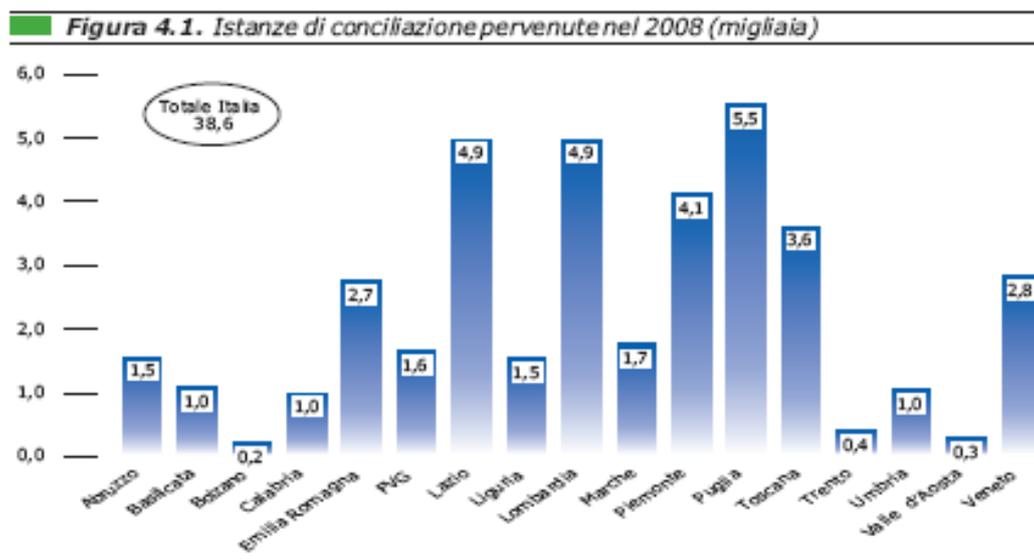
In application of the new framework agreement, AGCOM has planned information and training initiatives focusing on the carrying out of the delegated functions. On 19 March 2009, in the room known as the "*Sala delle Colonne*" of the Chamber of Deputies, a meeting was held during which the implementation process for the attribution of the communication-related delegations was explained, and the logical-systematic terms of the body of activities delegated under the framework agreement were developed, with a specific political-institutional analytic focus. The meeting was attended by the AGCOM President and Commissioners, as speakers, and national and local political and institutional representatives, academics who are experts in the matters being delegated, and the Presidents, directors, and staff of the Co.re.com.'s. President Calabrò, in particular, mentioned how, "if we were to look at the communications system from an institutional standpoint, in which various institutions (European Commission, AGCOM, Ministry for Economic Development, Regions) operate in an integrated manner, the system would resemble a 'network', in which the institution, the terminal, closest to the citizen is represented by the Co.re.com.'s, which are thus the 'last mile', the local loop of communications governance: close to the citizen, capable of best achieving the proximity of the guarantees, services, and fundamental rights recognized by the communications system. Strengthening the Co.re.com.'s thus means bringing the citizens closer to the decision-making centres, increasing the possibility for access to a series of services. It means, in general terms, realizing the principle of subsidiarity, envisaged by our Constitution and by the European Treaty, which aims to guarantee that decisions are made as close as possible to the citizen, making sure the action to be undertaken at the central level matches that carried out at the local level." The meeting provided the basis for a series of seminars on the single delegatable issues, in application of the new framework agreement. These training sessions, which registered a noteworthy attendance level by the personnel and heads of the single Co.re.com.'s, were structured into four training segments, the first framing AGCOM's activities, and the others devoted to the topics relating to each of the new delegations. The seminars, which were held in March and April 2009, provided an important opportunity for discussion and comparison between Co.re.com. personnel and the AGCOM structures, which explained the operational procedures and the guidelines for carrying out the functions to be delegated. The Cabinet Office also carried on an intense activity of guidance of the Co.re.com.'s, through meetings with the heads and the structures of each Committee and the participation in initiatives and meetings, taking care to have a continuous and useful relationship with the institutional representatives of the Regions, both for the management of the existing activity and for building the bases for the further decentralization process.

A close examination of the activity carried out by the Co.re.com.'s in 2008 shows a consolidation of the exercise of the functions already delegated. The lack of homogeneity, albeit considerable, among the activities carried out by the Committees arises from the territorial differences, which have led to the reaching of different decisions on the basis of the sensitivity of the body and the specific local factors, also through the promotion of initiatives which go beyond the delegations, such as, for example, those focusing on the training of and informed use of the media by young people. In any case, the quality of the service provided by the Committees has improved all over the country. Worthy of note, in relation to the obligatory attempt at a settlement of disputes between operators and users

is the increasingly widespread computerization and the opening of dedicated help windows, toll-free numbers, and Web pages.

As for the previous year, in 2008 an increase in the requests received was also registered: 38,590, versus the 35,000 of 2007, broken down by Region as illustrated in Figure 4.1.

Figure 4.1. Settlement requests received in 2008 (thousands)

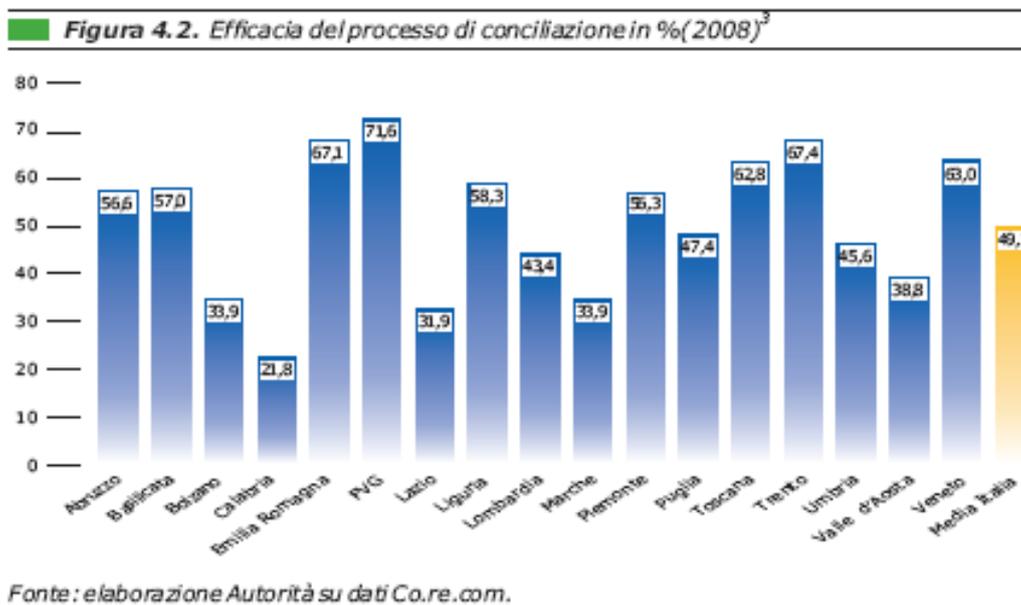


Fonte: elaborazione Autorità su dati Co.re.com.

Source: AGCOM processing of Co.re.com. data

Of the total requests, around 30% do not arrive at the hearing phase due to preclusion of claim, withdrawal by the requesting party, or the operator's failure to respond to the notice of call. As shown in Figure 4.2, of the more than 28,000 hearings held by the Co.re.com.'s, the national average of the cases closed with positive outcomes amounted to more than 49%, where the disparity of results at the regional level is to be considered physiological, because of the specific territorial factors and traits, but also due to the different experience accumulated by the Co.re.com.'s, which adhered to the agreement for the delegation of functions at different times (*cf. infra*).

Figure 4.2. Effectiveness of the settlement process in % (2008)³



Source: AGCOM processing of Co.re.com. data

The settlement hearings with negative outcomes due to failure to reach an agreement are 30% lower, and may be added to the cases of non-appearance by the parties. The recourse to temporary measures appears significant, with more than 7,000 cases in the year of reference and a positive outcome of around 70% of these, with less than 10% through the adoption of measures by the Co.re.com. and in the other cases by spontaneous settlement, where the figure referring to cases of non-compliance is totally negligible (less than 1%).

The analysis of the settlement activity carried on by the Co.re.com.'s shows, throughout the whole country, a general increase in settlement requests and decrease in non-appearances, bearing witness to the users' growing confidence in the settlement instrument as a way to solve disputes with operators.

The data show a real result of the efforts made to involve electronic communication operators in the settlement procedures for the users' benefit, but even for the benefit of the operators themselves, increasingly aware of the importance of the consumer "care" policies.

With reference to the problems dealt with in the settlement activity, the Committees report that the majority of the cases concern fixed telephony and Internet services, in spite of the fact that an increase has been registered in cases regarding mobile telephony. The disputes concerning Internet services, in particular ADSL, have registered a considerable increase, demonstrating how by now, for many users – in particular business customers – ADSL is a service of equal importance to universal service, even though the rigid contract conditions determine, during the settlement procedures, a lesser willingness of the operator

³ The indicator is defined as the ratio between requests that had a positive outcome (inclusive of pre-hearing agreements) and the total requests received.

to formulate settlement proposals. With regard to mobile telephony, in addition to the objections about unrequested services and the difficulty in disabling them, the objection to the charging for the telephone traffic, and the failure to apply the contract conditions, there is a growing number of cases concerning the so-called WAP (Wireless Application Protocol) traffic, consisting of a series of protocols that permit Internet navigation using mobile phones. This type of data traffic is often activated unknowingly by the user and entails the debiting of considerable charges. Widespread objections, already present in the past, are those concerning traffic to special numbers (899, 892, international satellite numbers) and the migration from one operator to another. Other problems reported are those concerning the interruption of service or lateness in repairing breakdowns. In general, the Co.re.com.'s point out that an efficient management of the "customer service" by the electronic communication operators could drastically reduce the number of disputes.

In particular, with regard to the most frequently adopted temporary measures, restoring the deactivated fixed telephony services, pursuant to Art. 5 of Resolution no. 173/07/CONS, a positive datum is the high number of spontaneous reactivations by operators, which drastically reduced the reactivation measures, and at the same time it can be seen how this power of intervention has faded as far as the ADSL/Internet service is concerned, since the reactivation measures only concern the universal line. Furthermore, their ineffectiveness is seen where the responsibilities of the operators in the migration processes are not clear.

With reference to the operators, a reduction was registered in the number of requests presented in 2008 with regard to Telecom Italia S.p.A., while there was an increase in those made with regard to other operators, in particular Opitel S.p.A., Wind Comunicazioni S.p.A., H3G S.p.A., Fastweb S.p.A., and Vodafone Omnitel N.V.; this increase in the number of disputes with alternative operators is partly due to AGCOM's adoption during the year of measures concerning telephone number portability in migrations from one operator to another. Lastly, the continuous alternation of new legal representatives of the telephone operators is another critical element in the carrying out of the delegated functions regarding the obligatory settlement attempt.

In this regard, it should be noted that the company Telecom Italia, at point 14 of the commitments approved by AGCOM with Resolution no. 718/08/CONS (cf. paragraph 2.1), guarantees a unitary and widespread nationwide management of the obligatory settlement attempt, entrusting the responsibility for said management to a specific structure endowed with offices located throughout the territory. Subsequently, a series of meetings was held between the company and the Co.re.com.'s to define a joint start-up of the dispute management activity, in accordance with the new organizational model and for identifying and taking care of the case backlog.

With regard to the delegation of functions concerning the protection of minors, in all Regions an increase has been registered in the attention to the quality of local television programming, where numerous different initiatives have been undertaken by the Co.re.com.'s with regard to both information and awareness-raising activities, and the promotion of a "minor-friendly" television. An increase of such functions will be correlated to the delegation of the local broadcaster monitoring function, which will require the definition of procedures, criteria, and evaluation parameters that are certain and homogeneous nationwide.

With reference to the delegations on the exercise of the right to correction and the publication and dissemination of surveys on communication media at the local

level, it should be pointed out that the information activity carried on by the Co.re.com.'s has proven suitable and effective for avoiding the initiation of penalty procedures.

On the subject of equal access to the news media for political communications during election and referendum campaigns, at both the local and the national level, the Committees, as envisaged by the regulations in effect, have ensured the observation of information pluralism and correctness, operating in synergy with AGCOM for compliance with the regulations in application of the relevant "*par condicio*" (equal access) laws.

To highlight the work carried on by the single Co.re.com.'s, shown below are the most significant initiatives undertaken in the matters of interest and tables with the summarizing data on the performance of the activities delegated at the regional level in 2008.

Communications Committee of the Region of Abruzzo	
Founding law	Regional Law no. 45 of 24 August 2001
Chairperson	Tino Fortunato Di Sipio
Delegations	Resolution no. 166/06/CONS Resolution date 7 September 2006 Effective date 1 October 2006

In particular, the Abruzzo Co.re.com. set up a reliable, well-structured new website that makes use of the most current technologies. Moreover, with specific reference to the settlement activity, after careful evaluation and study of the possibilities offered by the market, in November 2008 the support structure, in agreement with the Committee, started a computerized procedure project for managing the settlement attempt cases and urgent measures. The computer program, called "*Concilia Flow*", was experimented successfully in December and has been in regular use since 1 January 2009.

With regard to the audiovisual sector, the Committee defined the procedures for creating two digital recording studios for monitoring television programs, to be installed at L'Aquila and Pescara in early 2009. The monitoring and storage of the television programs of the regional broadcasters will thus take place round the clock, 24 hours a day. During the year of reference, at the Pescara Co.re.com. offices, random monitoring was carried out on the programs of eight regional broadcasters. The monitoring was performed by recording the programs in the following timeslots: 9am-12.30pm, 10am-2pm, and 2.30-6.30pm, for a total of 2,560 hours. The processing of the data and special reports revealed, during the month of October, the airing by several broadcasters of lottery and fortune-telling programs in prohibited timeslots, which were duly reported to AGCOM for the necessary follow-up actions.

In carrying out the delegated function of the protection of minors, in particular, the Abruzzo Co.re.com. conducted the "*TG in Classe*" (TV News in Class) project, with the collaboration of the Regional School Department and the national and regional Rai offices; during the 2008-2009 school year, seven schools of the region were involved. The project, made possible by the decisive economic contribution of the Committee and with the assistance of the support structure, will enable the seven schools to try their hand at producing news services for youngsters, which will be broadcast at the national level by Rai and by the region's television channels.

Moreover, the “*Premio Co.re.com. Abruzzo*” prize was created for radio and television broadcasters and production centres in Abruzzo for the production of brand-new radio and television programs. The aim of the prize is to stimulate enterprises to produce culturally and socially significant programs. The project is of considerable interest for the possibility to involve Abruzzo’s radio and television broadcasters and production centres in the process of the qualitative improvement of the programs aired. The prize consists of three sections:

- the first, called “*Fiabe e Favole*” (Fairy Tales and Stories), is for television programs for children which centre around the representation of fairy tales or stories, including ones already known;
- the second, called “*Il futuro dell memoria*” (The Future of the Mind), is for television programs focusing on the representation of the contemporary world through experiences, stories, and activities of the world of senior citizens;
- the third, called “*AbilMente*” (an Italian play on words which means both “Able mind” and “Aby”), is for television programs focusing on differently-abled citizens in their work, cultural, and recreational activities.

The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.1. Abruzzo Co.re.com. – delegated activities – year 2008

	No.		No.
	Settlement requests	1,516	Temporary measure requests 384
	Claim preclusion evaluation	0	- preclusion of claim 54
	Withdrawal	0	- satisfaction of claim 0
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	121	- rejections 0
Settlements	Hearings held	1,152	- temporary measures 172
	Positive outcome	652	Non-compliance reports 0
	Negative outcome due to failure to reach an agreement	500	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	0	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	0	
Protection of minors	Reports received by Corecom	1	
	Reports sent to AGCOM	1	

Source: Abruzzo Co.re.com

Communications Committee of the Region of Basilicata

Founding law	Regional Law no. 20 of 27 March 2000
Chairperson	Loredana Albano

Delegations	Resolution no. 402/03/CONS Resolution date 18 December 2003 Effective date 1 January 2004
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Within the framework of the delegated functions, the settlement attempts made up, quantitatively speaking, the main activity of the Co.re.com. in 2008, with a considerable increase over the previous year of the number of requests received and number of hearings held.

However the Committee's greater commitment in solving the disputes between citizens and telephone operators did not take attention away from the function of protecting minors. Of significance, in this regard, is the circumstance that, since 20 March 2007, the Co.re.com. Chairperson, Loredana Albano, has also been a regular member of the Ministerial Committee for the application of the code of self-regulation regarding the media and minors, on designation of the National Co.re.com. Conference.

To the subject of the protection of minors in relation to the communication media, the Basilicata Co.re.com. also devoted a number of public meetings, which offered the opportunity for a discussion on the use of the media and their possible implications on the development of a minor. Alongside analyses and reported complaints, also emerging were proposals useful for families and schools, for an informed use of an irreplaceable means of communication. The "Report 2007 Tv e minori" prepared by Chairperson Loredana Albano, contains the data and the analysis conducted on numerical information on violations handled by the TV and Minors Committee, but also an analysis of the sector's regulatory framework, in particular on the novelties introduced at both the national and the European level, starting from the European "TV Without Frontiers" directive, which must be transposed and implemented in Italy by 19 December 2009, up to the bill entitled "Tutela dei minori nella visione dei film e nei videogiochi" (Protection of minors in the viewing of films and in videogames), which obviously intends to extend the supervision beyond the television medium.

The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.2. Basilicata Co.re.com. – delegated activities – year 2008

	No.		No.
	Settlement requests	1,040	Temporary measure requests 118
	Claim preclusion evaluation	0	- preclusion of claim 0
	Withdrawal	0	- satisfaction of claim 114
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	00	- rejections 4
Settlements	Hearings held	718	- temporary measures 2
	Positive outcome	409	Non-compliance reports 0
	Negative outcome due to failure to reach an agreement	309	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	282	

Adjustment	Requests received	0
	Actions taken	0
Surveys	Actions taken	0
Protection of minors	Reports received by Corecom	0
	Reports sent to AGCOM	0

Source: *Basilicata Co.re.com*

Communications Committee of the Autonomous Province of Bolzano

Founding law	Provincial Law no. 6 of 18 March 2002
Chairperson	Hansjorg Kucera
Delegations	Resolution no. 546/07/CONS Resolution date 7 December 2007 Effective date 1 March 2008

In the report on the first year of delegated activities (since March 2008), the Committee wished to highlight the fact that most of the disputes could be resolved in a phase prior to the settlement attempt if the telephone operators would provide a more efficient customer services; moreover, it reported a low level of participation of several operators in the settlement hearings.

In carrying out the delegated functions on the protection of minors, in addition to oversight, the Committee intends to focus its action in a positive manner on contributing to the balanced development of young people.

Confirming the commitment on the territory and the operational effectiveness of the Committee as a point of reference of the audiovisual sector at the local level, a meeting was organized together with the ART (Radio and Television Association of Alto Adige) on the past, present, and future of private broadcasters in this province.

The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.3. *Autonomous Province of Bolzano Co.re.com. – delegated activities – year 2008*

	No.		No.
Settlement requests	166	Temporary measure requests	39
Claim preclusion evaluation	2	- preclusion of claim	1
Withdrawal	7	- satisfaction of claim	35
Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	32	- rejections	3
Settlements			
Hearings held	115	- temporary measures	0
Positive outcome	39	Non-compliance reports	0
Negative outcome due to failure to reach an agreement	44		
Negative outcome due to non-appearance by the parties under Art. 12, par. 4	32		

	of the regulation approved with Resolution 173/07/CONS	
Adjustment	Requests received	0
	Actions taken	0
Surveys	Actions taken	0
Protection of minors	Reports received by Corecom	0
	Reports sent to AGCOM	0

Source: Autonomous Province of Bolzano Co.re.com

Communications Committee of the Region of Calabria

Founding law	Regional Law no. 2 of 22 January 2001, amended by Regional Law no. 22 of 5 October 2007
Chairperson	Francesco Crifò Gasparro
Delegations	Resolution no. 402/03/CONS and, post-susp., 253/08/CONS Resolution date 16 June 2004 Effective date 1 July 2004

Before examining the activity carried on by the Calabria Co.re.com. in 2008, it must be stated that following the compulsory administration of the Committee, enacted by the Region of Calabria with Regional Law no. 22 of 2007, AGCOM, with Resolution no. 543/07/CONS, suspended the delegation of functions and at the same time initiated the procedure for the possible revocation, due to the lack of the requisites as stated in Resolution no. 52/99/CONS and, in particular, of the criteria of collective effort, plurality, and respect of the minorities. The suspension was applied from 31 October 2007 through 14 May 2008 when, with Resolution no. 253/08/CONS on the "Closing of the procedure initiated with Resolution no. 543/07/CONS on the suspension of the delegation of functions to the Regional Committee for Communications of Calabria", the restoration of the collective nature of the body in accordance with criteria conforming to the above-said resolution was formally acknowledged, and the suspension of the delegation was revoked. Therefore, the activity reported refers to the period from May 2008 on.

During this period, in consideration of the process which ended with the renewal of the framework agreement between AGCOM, the Conference of Regions and Autonomous Provinces, and the Conference of the Legislative Assemblies of the Regions and the Autonomous Provinces, on 4 December 2008, the Calabria Co.re.com. aimed to upgrade the hardware of its remote stations for monitoring radio and television broadcasts and add personnel with the necessary skills.

During the same year, it extended its oversight to include the protection of minors on twelve local broadcasters, for a number of hours proportional to the size of the catchment area and the type of broadcaster; the number of hours viewed totalled 862.11.15. In particular, the monitoring focused on the programs aired during the "protected" timeslot by twelve provincial and three regional broadcasters, which account for over 60% of the broadcasters appropriately ranked in the classification as per Law no. 448/98.

An analysis of the program scheduling of the local broadcasters, for the purpose of verifying the respect of fundamental personal rights and correct physical, mental and moral development of minors, revealed a general compliance with the regulations, although programs devoted to minors are still almost totally absent. An analysis of the data on the statistical sample monitored showed that

provincial broadcasters devote more space to kids' programs than regional broadcasters do and in any case, not counting the children's cartoons with a percentage of 3.01%, there is a substantial lack of program scheduling for minors.

On the subject of the protection of minors, as the priority activity for the coming year, the intention is to formalize a collaboration agreement with the Regional School Department to provide information on the regulations governing the protection of minors in schools, with a reciprocal exchange of experiences. Moreover, in order to enable families to have a direct contact with the Co.re.com, a toll-free number will be set up and there will be a special icon to click on in the new version of the Co.re.com. website, being organized. Furthermore, the Committee instituted the Aretè (Quality) Prize, which may be a valid incentive for broadcasters for paying greater attention to the quality of self-produced programs and enable those who complain of scant economic resources, and therefore difficulty in drafting a program lineup that is sufficiently appealing for a young viewing audience, to meet the need for programs that stimulate youngsters' imagination and creativity, indispensable elements for a harmonious development of the personality.

The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.4. Calabria Co.re.com. – delegated activities – year 2008

	No.		No.
	Settlement requests	951	Temporary measure requests 93
	Claim preclusion evaluation	80	- preclusion of claim 0
	Withdrawal	5	- satisfaction of claim 88
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	0	- rejections 5
Settlements	Hearings held	866	- temporary measures 0
	Positive outcome	189	Non-compliance reports 0
	Negative outcome due to failure to reach an agreement	299	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	378	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	0	
Protection of minors	Reports received by Corecom	0	
	Reports sent to AGCOM	0	

Source: Calabria Co.re.com

Communications Committee of the Region of Campania

Founding law

Regional Law no. 9 of 1 July 2002

Chairperson	Giovanni Festa
Delegations	No delegations

The members of the Campania Co.re.com. were appointed recently, filling a void that had existed since its establishment by regional law. After the taking of office of its members, the Committee began its first formal contacts to verify the course to be undertaken for the conferral of the delegated functions by AGCOM. Soon a process of examining the organizational structure and the personnel will commence, for the purpose of verifying that they have the necessary requisites for carrying out the delegated functions.

Communications Committee of the Region of Emilia Romagna

Founding law	Regional Law no. 1 of 30 January 2001 and subsequent amendments
Chairperson	Gianluca Gardini
Delegations	Resolution no. 402/03/CONS Resolution date 5 February 2004 Effective date 1 March 2004

The Emilia-Romagna Co.re.com, after consolidating its activity with regard to the delegated functions, reports the increase in settlement requests together with a significant number of positive outcomes to the hearings. As for the operators involved and the contexts of requested intervention, there is an increase in the number of disputes with mobile telephony operators, while there is a substantial stability of those with fixed telephony operators. The most frequent types of dispute concern the interruption, suspension, or delay of services and the challenging of bills.

In implementation of the memorandum of understanding with the Bolognese Forensic Foundation, signed in 2007, the "Training course for ombudsmen in the telecommunications sector" was organized in 2008 also, consisting of lessons in theory, case studies, role playing, and practical drills at the Co.re.com., with the enrollees sitting in at the settlement hearings as listeners.

Within the framework of the memorandum of understanding on the settlement activity, signed with the Emilia Romagna Unioncamere, a seminar was held on "Settlement in the telecommunications sector", which offered an important opportunity for discussion between the Co.re.com. and the Chambers of Commerce on organizational techniques and models used in settlement procedures.

Within the framework of the delegation on the protection of minors, two communication campaigns stand out: "*Tele-regole le sai?*" (Do you know the tele-rules?) and "*La tv più vicina ai bambini*" (TV closer to kids). The targets of the first were high-school students, parents, and teachers, with the aim of promoting familiarity with the "TV self-regulation and minors" code; the second, targeting the region's elementary and middle schools, focused on developing a critical and informed use of the television medium through theatre and video productions. Lastly, worthy of note are the study on "good media education practices in obligatory primary and secondary schools", which is scheduled to end in 2009, in implementation of the agreement between the Co.re.com. and the Department of Education Science of the University of Bologna for the experimentation and development of study initiatives, information, and awareness-raising on good practices in media education. The most significant results of the campaigns and research were presented during the "*Media e infanzia*" (Media and Childhood)

meeting held on the occasion of the International Children's Rights Day.

In 2008 the activity of structural upgrading of the monitoring system of the regional radio and television broadcaster continued.

In collaboration with the GMPRgroup research company, the Co.re.com. carried on a monitoring activity for the purpose of verifying that the content and characteristics of sports news conform to the principles dictated by the media and sport code for the self-regulation of sports news signed in 2007. The analysis was conducted with a social-semiotic approach which made it possible to highlight the content and tone of the communication, the degree of interactivity with the viewer, and the adequacy for a viewing audience of children and teenagers.

Table 4.5. Emilia Romagna Co.re.com. – delegated activities – year 2008

	No.		No.
	Settlement requests	2,705	Temporary measure requests 679
	Claim preclusion evaluation	38	- preclusion of claim 2
	Withdrawal	234	- satisfaction of claim 631
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	107	- rejections 11
Settlements	Hearings held	2,297	- temporary measures 35
	Positive outcome	1,541	Non-compliance reports 0
	Negative outcome due to failure to reach an agreement	482	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	158	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	0	
Protection of minors	Reports received by Corecom	0	
	Reports sent to AGCOM	0	

Source: Emilia Romagna Co.re.com

Communications Committee of the Region of Friuli Venezia Giulia

Founding law	Regional Law no. 1 of 10 April 2001
Chairperson	Paolo Francia
Delegations	Resolution no. 402/03/CONS Resolution date 29 January 2004 Effective date 1 February 2004

The Friuli Venezia Giulia Co.re.com. set up a dedicated help window for users, and also a toll-free number and Web page to provide the necessary information on the carrying out of the obligatory settlement attempt procedure, which constitutes the most sizable delegated activity in terms of resources employed and results obtained. Furthermore, a videoconference management system for the settlement

sessions and a computer archive were set up.

The first in Italy, the purpose of the videoconference settlement service is to facilitate things for the users and render the procedure quicker and less burdensome in terms of employment of human resources, time, and costs incurred by both the users located throughout the regional territory and the telephony operators.

This instrument enables the telephony operator and ombudsman to work without leaving their towns of residence, and is especially of help to residents who do not reside in the town where the Committee's offices are located so that, this way, they can request information (citizen' 'help window, received favourably and already functioning in the URPs [Public Relations Offices] of Udine, Gorizia, Pordenone, and Tolmezzo) or take part in the settlement hearing simply by going to the closest regional URP.

During the early part of the year, a training course was held for the operators of the region's Public Relations Offices. The experiment, initiated in the summer and completed in December 2008, made it possible to identify the technical aspects in need of honing.

It should be pointed out that often the settlement process is not even carried out, since the Co.re.com. operators contact the legal offices of the telephone companies directly, solving the single problems beforehand.

With regard to the delegation concerning the protection of minors, the Co.re.com. prepared two television monitoring procedures, with the purpose of overseeing compliance with the regulations on the subject, but also of collecting data and information useful for having a picture of the existing situation.

The monitoring procedures that contain a part devoted to minors were:

- "Distribution of the news, spring 2008. FVG Co.re.com. Monitoring";
- "Analysis of the content of the information in the main news broadcasts of Friuli Venezia Giulia. News distribution, autumn 2008".

The data thus collected are combined with those obtained from the "Young People and Mass Media" study, which is a sort of permanent observatory set up in 2004. The resulting data have shown that the news programs of Friuli Venezia Giulia, as far as the periods examined are concerned, complied with the regulations on the protection of minors on television.

Throughout 2008, the Co.re.com. took part in the organization of numerous events in the communication field, of which, also due to the specificity of the territory, which is characterized by the necessary and continuing comparison with the countries on which it borders, the following are worthy of mention: "*Le tribù mediatiche*" (Media Tribes) – culture, values, and aspirations of Young People with regard to the new media (Trieste, 17 April 2008); "*Giovani & Media*" (Young People & Media)(Trieste, 26 September 2008); "*Io e il mio telefonino*" (Me and My Cell Phone)(Trieste, 13 May 2008); "*Rai e Lingua Friulana*" (Rai and the Friulian Language), consisting of a discussion meeting in collaboration with the Società Filologica Friulana (Friulian Philological Society), which featured the participation of, among others, the Regional Commissioner for Education, Sports, and Peace, the Director of the Rai Friuli Venezia Giulia office, and the author of the book "*La Rai che non vedrai*" (The Rai You Won't See), presented during the event; "*Telegiornale in Classe*" (TV News in the Classroom), at the end of the project which originated from an idea of Tg3/Rai Tre (Rai 3 News) and the "*Gt Ragazzi*" (Kids' News) program, in collaboration with the Department for Educational Policies and Schools of the City of Rome in 2004, with the aim of involving youngsters in

the analysis and critical reading of television news.

Table 4.6. *Friuli Venezia Giulia Co.re.com. – delegated activities – year 2008*

	No.		No.
Settlements	Settlement requests	1,610	Temporary measure requests 0
	Claim preclusion evaluation	0	- preclusion of claim 0
	Withdrawal	0	- satisfaction of claim 0
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	243	- rejections 0
	Hearings held	879	- temporary measures 0
	Positive outcome	629	Non-compliance reports 0
	Negative outcome due to failure to reach an agreement	250	
Adjustment	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	243	
	Requests received	0	
Surveys	Actions taken	0	
	Actions taken	0	
Protection of minors	Reports received by Corecom	2	
	Reports sent to AGCOM	1	

Source: *Friuli Venezia Giulia Co.re.com*

Communications Committee of the Region of Lazio

Founding law	Regional Law no. 9 of 3 August 2001
Chairperson	Francesco Soro
Delegations	Resolution no. 402/03/CONS Resolution date 18 December 2003 Effective date 1 January 2004

The Lazio Co.re.com., with a view to optimizing resources, with specific reference to the settlement activity, has prepared a computerized system for managing the disputes between users and electronic telecommunications operators, susceptible of further implementation; in relation to this innovation of great help, an activity for providing information through call centers and e-mail centers was activated, permitting a better use of the system. On the subject of the protection of minors, it should be noted that, while there is a substantial conformity of programming to the legal provisions, there is little attention to the production and airing of programs specifically devoted to minors. With regard to the oversight duties, the Co.re.com. is putting the finishing touches, in collaboration with the regional IT company LAIT S.p.A., on the "Observatory of Local Television Broadcasters of the Region of Lazio" project, which will permit the recording of the local television broadcasters that are received in the province of Rome through a Web application program that permits the simultaneous random

recording of up to five television programs at a time; the transfer of the recorded clips to the central archive situated at the Co.re.com. headquarters; the filing and keeping of the recordings for three months, by means of a dedicated server. At the same time, the Co.re.com. is working to extend the project to all the provinces of Lazio. Lastly, also worthy of note are a series of meetings with UNICEF, "Telefono azzurro" (a telephone helpline for children and adolescents), the Postal Police, and the Family Association Forum for a planning of joint activities on the subject of the protection of minors. Within this framework, a study was started on the new strategies to be introduced, in order to add, to the traditional monitoring and penalty activities, a prevention activity through specific training and information projects targeting adults and youngsters.

Table 4.7. Lazio Co.re.com. – delegated activities – year 2008

	No.		No.
	Settlement requests	3,837	Temporary measure requests 1,201
	Claim preclusion evaluation	0	- preclusion of claim 0
	Withdrawal	0	- satisfaction of claim 961
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	0	- rejections 180
Settlements	Hearings held	3,837	- temporary measures 57
	Positive outcome	1,573	Non-compliance reports 3
	Negative outcome due to failure to reach an agreement	1,074	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	1,190	
Adjustment	Requests received	1	
	Actions taken	1	
Surveys	Actions taken	0	
Protection of minors	Reports received by Corecom	0	
	Reports sent to AGCOM	0	

Source: Lazio Co.re.com

Communications Committee of the Region of Liguria

Founding law	Regional Law no. 5 of 24 January 2001
Chairperson	Pasqualino Serafini
Delegations	Resolution no. 402/03/CONS Resolution date 19 February 2004 Effective date 1 March 2004

With regard to the settlement activity, the Co.re.com registers an increase in the settlement requests and observes that many cases could be resolved beforehand if telephone operators had a more effective customer service. The disputes frequently regard traffic to numbers with specific rates and the services

offered by new operators on infrastructure of existing operators. Lastly, emphasis is given to the success of the advice and consulting activity to users with regard to the carrying out of this delegated activity.

As for the protection of minors, the Co.re.com. has launched a series of projects:

- the start-up of an information-gathering study on the use of the Internet by minors;
- an information campaign on the duties of the Co.re.com.;
- the organization of a series of meetings with the common theme: "minors and multimedia";
- the production, in collaboration with the Postal and Communications Police, of a commercial on the dangers for minors of Internet navigation;
- initiatives to raise the awareness of minors and teenagers with respect to the problems connected with the use of the Internet.

The Co.re.com. also took action with an awareness-raising campaign against local broadcasters aiming to eliminate pages with erotic content from "Televideo" (Italy's teletext system).

Table 4.8. Liguria Co.re.com. – delegated activities – year 2008

	No.		No.
	Settlement requests	1,487	Temporary measure requests 178
	Claim preclusion evaluation	28	- preclusion of claim 0
	Withdrawal	110	- satisfaction of claim 0
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	0	- rejections 0
Settlements	Hearings held	1,154	- temporary measures 17
	Positive outcome	673	Non-compliance reports 2
	Negative outcome due to failure to reach an agreement	415	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	221	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	0	
Protection of minors	Reports received by Corecom	0	
	Reports sent to AGCOM	0	

Source: Liguria Co.re.com

Communications Committee of the Region of Lombardy

Founding law	Regional Law no. 20 of 28 October 2003
Chairperson	Maria Luisa Sangiorgio

Delegations	Resolution no. 95/05/CONS Resolution date 3 March 2005 Effective date 1 May 2005
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For the Lombardy Co.re.com., 2008 was characterized by a rearrangement of the support activities for the settlement service, aiming to safeguard a dual organization level: one focusing on the fundamental aim of increasing settlement hearings, and the other aiming to guarantee a higher quality of the service rendered by the office.

With regard to the relations with the users, an attentive assistance was promoted to help with the knowledge of the service both in the context of the citizens' first approach with the front office services, and later in the preliminary and management phases of the cases. For this purpose the employees in charge of the settlement service were trained and updated, also through specific training courses. Faced with a marked increase in the settlement requests compared to the previous year, the qualitative growth of the structure, thanks to the experience and professionalism gained in the field, made it possible to register a high number of cases that were closed with a positive outcome. Furthermore, a significant participation by the major operators in the settlement attempts emerged, while others do not take part in the settlement hearings, due to company policy.

On the subject of the protection of minors, the monitoring study, entrusted to the Observatory of Pavia and aiming to verify the compliance by the sample group, consisting of 15 local television broadcasters, with the regulations aiming for the protection of minors, with particular reference to the so-called "protected" timeslot (from 4 to 7 pm). The Committee also organized the biennial international event "Ragazzi che Tivù" (Kids, What TV!), held at the Triennale of Milan from 18 through 23 November 2008 and comprising the presentation of three brand-new studies, an international forum, and teaching labs, with the publication of the proceedings of the event to be made available shortly. Lastly, the Committee took an active part in the working groups of the Regional Observatory of Lombardy on the phenomenon of bullying, set up at the Regional School Department. The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.9. Lombardy Co.re.com. – delegated activities – year 2008

	No.		No.
	Settlement requests	4,931	Temporary measure requests 878
	Claim preclusion evaluation	173	- preclusion of claim 0
	Withdrawal	198	- satisfaction of claim 597
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS		- rejections 53
Settlements	Hearings held	3,184	- temporary measures 13
	Positive outcome	1,383	Non-compliance reports 0
	Negative outcome due to failure to reach an agreement	833	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved	743	

	with Resolution 173/07/CONS	
Adjustment	Requests received	0
	Actions taken	0
Surveys	Actions taken	0
Protection of minors	Reports received by Corecom	0
	Reports sent to AGCOM	0

Source: Lombardy Co.re.com

Communications Committee of the Region of the Marches

Founding law	Regional Law no. 8 of 27 March 2001
Chairperson	Marco Moruzzi
Delegations	Resolution no. 18/04/CONS Resolution date 28 July 2004 Effective date 1 September 2004

During 2008, the Marches Co.re.com. upgraded its monitoring structure with which it carries out random sample observation activities on the content broadcast by local radio and television broadcasters. Precisely thanks to this constant monitoring and oversight work, the Co.re.com. is able to identify any violations of the regulations governing local radio and television broadcasting and report such violations to the competent authorities. The reports mainly concerned violations of rules connected with minors, although the random sample monitoring of the "protected" timeslot programs of the main TV broadcasters in the Marches did not give rise to the reporting of alleged violations of the law.

Among the delegated functions, the Co.re.com. indicated, as a central point of its program of activity, the topic of the protection of minors in the electronic communications sector, responding to a need that is emerging with greater and greater emphasis among citizens in relation to the continuing evolution of the media world. On 12 February 2008, a memorandum of understanding was signed with the University of Macerata for an activity of scientific collaboration. The aim of the memorandum is to set up a work table that will function on two main fronts: the first concerns the in-depth analysis of aspects and potentials of the sector of the new digital technologies; the other is connected with the content and protection of the users of communications media, in particular minors.

With regard to settlements, on 20 October 2008, the Committee signed a memorandum of understanding with the Chamber of Commerce of Ancona for the development of joint actions in the settlement sector. The intention of the two promoting bodies was, in fact, to inform citizens of this instrument for settling disputes as an alternative to the usual justice routes, compared to which it is cheaper and faster. The agreement signed also included a training course for ombudsmen, which was held at the Ancona CCIAA (Chamber of Commerce) from 27 through 29 October 2008, reserved for ombudsmen registered with the Chamber's list and Co.re.com. employees. Lastly, to render the service even more complete and closer to citizens, an online settlement channel was activated, in collaboration with the Ancona Chamber of Commerce.

Of significance on the topic of protection of minors was the information campaign "*Adulti più informati, bambini più sicuri*" (More informed adults, safer children), made possible thanks to a memorandum of understanding signed by three different institutional bodies involved in the protection of minors: the

Co.re.com., with control functions over the content of local radio and television broadcasters; the Regional School Department, responsible for the education and training of minors; the Communications Police, in charge of repressing crimes committed even on the Web. The initiative involved a number of towns of the Marches and dozens of schools in more than forty meetings attended by parents and teachers. Furthermore, the Committee signed an agreement with RaiTre "TG Ragazzi" for a project, entitled "Produrre TV in classe" (Producing TV in the Classroom), which involves school students in the production of a TV news program. The purpose of the project is to develop the critical thinking of minors with regard to the content and messages coming from television, through a series of lessons taught in front of the class and practice labs, aiming to introduce to youngsters the mechanisms and technologies used to produce a television product, in this case a news program.

The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.10. *Marches Co.re.com. – delegated activities – year 2008*

	No.		No.
	Settlement requests	1,722	Temporary measure requests 99
	Claim preclusion evaluation	319	- preclusion of claim 6
	Withdrawal	36	- satisfaction of claim 91
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	162	- rejections 0
Settlements	Hearings held	1,266	- temporary measures 2
	Positive outcome	429	Non-compliance reports 0
	Negative outcome due to failure to reach an agreement	258	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	166	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	0	
Protection of minors	Reports received by Corecom	3	
	Reports sent to AGCOM	11	

Source: *Marches Co.re.com*

Communications Committee of the Region of Molise

Founding law	Regional Law no. 18 of 26 August 2002
Chairperson	Federico Liberatore
Delegations	No delegations

The composition of the Molise Co.re.com. was recently renewed. The new Chairperson, through conversations with the specific AGCOM offices, expressed the

Committee's desire, also shared by the Region, to initiate the procedure leading to the delegation process and to proceed with the subsequent duties within a short time.

Communications Committee of the Region of Piedmont	
Founding law	Regional Law no. 1 of 7 January 2001
Chairperson	Massimo Negarville
Delegations	Resolution no. 18/04/CONS Resolution date 16 June 2004 Effective date 1 July 2004

In 2008, the Piedmont Co.re.com. upgraded its human and instrumental resources in order to be able to carry out the delegated activities in an increasingly efficient and effective manner, with the purpose of providing users with satisfactory service.

In particular, with regard to the activities connected with the delegation on the oversight of matters having to do with the protection of minors, the Co.re.com. is now present, since 2008, at the TUTTINRETE inter-institutional and inter-professional table. The initiative is intended to be a "summarizing" table which, on the one hand, schedules appointments for analysis and discussion on how to provide "common training" and, on the other, has the purpose of providing culture, prevention, and management of information for the protection of minors.

Furthermore, in May 2008, a memorandum of understanding was signed by the Co.re.com. and the General Directorate of the Regional School Department of Piedmont in view of a three-year collaboration in the protection of minors' rights in the radio and television sector; lastly, an agreement was signed with the University of Turin – Faculty of Training Science – for the definition of the feasibility study and related research project on "Children and teenagers in front of the TV: consumption, preferences, expectations". It is a research-action entirely financed with regional resources which starts from a study, more qualitative than quantitative, which will end and be presented to the public in autumn 2009. This study was started at the elementary and middle schools of Asti and its province, monitoring, through an online questionnaire, 150 pupils from 9 schools between 8 and 14 years of age, together with their teachers, acting as the project's contacts/advisors; the aim was to lead to a better quality of television production. The study is closely correlated to the "Teleintendo" project, which the Co.re.com. has joined by signing its memorandum of understanding.

The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.11. *Piedmont Co.re.com. – delegated activities – year 2008*

	No.		No.
Settlement requests	4,075	Temporary measure requests	914
Claim preclusion evaluation	27	- preclusion of claim	0
Withdrawal	37	- satisfaction of claim	891
Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with	127	- rejections	0

Settlements	Resolution 173/07/CONS		
	Hearings held	3,307	- temporary measures 23
	Positive outcome	1,862	Non-compliance reports 2
	Negative outcome due to failure to reach an agreement	482	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	442	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	0	
Protection of minors	Reports received by Corecom	145	
	Reports sent to AGCOM	0	

Source: *Piedmont Co.re.com*

Communications Committee of the Region of Apulia

Founding law	Regional Law no. 3 of 28 February 2000
Chairperson	Giuseppe Giacobazzo
Delegations	Resolution no. 615/06/CONS Resolution date 21 November 2006 Effective date 1 January 2007

With regard to the settlement activity, the Co.re.com, reports that, compared to 2007, the process of computerization of the protocol has been completed. In fact, because of the considerable number of requests presented, it was decided to implement a software that would permit automating and speeding up all the necessary phases of the settlement attempt.

In 2008, the Co.re.com.'s portal was improved; worthy of note is the "Co.re.com. for the consumer" service, created together with the consumer associations to permit users to make a comparative evaluation of the offerings of the various operators. An area of access reserved for telephone has been set up and is in the completion phase; in it, operators will be able to access all documentation relating to the cases and the scheduling of settlement tables.

With regard to the oversight over TV and minors, after conducting the "Teleduchiamoci" (Let's teleducate ourselves) project together with nine Regions, the Co.re.com. extended it to all the provinces of Apulia, involving the Regional School Department. One of the aims of the project, which involves a sample group of parents, students, and teachers, is to promote education on audiovisuals and with audiovisuals.

For this purpose, teachers were offered a course in Media Education. The aim is to offer instruction on media language, codes, characteristics, and techniques for the production, distribution, and receipt of media messages. In this regard, the e-mail address *osservatoriomediagarazzi@consiglio.puglia.it* made available by the structure was of great usefulness for the reporting of violations of the TV and minors self-regulation code. Below is a summary of the initiatives on the protection of minors:

- participation in the "*Tutela TV e minori*" (TV and minors protection)

meeting organized by "Movimento bambino", in February 2008;

- creation of e-mail address *osservatoriomediagarazzi@consiglio.puglia.it*: legislative references on the subject of the protection of minors (letter sent to the AgeSC-A.GE parents' associations);

- circular letter from the Co.re.com. Chairman, sent to local broadcasters, concerning the dissemination and publicizing of the TV and minors self-regulation code;

- production of a pamphlet on the TV and minors self-regulation code ("*A tu per tu con radio e tv*");

- support by the TV and Minors section of the Apulia Co.re.com. of the "National Minors and Media Network" for the protection of minors, coordinated by Dr. Maria Rita Parsi in Rome;

- memorandum of understanding with ANCI (National Association of Italian Municipalities) for the setting up of multimedia centres for the social aggregation of young people;

- media education project devoted to the complex relationship between mass media and minors; subjects taught include communication ethnics, communication psychology, and social pedagogy, and the project also envisages the setting up of a computer lab and multimedia lab;

- "*Teleduchiamoci*" (Let's teleducate ourselves) project: a training path whose pupils are students, parents, and teachers;

- project, in collaboration with Emilia Romagna and Lombardy, for the organic collection of all the information necessary for the development of "best practices";

- organization and support of the initiative promoted by the Emilia Romagna Co.re.com. for the International Children's Rights Day.

Table 4.12. *Apulia Co.re.com. – delegated activities – year 2008*

	No.		No.
	Settlement requests	4,075	Temporary measure requests 914
	Claim preclusion evaluation	27	- preclusion of claim 0
	Withdrawal	37	- satisfaction of claim 891
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	127	- rejections 0
Settlements	Hearings held	3,307	- temporary measures 23
	Positive outcome	1,862	Non-compliance reports 2
	Negative outcome due to failure to reach an agreement	482	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	442	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	0	

Protection of minors	Reports received by Corecom	145
	Reports sent to AGCOM	0

Source: *Apulia Co.re.com*

Communications Committee of the Region of Sardinia

Founding law	Regional Law no. 11 of 28 July 2008
Chairperson	Antonio Ghiani
Delegations	No delegations

As for the Sardinia Co.re.com., it should be noted that the founding regional law was passed in July 2008. The members of the body have not yet been appointed and, because of the recent local elections which determined the seating of the Regions' new institutional officers, no initiative has yet been undertaken with AGCOM to identify a common, shared institutional path.

Communications Committee of the Region of Sicily

Founding law	Regional Law no. 2 of 26 March 2002, amended by Art. 23 of Regional Law no. 2 of 8 February 2007
Chairperson	Lorenzo Alessi
Delegations	No delegations

The Committee currently in office, appointed by decree of the President of the Region of Sicily no. 196 of 14 May 2007 following Regional Council Resolution no. 173 of 9 May 2007, and seated in office on 10 July 2007, has not yet formally requested the granting of the delegations, which it is hoped will take place in the near future, also for the purpose of harmonising the carrying out of the delegated activities nationwide.

Communications Committee of the Region of Tuscany

Founding law	Regional Law of 25 June 2002
Chairperson	Marino Livolsi
Delegations	Resolution no. 402/03/CONS Resolution date 28 January 2004 Effective date 1 February 2004

The Tuscany Co.re.com. points out how, in 2008, in response to the significant number of settlement requests, an increase was registered in the number of so-called "agreements *in itinere*" and the consolidation of the phenomenon of the "non-appearance" of claimants and operators, while the cases of failure to respond to the notice of call mainly refer to the minor operators. Among the innovations, worthy of note is the upgrading of the information activity with both the preparation of a TV and radio advertising campaign for 2009, and the activation of a toll-free number for users involved in settlement cases, answers to e-mails, and the receiving of consumers. A fundamental support was provided by the computer procedure which, already in use, was further upgraded with new functions. Thanks to the intensive use of the computer procedure managing the back office functions

of the settlement activities, it was possible to further accelerate the times for the requests, calling of the hearings, drafting of the minutes, and drafting of the statistical reports. Precisely within this framework, the Co.re.com. signed a memorandum of understanding with the *Centro Tecnico per il Consumo* which, at the regional level, brings together almost all the consumer associations, and which will provide assistance to users on the telematic preparation of the requests. The memorandum of understanding also formed the basis for the start of an investigation by the Co.re.com. into the complex phenomenon of the disputes between users and operators of telecommunications systems which involved, in addition to the Co.re.com. and consumer associations, the Postal Police, Chambers of Commerce, and regional ombudsman. The aim of the "dispute table" is to collect all the available data from the mentioned parties. In June 2008 the Assistance sector of the Co.re.com. launched an experimental project for the evaluation of the satisfaction level of users of the settlement service, for the purpose of completing the statistical data obtainable from the computer filing of the cases and hearing outcomes with a series of quality indicators concerning the relations between the Co.re.com. and citizens.

Critical elements found were the failure to draft the agreement reports by operators and their use of outside law firms which seem to have little communication with the operators' administrative offices.

In relation to the activity of protecting minors, during the year the Co.re.com. deemed it advisable to implement a series of initiatives aiming to raise the awareness of schools, families, and minors themselves on the subject of bullying and bad juvenile protagonism. In fact, at the end of 2008, a call for tenders was announced for all local TV broadcasters in Tuscany, for the financing of the production of a 15-20-minute audiovisual on the phenomenon of bullying, to be aired on local TV stations and shown in schools.

Table 4.13. *Tuscany Co.re.com. – delegated activities – year 2008*

	No.		No.
	Settlement requests	3,555	Temporary measure requests 685
	Claim preclusion evaluation	74	- preclusion of claim 115
	Withdrawal	52	- satisfaction of claim 438
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	261	- rejections 74
Settlements	Hearings held	2,676	- temporary measures 57
	Positive outcome	1,680	Non-compliance reports 32
	Negative outcome due to failure to reach an agreement	1,151	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	221	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	2	

Protection of minors	Reports received by Corecom	0
	Reports sent to AGCOM	0

Source: *Tuscany Co.re.com*

Communications Committee of the Autonomous Province of Trento

Founding law	Regional Law no. 19 of 16 December 2005
Chairperson	Enrico Paissan
Delegations	Resolution no. 695/06/CONS Resolution date 16 March 2007 Effective date 1 April 2007

During the first phase of actual implementation of the delegated activities, in particular with regard to the obligatory settlement attempt, the Committee saw a significant and positive response which led to the registering of significant numbers in the context of reference, and made it possible to accredit the Committee as a true citizen's "ombudsman" in dealings with communication operators.

With specific reference to the delegation on the protection of minors in the radio and television sector, the Committee intends to give it priority importance starting immediately with the current year, in consideration of the delicate nature of the problem which calls for the carrying out of activities in relation with the various responsibilities and duties of national and provincial bodies and which makes it necessary to complete oversight over television messages during the so-called "protected" timeslot with "positive" initiatives and messages, with particular reference to the school world.

The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.14. *Autonomous Province of Trento Co.re.com. – delegated activities – year 2008*

	No.		No.
	Settlement requests	374	Temporary measure requests 81
	Claim preclusion evaluation	3	- preclusion of claim 0
	Withdrawal	20	- satisfaction of claim 49
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	20	- rejections 15
Settlements	Hearings held	325	- temporary measures 17
	Positive outcome	219	Non-compliance reports 9
	Negative outcome due to failure to reach an agreement	85	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	37	
Adjustment	Requests received		
	Actions taken		

Surveys	Actions taken
Protection of minors	Reports received by Corecom Reports sent to AGCOM

Source: Autonomous Province of Trento Co.re.com

Communications Committee of the Region of Umbria

Founding law	Regional Law no. 3 of 11 January 2000
Chairperson	Luciano Moretti
Delegations	Resolution no. 402/03/CONS Resolution date 5 February 2004 Effective date 1 March 2004

In particular, the commitment of the entire structure was intensified for the carrying out of the settlement attempts in the relations between users and operators of electronic communications systems.

In January 2008, contacts were commenced with the outside consultant of the Regional Council in the management of the Si.co.r. (Regional Council Information System) for the creation of the computerized protocol which is currently in full operation.

With regard to the oversight over compliance with provisions for the protection of minors, there was a substantial compliance with the regulations, a result of the intense reporting activity of the previous years, but little attention focused on the airing of children's programs in the timeslots during which it is assumed they are most present in the viewing audience. The programming of the Umbrian broadcasters was analyzed for a total of 430 days. The Committee also monitored the sports news and verified the compliance with the media and sports code and observance of the ban on broadcasting programs containing pornographic scenes.

The publishing and conference activity promoted by the Co.re.com. was also very rich with initiatives. Worthy of mention, among other things, was the roundtable entitled "*Radio, Tv, informazione locale: i rischi del mestiere del giornalista*" (Local Radio, TV, and News: The Risks of the Journalist's Trade), held in Assisi on 13 December 2008, which was attended by authoritative personalities of the journalism world and representatives of the local publishers, in addition to the respective trade unions.

The Co.re.com., at the invitation of CONI Umbria, then produced a study entitled "*Sport e informazione in Umbria. La comunicazione sportiva nei media locali*" (Sports and news in Umbria. Sports communication in local media). The press conference for the presentation of the study was held on 23 October 2008 in the Regional Council "Sala della Partecipazione". We must point out that 2008 had opened with the presentation, in Orvieto, of the study entitled "*La magia nell'emittenza televisiva umbra*" (The Magic in Umbrian Television Broadcasting). Also worthy of note is the memorandum of understanding signed by the Co.re.com. with the Umbrian Journalists' Association, which launched a profitable collaboration aiming for the monitoring of information and news and compliance with the rules of ethics.

Lastly, the Umbria Co.re.com. organized the "COMUNICAREinUMBRIA" competition-festival, now in its 10th year, which consists of two sections: the first section awarded the prize for 2008 regional radio and television production, reserved for Umbrian radio and television broadcasters, journalists of the Rai

Umbria regional office, the radio and television journalism school of Perugia, and Umbrian schools, with the aim of stimulating and enhancing the region's radio, television, and telematic production; the second section awarded the national television production prize, "*Il rischio non è un mestiere*" (Risk is not a trade) for the television productions of local private broadcasters operating nationally and of the regional offices of Rai-regional news programs, with the purpose of focusing attention on the topic of on-the-job accidents and injuries.

Table 4.15. *Umbria Co.re.com. – delegated activities – year 2008*

	No.		No.
	Settlement requests	1,007	Temporary measure requests 196
	Claim preclusion evaluation	13	- preclusion of claim 7
	Withdrawal	29	- satisfaction of claim 54
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	83	- rejections 27
Settlements	Hearings held	695	- temporary measures 94
	Positive outcome	317	Non-compliance reports 0
	Negative outcome due to failure to reach an agreement	173	
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	34	
Adjustment	Requests received	0	
	Actions taken	0	
Surveys	Actions taken	0	
Protection of minors	Reports received by Corecom	0	
	Reports sent to AGCOM	0	

Source: *Umbria Co.re.com*

Communications Committee of the Region of Valle d'Aosta

Founding law	Regional Law no. 26 of 4 September 2001
Chairperson	Corrado Bellora
Delegations	Resolution no. 402/03/CONS Resolution date 17 December 2003 Effective date 1 January 2004

On the subject of the protection of minors, the Co.re.com carried on its activity on the basis of reports received, while it was unable to conduct any preventive type of activity due to the lack of personnel. On the other hand, the activity related to the carrying out of the delegated settlement function produced good results. The following table shows a quantitative summary of the activity carried on in 2008 with regard to the delegated functions.

Table 4.16. Valle d'Aosta Co.re.com. – delegated activities – year 2008

	No.		No.
	374	Temporary measure requests	81
Settlement requests			
Claim preclusion evaluation	3	- preclusion of claim	0
Withdrawal	20	- satisfaction of claim	49
Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	20	- rejections	15
Settlements			
Hearings held	325	- temporary measures	17
Positive outcome	219	Non-compliance reports	9
Negative outcome due to failure to reach an agreement	85		
Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	37		
Adjustment			
Requests received			
Actions taken			
Surveys			
Actions taken			
Protection of minors			
Reports received by Corecom			
Reports sent to AGCOM			

Source: Valle d'Aosta Co.re.com

Communications Committee of the Region of Veneto

Founding law	Regional Law of 10 August 2001
Chairperson	Roberto Pellegrini
Delegations	Resolution no. 18/04/CONS Resolution date 23 December 2004 Effective date 1 February 2005

The Veneto Co.re.com highlights how, faced with an increase in dispute cases, with a markedly higher percentage of settlement requests concerning fixed telephony, there was a growth of the percentage of settlements with positive outcomes. It is important to note that a high number of disputes were solved through an agreement between the parties before arriving at the settlement attempt process. The dispute cases are still concentrated around the main and optional services of basic telephony. In fact, 67% of the complaints concern the family of fixed telephony services, 23% the mobile telephony network, 8% the Internet platform, and 2% pay television and other services. With regard to the problem of contested traffic to "special" numbers, there were positive effects to be seen from the signing by Telecom Italia, the main operator involved in the contestations, of the memorandum of understanding with some of the holders of special numbers and content suppliers, with which they appoint the company to settle for them. Critical elements included delays in the activation of lines in expanding residential or newly urbanized areas, the procedures for changing charge plans and activating telephony contracts, Internet traffic carried out using the so-called "pc-cards", and lack of coverage of the service.

During 2008, numerous initiatives were undertaken both for the purpose of promoting and informing on the activity carried out, and as a supporting action for exercising its own and delegated activities. One in particular was the seminar on *"Garanzie e limiti della par condicio"* (Guarantees and limits of equal access) organized by the Veneto Regional Council, for the purpose of explaining the regulations on equal access to communication media and the limits set for institutional communication during the national and local elections of 2008. Another was the seventh edition of the Emilio Vesce – Information and Personal Rights Prize for local television and radio broadcasters. The 2007-2008 edition was devoted to *"Servizi televisivi e radiofonici di qualità dedicati ai minori nel contesto locale"* (Quality television and radio services devoted to minors in the local context). Moreover, the Committee supported the *"L'informazione televisiva in Regione Veneto"* (Television information in the Veneto Region) research program designed and directed by Prof. Paolo Feltrin, a teacher at the University of Trieste. Within the framework of the delegation regarding the protection of minors, the Co.re.com. signed a memorandum of understanding with the Province of Treviso and the Provincial School Department for the dissemination of the culture of protection of children and adolescents in the information and news sector.

With regard to the local radio and television monitoring, also worthy of note is the renewal of the equipment and programs of the Co.re.com. Monitoring Centre. The equipment of the Monitoring Centre, operating at the Co.re.com. since 1999 and by not inadequate for the body's needs and the new technologies being used, was totally renewed with instruments that permit the recording of all the daily programming (round the clock) of the Veneto and seven national broadcasters (RAI 1 – RAI 2 –RAI 3 – Rete 4 – Canale 5 – Italia 1 – LA 7) and the filing and consultation of material on digital media. The acquisition of the system, specially designed and studied for the particular needs of guarantee and oversight of the local television programming carried on by the Co.re.com., was made possible thanks to an increase of 100,000 euro of the appropriation for the body's activities at the time of the balancing of the 2008 budget. Moreover, on the occasion of the national and local elections of 2008, the Co.re.com. hired the ISIMM research institute of Rome to create a random sample monitoring program for the last 30 days of the election campaign to monitor the news analysis and press overview programs, talk shows, and political communication programs of 5 Veneto broadcasters, aired during the 7-11am and 7pm-12.30am timeslots.

As for the protection of minors, the Veneto Co.re.com., as per its territorial duties, initiated numerous proceedings on the basis of reports of alleged violations of the rules on the respect for fundamental personal rights and the ban on pornographic broadcasts.

The Committee asked the broadcasters for copies of the recordings of the programs, examined the contents to verify the circumstances reported, and transmitted the preliminary results to AGCOM, which is responsible for levying penalties. The preliminary investigations concluded with 7 proposals that the cases be dismissed due to non-existence of the offences reported and with 1 request for application of a penalty.

Table 4.17. Veneto Co.re.com. – delegated activities – year 2008

	No.		No.
Settlement requests	2,783	Temporary measure requests	700
Claim preclusion evaluation	30	- preclusion of claim	150

	Withdrawal	120	- satisfaction of claim	393
	Failure to respond to notice of call under Art. 8, par. 3 of the regulation approved with Resolution 173/07/CONS	3	- rejections	157
Settlements	Hearings held	635	- temporary measures	36
	Positive outcome	400	Non-compliance reports	2
	Negative outcome due to failure to reach an agreement	205		
	Negative outcome due to non-appearance by the parties under Art. 12, par. 4 of the regulation approved with Resolution 173/07/CONS	30		
Adjustment	Requests received	0		
	Actions taken	0		
Surveys	Actions taken	0		
Protection of minors	Reports received by Corecom	8		
	Reports sent to AGCOM	8		

Source: Veneto Co.re.com

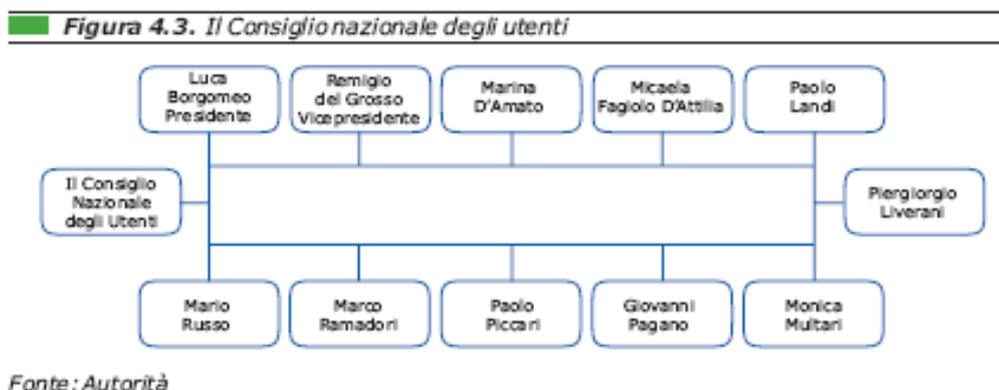
4.2. The National Users Board

The National Users Board (CNU: *Consiglio Nazionale degli Utenti*), set up at AGCOM by Art. 1, paragraph 28 of Law no. 249 of 31 July 1997 with its current members seated on 28 February 2006, has continued its intense activity focusing on the safeguard of the rights and interests of audiovisual media service users, with particular attention to the needs having to do with the protection of minors.

AGCOM carries on a relationship of intense and mutual cooperation with the National Users Board. In fact, from this standpoint, the Council is an important auxiliary body whose activity consists not only of officially transmitted documents and resolutions, but also of a continuous osmosis of stimuli, opinions, and information that permit AGCOM to have, through a privileged channel appropriately envisaged by the founding law, a constant and extremely profitable relationship with the broad, diversified world of users.

Its founding law endows the Board with the power to express opinions and formulate proposals to AGCOM, Parliament, and the Government, as well as to all public and private organizations that carry on activities in the audiovisual sector, and it represents users of telecommunications, radio, and television services as a whole. It thus refers to a much broader and widespread collectivity than that of the numerous associations⁴ which originally made the designations on the basis of which its members, indicated in the following figure, were chosen.

Figure 4.3. *The National Users Board*



Chairman Deputy Chairman

Source: AGCOM

⁴ ADISCONSUM – Consumer Association; ADOC – Association for Consumer Defence and Guidance; AGE – Italian Parents' Association; AIART – Italian Association of Radio Listeners and Television, Theatre, and Cinema Viewers; Association for the Self-Management of Services and Solidarities; AIDU – Italian Association of University Teachers; "In Medio Media" Association; ANMIC – National Association of Civilian Disabled Persons; ACI – Italian Catholic Action; AFN – Action for New Families; Cittadinanzattiva; Codacons - Coordination of the associations for the protection of the environment and of users' and consumers' rights; CONFCOSUMATORI – Association of Consumers, for Consumers; CGD – National Democratic Parents' Coordination; Lega Consumatori (Consumers' League); Lunaria; Consumers' Movement; MDC – Movement for the Citizens' Defence; MPV – Movement for Life; Save the Children; UCIM – Catholic Union of Middle School Teachers; UCSI – Catholic Union of Italian Press; UISP – Italian Union of Sports for All; UNC – National Consumers' Union.

In addition to intervening nationwide on all questions concerning the safeguarding of rights and the legitimate needs of citizens, users, consumers, parents, minors, and differently-abled persons, the Board has sought to have an influence on the structure of the general communication structure and the cultural fabric, identifying the possible key points on which to act in order to obtain a true reversal of the trend. For this purpose, it has encouraged a lively discussion with the operators involved in the various problems and the associations of citizens, users, and consumers.

The principle on which the activity of the CNU has based its activity throughout its entire existence has been that of giving full implementation to the democratic principles of safeguarding human dignity in the communication system and supporting the legitimate needs of citizens as active parties in the communication process. For this purpose, it has made its action conform to the constitutional precepts on matters of freedom of and right to information and communication, and has constantly reminded those who operate in the mass communication media system of the need to respect the principles and fundamental criteria of the protection of users and consumers, and comply with the contents of international, EC, and national regulations.

In carrying out its institutional mandate, during the year of reference the Board followed, as far as the "merit" is concerned, a policy of continuity and consistency with the stances undertaken in previous years; as for the "method", it continued in the pursuit of a harmony that would make it possible to build synergies with institutions and bodies, both public and private.

Always following the principle of discussion, it undertook numerous discussion initiatives in which it involved, in a virtuous circle, associations representing various categories of users and consumers, institutions, sector operators and experts, working to make, also through an effective "moral suasion" activity, the various protagonists of the complex communication world adhere to common objectives and socially responsible behaviours based on shared rules.

The National Users Board, starting from the analysis of the problems connected with the possible effects that certain types of videogames may have on children and adolescents, organized, at the end of an intense activity carried out on the subject, a conference entitled "*Videogiochi e minors, per una tutela più efficace*" (Videogames and minors: for a more effective protection). During the conference it brought together and compared the opinions of eminent personalities on the subject and institutional figures, and proposed the drafting by producers and users, coordinated at the institutional level, of a new code of self-discipline based mainly on the principle of self-certification. The principle of self-certification, and thus of the firsthand involvement of the operators, is undoubtedly the common theme of all the proposals of the National Users Board on the subject of regulation of audiovisual products.

The Board thus intended to relaunch its broad and organic proposal for a new and more effective system of regulation of the four main media contexts used by minors: television, Internet, video telephony, and videogames. The reform obviously aims to obtain greater protection of the rights of minors in the audiovisual sector and an organic arrangement of the subject matter in light of the technological evolution of the media. The Board's declared aim is to arrive at a more complete protection of the rights of minors in the communication field, envisaging the definition of a single code of self-discipline, i.e. of co-regulation, which is based on the principle of the self-certification of the operators and on the

verification, only possible and later, by a supervisory body that concentrates the responsibilities and powers of the various committees which up to now have been divided among the various sectors.

The system proposed by the National Users Board is surely innovative in that it is based on two main cornerstones: the first is the assumption of responsibility by operators in certifying that the product complies with the dictates of the code; the second is the fact that the supervisory board may act on the basis of precise reports it received.

The drafting of the code which might be defined as one of convergence, is, for the National Users Board, a priority element on which to build a new system for the protection of minors in their relationship with the media. In fact, television, Internet, video telephones, and videogames are not only means for the dissemination of news, information, knowledge, and applications of new technologies, but also, unfortunately, sources of content unsuitable for minors, and often even dangerous for a balanced mental and physical development. Moreover, there is a general perception of the urgency to govern the matter through new rules, more suitable for the new scenario being delineated by the considerable technological progress.

The reform laid out by the Board proposes the dissemination of a new culture with the assumption of direct responsibilities by the operators and citizens, and supported by the institutions, based on co-regulation and the desire for cooperation of the various protagonists which is expressed through the acceptance of shared rules.

In this specific case, the Board proposes the definition of a new code of co-regulation on media and minors which combines the spheres of action of the various codes currently in effect. This code should set the general principles and objective criteria which must inspire the operators, who will be called upon to present a self-certification on the conformity of their product to the principles stated in the code itself. The application of the code should be entrusted to a body with financial autonomy, which will make checks only on the basis of qualified reports of alleged violations.

The involvement of the operators is seen by the Board also a means to permit a more harmonious development of the multimedia industry that takes into account the complex segmentation of the users of minor age and their demand for quality products.

Furthermore, explicitly applying the principle that major social choices must involve the third sector and association, the Board has deemed it advisable to ask institutions, organizations, and associations to express a general judgment on this important proposal for reform. The Chairman, Luca Borgomeo, recently communicated to AGCOM, the Board's first natural contact entity, that a reasoned consent to the proposal has arrived from all the numerous organizations involved.

The need to arrive at a code expanded to include all new media can be agreed with fully even if, given the breadth and complexity of the sectors to be involved, there are obvious objective difficulties in its realization.

Moreover, even the European Union has promoted measures to fight any and all types of activity that may be harmful to minors, and to render safe and secure their relationship with the new technologies, and it is a fact that the exponential growth of the possibilities for dissemination and exchange of audiovisual content owing to the rapid spread of the new transmission technologies and the convergence of the platforms and the media brings with it the possibility for

children and adolescents to have access even to content that may be potentially harmful for their natural mental, physical, and moral development.

It is, in any case, evident that self-regulation alone, the main method for guaranteeing the accountability of the parties concerned, cannot be sufficient to solve the entire problem, since experience has shown that it is also necessary to have a prescriptive type of regulatory system backed by an adequate penalty system.

This solution is also suggested by the most recent European directive on the subject, which envisages that co-regulation may play an effective role to complement the legislative and administrative mechanisms in effect, provided it permits the intervention of the institutions in charge of oversight, wherever its objectives have not been achieved.

The Board, also within the framework of the activity of dissemination of its stances, has continued to promote the competition for universities with the awarding of five degree prizes on the theme "Audiovisuals and minors", announced on 26 May 2008, which aims to promote knowledge of the problems of the relationship of minors with the audiovisual system, their protection, and the need to increase awareness of the role played by the media in the information and education of minors. The competition for the assignment of the degree prizes, worth 2,000 euro each, is open to graduates of Italian universities who have received their degree between 1 July 2008 and 31 July 2009.

Already in 2006 the Board, in agreement with AGCOM and with the sponsorship of the Conference of the Rectors of Italian Universities, had announced a similar competition on the relationship between television and minors and, seeing the great success of the initiative and the great interest among undergraduate students, decided to repeat the experience, including this time, in addition to television – with the logic of involving all the media segments used by minors – the Internet, video telephony, and videogames as well.

The National Users Board also intervened to examine the situation that came to be created with the increase of the telephone rates by the companies Tim and Vodafone. On this occasion, it confirmed that telephone rates must be transparent and truly comprehensible for users, and that advertising messages must not skip information on the cost of the phone calls. The Board also maintained that, lacking the essential element of the immediate comparability of rates, the presence on the market of several mobile operators is not automatically synonymous with competition. It also stated, in a further defence of the users, that the cost of the phone calls must be calculated per second and not on the basis of statistical averages related to the length. The Board expressed its appreciation to AGCOM for having promoted the implementation of one or more search engines for the purpose of enabling users to compare the various rates. The CNU also stressed that AGCOM initiated a discussion with mobile telephone companies to arrive at a clear and transparent picture of the offers and the possibilities to change one's charge plan free of charge. The Board also continued its monitoring action in keeping with the contents of the resolution adopted previously on the subject of mobile telephony and minors, dealing in particular with the security measures mobile telephony operators must guarantee in order to protect minors from access to harmful material. It also stressed how this aspect should be incorporated into the more general reform of the new self-regulation code on media and minors.

Following numerous reports from users complaining of damages suffered due to broadcasts featuring various forms of fortune-telling, astrology, horoscopes, prophecies, lottery number predictions, and similar programs, found that these are

damages of a cultural, social, and economic nature, and felt the need to intervene with a resolution deploring the fact that there is a possibility given such programs to mislead a viewing audience by playing on their weaknesses. The Board stressed how such programs are often inserted into timeslots that should be protected and within the framework of news programs which, due to their natural pulling power and reputability, may lead some to think they are factual.

Already in the past the CNU had registered as a negative phenomenon the presence, in the program lineups, of home shopping programs, contacts through dedicated phone numbers to paid services, and fortune-telling programs, or those which play on the viewer's gullibility, and denounced a trend toward instrumental programming useful for bringing in easy revenue, which then became a reason for claiming the right to government financial benefits connected not to the quality of the broadcasts, but only to the size of the turnover and number of employees.

The Board expressed its hope for a careful monitoring action on telesales of all kinds and the appropriate application of penalties, and asked that the major national radio and television networks, in particular Rai, eliminate from their lineups any programs that are, in some way, based on the credulity of their viewers and on their exploitation, even if only in terms of audience ratings.

With regard to the public radio and television service, the Board devoted to this subject, which it has always followed with particular interest, numerous communiqués and resolutions, in one of which, passed on the eve of the appointment of the new company executives, it mentioned several stances already expressed in the past, repeating the Board's concern that operations were being run on the basis of old rules that assign to the political party system, more than to the institutions themselves, a dominant role and an exclusive power in this area.

The National Users Board also maintained that, albeit in full respect of the attributions and powers of the institutions and the parties, the total exclusion of civil society from the decision-making process of Rai management ends up being an objective obstacle on the course of renewal and strengthening of the public service, and stressed that the crisis in which Rai finds itself is determined precisely by this closing out of civil society.

The Board also pointed out that users often complain, to their great regret, of the continuing loss of meaning and authoritativeness of the public radio and television service, which is becoming more and more similar, at the production and quality level, to the private commercial system. It mentioned the progressive deterioration of the quality of Rai's programs, the considerable drop in audience, the excessive invasion of commercials, the growing financial difficulties, and the lack of information immediately perceivable by the user as to which programs are of the public service and which are of the commercial broadcaster. In this regard the Board repeated its proposal, already made previously during a parliamentary hearing, to envisage the obligation for Rai to mark with a particular symbol all programs actually financed with the viewers' subscription fees.

The National Users Board did not fail to stress how in the current economic, social, and moral crisis, a sign of real change in the public radio and television sector and its true renewal in the sense of the public service, would have great political significance and, above all, would permit a renewed Rai to better carry out its public service function. The Board has criticized, several times, the postponement of the project of monitoring the quality of the Rai programming which, pursuant to Art. 3 of the 2007-2009 service contract, should have begun already in April 2008. The Board expressed great concern over the news in the press according to which this project will not be included in the next service

contract, and reported the breach by the public radio and television company of the obligations envisaged by the contract of service in effect, for the purpose of the possible application of the provisions of Art. 48 of the consolidation act on radio and television. In fact, the Board had approved of the establishment, supported by AGCOM, of a scientific committee in charge of preparing the guidelines for monitoring the quality of the Rai programs and its corporate reputation, since it feels that the instruments for protecting minors and pursuing violations of the rules must be combined with a positive action aiming to change the quality assessment model, building program evaluation indices which are more suitable to the complex and variegated contemporary society.

Therefore the CNU expressed the hope that the indicator of quality of Rai programs, envisaged by the contract of service signed by the public TV broadcaster may be coupled with the daily quantitative measurements of the viewing audience. One of the central themes of the National Users Board's activity may undoubtedly be defined as that of the quality of the public service programming, a theme which AGCOM has also followed with great attention, encouraging, among other things, the institution of the "*qualitel*" for the purpose of improving the quality of the broadcasts.

The Board stigmatized the logic behind the building of television lineups based purely on the audience ratings and, therefore, on advertising revenues: a logic which triggers vicious circles which have a harmful, counter-educational effect on viewers' tastes and which push toward a worsening of the programming quality.

The Board has always maintained that the broadcasting of real images, which may be deeply upsetting for minors, may not be allowed even for the purpose of guaranteeing a completeness and effectiveness of the television information. It did not fail to express, therefore, its appreciation for the ruling of the T.A.R. (Regional Administrative Court) of Lazio which, on 15 September 2008, ruled on the basis of a similar principle, confirming the penalty levied previously by AGCOM on Rai for having broadcast a news report on an international paedophile network, complete with photographs of minors involved in sexual and violent acts. The Court stressed how the broadcaster's awareness of the possibility of causing psychological damage to even just one minor should have been sufficient reason to avoid the airing of the images in question, and repeated the absolute priority of the constitutionally guaranteed value of human dignity.

The National Users Board also expressed the hope for a definite change of course in Italian public television, after having evaluated the European regulation of advertising with regard to public television systems and, above all, on the basis of the measure adopted by the French government. According to the Board, even just a decrease in the advertising in quantitative terms would produce an initial result on the level of improvement of the quality of the television offering and protection of viewers who are more mentally defenceless due to age and personal conditions, bringing the Italian public radio and television system in line with the European systems which are most mindful of the possible consequences of certain advertising on the health of minors.

The Board has repeated a number of times that only by combining quality and efficiency is it possible to achieve the goal of an advertising-free public television supported economically by subscription fees. It stressed how the Constitutional Court, in its ruling no. 284 of 2002 on the subject of the television subscription, observed that the existence of a public radio and television service within the framework of a mixed public-private system is justified only because whoever provides said service is obliged to operate not as any one of the parties of the

limited pluralism of broadcasters, but by performing a specific function for the better satisfaction of the citizens' right to information and the dissemination of culture.

The National Users Board has thus often dwelt on the negative effects, owing in particular to advertising and the television programming in general, on the behaviour of youngsters, seen in bullying, alcohol consumption, and harmful eating habits. Also on the basis of the urgings and actions of the National Users Board on this subject, AGCOM decided to begin a study specifically aimed at analysing the television programming in Italy and the use of the new media, to verify its quality level and what influences it may produce on the social behaviours of minors. The final aim of the study, which will be conducted using highly qualified experts and institutes and which will also involve the National Users Board, is to draft a white paper on the possible effects of television programming on the behaviours of children and adolescents and on the quality of television programming, which may be a useful tool for all those who have responsibilities, in particular or an institutional nature, with regard to the protection of minors.

The Board has also constantly expressed the hope that the need, increasingly perceived at the collective level, for new criteria for the protection of children in the use of the media be considered by the audiovisual product industry not as a limit, but as an actual opportunity that leads to identifying specific communication needs for the different age groups in the developmental years, with a resulting development of productions devoted to children and adolescents.

The Board believes that this may also make all the parties involved in the audiovisual sector guarantee drive and support, including economic support, both for production initiatives of works for minors, in relation to the various age groups, and for the distribution of films for youngsters, with an enhancement of film festivals for kids, the creation of dedicated circuits, the holding of events, and training experiments and awareness-raising campaigns in schools.

The Board has often said that dealing in an organic and rational manner with the problems connected with the protection of minors in the relationship with the current multimedia world also means envisaging that all those who have to do with the protection and education of children and adolescents will learn to use the latest generation of audiovisual services as best as possible.

AGCOM carries on a relationship of intense and mutual cooperation with the National Users Board. In fact, from this standpoint, the Council is an important auxiliary body whose activity consists not only of officially transmitted documents and resolutions, but also of a continuous osmosis of stimuli, opinions, and information that permit AGCOM to have, through a privileged channel appropriately envisaged by the founding law, a constant and extremely profitable relationship with the broad, diversified world of users.

4.3 The governance bodies of the Telecom Italia commitments

NGN Italia

With Resolution no. 64/09/CONS of 13 February 2009, AGCOM's Board established the committee known as "*Comitato NGN Italia*", already envisaged by Resolution no. 718/08/CONS of 11 December 2008, with which AGCOM approved and rendered obligatory the commitments presented by Telecom Italia S.p.A. (cf. paragraph 2.1).

With its subsequent Resolution no. 293/09/CONS, AGCOM appointed the Chairman of the Committee, naming Prof. Francesco Vatalaro, full professor of Telecommunications at the University of Rome Tor Vergata.

The NGN Italia Committee is an internal AGCOM body with advisory functions, open to the participation of the operators active in electronic communications markets, with the task of examining the most significant technical problems connected with the transition to the NGN networks and formulating solution ideas. In this role, the Committee is also asked to evaluate the economic profiles connected with the transition to new generation networks, with specific regard to the services provided by Telecom Italia for access to its infrastructure by competitor operators.

In particular, the Committee will carry out its mandate with the aim of foreseeing in advance, where possible, problems connected with the start-up of a strongly innovative infrastructure such as the NGN and, for this purpose, it will be involved in:

- encouraging forms of cooperation – technical, first of all – among the operators of the electronic communications markets, both fixed and mobile;
- identifying and submitting to AGCOM for evaluation the main problems concerning access to the telecommunication infrastructure, in the context of convergence between fixed and mobile networks;
- drafting proposals and solutions for questions having to do with the technical, organizational, and economic aspects connected with the transition to NGN.

For the performance of its duties, the Committee will also avail itself of studies conducted in Italy, among which priority importance is assigned to the "*Infrastrutture e servizi a banda larga ed ultralarga*" (Broadband and ultra-broadband infrastructure and services) research program, launched with Resolution no. 405/08/CONS (cf. paragraph 3.4).

To carry on its activity, with the aid of the operators that will join the Committee, it is envisaged that the Committee will organize its work on the basis of four thematic study groups, with reference to the following aspects: i) "Evolution of NGNs: the international context"; ii) "NGN access infrastructure: technical aspects"; iii) "Interoperability and interconnection of the NGNs"; iv) "Analysis of the financing and pricing models of NGN access".

OTA Italia

With Resolution no. 121/09/CONS, subsequently amended with Resolution no. 231/09/CONS, the Communications Regulatory Authority formally established the body called "OTA Italia", identifying its duties, defining its organizational structure, and envisaging the appointment of a Chairman, which took place with Resolution no. 142/09/CONS, naming Prof. Guido Vannucchi.

The creation of OTA Italia was already envisaged in Resolution no. 718/08/CONS, with which AGCOM approved Telecom Italia's commitments; in particular, at point 10.1, the company agrees to follow the contract outline of the new body (cf. paragraph 2.1).

The purpose of the establishment of this body is essentially the solution of technical-operational disputes among the various fixed network operators. In this sense, AGCOM took inspiration from the very positive experience of OTA UK, the same sort of institution already existing in Great Britain.

More precisely, it is planned for OTA Italia to manage the settlement activity of the technical-operational disputes that may arise, with reference to the services of access to the Telecom Italia network by alternative operators (OLO) through the instrument of an adherence agreement which may be freely signed by the OLOs. The signing by the operators determines acceptance of the principles and operating rules of the body, which are not of a jurisdictional nature.

Similarly to the most recent British experience, the Italian body will also carry on both activities facilitating the relations among operators and mediation activities.

The facilitation activity is carried out by working to improve the level of transparency, fluidity, and sharing of the information for a better determination of the characteristics of the processes and execution procedures, in order to avoid possible conflicts between the OLOs and Telecom Italia resulting in legal disputes. In this function, "open topics" of potential conflict are identified, and an attempt is made to reach a solution between the parties, arriving at the formulation of shared lines of action on the technical-operational implementation of certain aspects of the supply of the services/products.

In the mediation function, OTA Italia carries out a settlement activity on existing disagreements for a quick definition of the dispute through an attempt at a settlement agreement between the parties involved which, in the case of failure, remain free to follow the procedures envisaged by the legislation on the subject of legal disputes.

During the first months from the time of its establishment, OTA Italia prepared and discussed the adherence agreement with all the operators and operators' associations, and it was subsequently submitted to AGCOM for approval.

As for the experience up to the present time, it has been seen now – even through informal but direct contacts with the various operators and Telecom Italia – it has been possible to identify open topics of a technical-operational nature, on which the discussion continues and solution ideas are proposed.

Moreover, the usefulness of the new organization has been reasserted by the OLOs and Telecom Italia and is, at the present time, confirmed by the spirit of constructive and pragmatic cooperation with which the open topics have been identified and the related analyses for their solution have been conducted. We are therefore confident that this prevention may bring the number of legal disputes to

decrease considerably, as has been the case in the United Kingdom.