

# Broadcasting In Italy: An Overview

Eli M. Noam

The Italian experience with commercial television ranks as one of the most remarkable, and controversial, media success stories of the last decade. In this historical overview, Professor Noam explores some of the key factors which have transformed Italian TV from an outmoded, state-run bureaucracy into a major force on the European media scene.

ITALY IS AT the forefront of European media change with hundreds of commercial television stations on the air since 1976.

Italy's experience is unique insofar as the transformation from state-run to privately owned TV is not the result of government policy, but was caused by the entrepreneurial initiatives of broadcast "pirates" whose efforts were later sanctioned by the nation's courts.

Underlying the change was dissatisfaction with the state-run TV monopoly, Radiotelevisione Italiana (RAI) and the party politics which surrounded it. Once the changes started to occur, the Italian political system was unwilling and unable to respond to them; consequently, there was

virtually no government regulation of local Italian television for a full decade. This extreme laissez-faire situation is unlikely to be emulated elsewhere, even in the United States a fairly strong regulatory apparatus has kept the industry in check.

Italian commercial TV rapidly evolved into an astonishingly concentrated industry in which all three major TV networks wound up under the control of a single owner, construction magnate Silvio Berlusconi. Critics of the concept of private television point to the potential dangers of a media empire along the lines of Berlusconi's, but, unless one believes that private markets invariably lead to monopoly control, such a criticism seems overly pessimistic. There is little reason to expect that monopoly will normally result from liberalization except in a country where, like Italy, anti-trust enforcement is largely nonexistent. Italy's story is less a generally applicable precedent and more a case of the revolutions that

can happen in the absence of reform and institutions of transition.

## THE HISTORY OF ITALIAN TELEVISION

The main broadcasting organization in Italy has been RAI, whose origins date back, indirectly, to 1910 when a Royal Law gave the Italian state the monopoly for all wireless and radio communications.<sup>1</sup> In 1924, during the Fascist era, the privately owned Italian Radio Union (URI) obtained a six-year, renewable monopolistic concession on broadcasting, subject to government censorship. URI was financed through fees paid by radio set dealers.

Once radio had proven its popularity, URI was transformed in 1929 into a semi-governmental company, EIAR, supervised by the state and by local Fascist "vigilanza" organizations. After 1931, EIAR was put under the control of the Societa

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*Eli M. Noam, currently on leave as a professor at Columbia University's Graduate School of Business and Director of the school's Center for Telecommunications and Information Studies, is a New York State Public Service Commissioner.*

Idroelettrica Piemontese (SIP), then an electric utility.

During World War II, government control was tightened. In 1944, RAI was founded as a southern counter-broadcaster to EJAR, which was still controlled by Mussolini in northern Italy. After 1945, RAI was left with exclusive broadcast rights. In 1952, ownership relations were re-organized, and SIP had to transfer 75% of its RAI ownership to the Istituto per la Ricostruzione Industriale (IRI), the government holding company for industrial enterprises. In 1964, SIP divested its remaining interest to IRI.

RAI's monopoly on radio broadcasting was extended in 1952 to television. Regular TV transmissions began in 1954, supported by license fees and, since 1957, by advertising revenues.<sup>2</sup> Through the 1950s and 1960s the popularity of Italian television grew by leaps and bounds.

RAI was heavily used as a propaganda instrument by the ruling Christian Democratic Party. Because of that pro-church party's domination of Italian politics through most of the post-war period, RAI's programs tended to be relatively straight-laced, a tradition which explains, in part, the later success of sexually explicit programs on private television.

A few years after the onset of public television, the first efforts towards private broadcasting were initiated by Il Tempo-TV, a private consortium, only to be blocked by the ruling Christian Democrats.<sup>3</sup> In 1960, the Italian Constitutional Court upheld the legitimacy of the state monopoly, justifying its decision by pointing to the shortage of broadcast frequencies available to the country. However, both the court ruling and mounting public pressures indicated that more program diversity was necessary, and a second channel, RAI-2, was launched in 1961 to provide a wider menu of cultural programs.

Political control of RAI by the Christian Democratic Party was severe. It was not until 1963 that a leader of the Communist Party, the

country's second largest, appeared for the first time on an interview program. RAI's Director General from 1961 to 1974, Ettore Bernabei, consolidated his power by providing broadcasting jobs to members of the Christian Democrats' new coalition partner, the Socialist Party. He also kept critical intellectuals at bay by providing a wide array of freelance and consulting jobs, retainer relations and other bonuses.

But by the early 1970s, the Christian Democrats and the Italian government in general had lost their traditional authority and stature. After protracted political battles, control over RAI was transferred in 1975 from cabinet to parliamentary supervision. Forty members of Parliament, appointed on the basis of their parties' relative strength within the law-making body, were to supervise RAI in order to assure political pluralism and diversity. The parliamentary overseers were also granted the power to appoint ten members to RAI's 16-man board of governors, with the remaining six appointed by "shareholders," that is by IRI and, thus, indirectly by the incumbent government. This system still assured control by the ruling government coalition, but it did permit some influence by the opposition, primarily the Communist Party, western Europe's largest.

The Reform Law 103 of 1975 was accompanied by a secret agreement between the Christian Democrats and the Socialists to divide control of the two RAI channels between themselves. The first channel retained its distinctly Christian Democratic flavor, while RAI-2 was dominated by the Socialists. A similarly partisan division occurred among the various radio channels. Virtually all jobs in Italian broadcasting were held by members of the various parties, from top management and editorial positions down to the most junior messenger boys.

According to 1983 newspaper compilations, the party affiliation of editors of RAI-1 news programs was as follows: Christian Democrats 63%, Socialists 11%, and Communists 7%. The party affiliation of editors of

RAI-2 news programs was: Socialists 38%, Christian Democrats 21%, and Communists 19%. In comparison, the share of Christian Democratic parliamentary seats, which reflect national voting patterns, is about 31%. Thus, Christian Democrats and Socialist were grossly over-represented, while Communists remained significantly under-represented among news editors.<sup>4</sup>

A third RAI channel was created in 1979, largely to provide local programming for Italy's 20 regions. However, RAI-3 has not been successful in terms of audience penetration, partly because private broadcasting began to make inroads at about the time of its inception.

## THE DEMISE OF THE STATE MONOPOLY

RAI's bureaucratic waste was legendary in Italy. In 1983, the organization had 14,000 employees and a \$37 million deficit. Viewer dissatisfaction with the quality of the monopoly's broadcasts was widespread. Until 1977 there was no color transmission. Within RAI staff there was great unhappiness about the lack of management professionalism. In one telling instance, the anchorman of a national news program and his entire news staff staged a walkout when their nightly current affairs show started 32 minutes late because the preceding program, a game show, had run over schedule. Over a stretch of 50 consecutive nights, the news program had been aired on schedule only eight times.

One study in the 1970s, commissioned by the Council of Europe and echoing the prevailing public sentiment, took the RAI monopoly to task: "Indeed, the most impartial observers say that such flagrant unscrupulousness is rarely displayed by any Western democracy as that witnessed in Italy in regard to the information broadcast by the RAI-TV."<sup>5</sup>

In all fairness, RAI did demonstrate an impressive record of self-produced programs, cultural programs and broadcast hours devoted to news. But the network had been so discredited and politicized that it could

marshall little support when its monopoly position began to be challenged.

## COMPETITION FOR RAI

The only traditional alternatives to RAI lay across the border: Monaco's Tele-Montecarlo, a private, primarily French-language broadcaster, and the Yugoslavian Tele Capodistria with programs originally designed for Italian-language minorities in Yugoslavia.

In the mid-1970s, these stations were relayed right into the heart of Italy. At the same time, the French government decided to establish a strong transmitter on Corsica that would also cover a large part of Italy. Some foreign stations were available, but native Italian programming remained limited.

It was not surprising, therefore, that domestic mavericks began to challenge RAI's exclusivity.

In 1972, the first notable challenge to the RAI monopoly was launched by the tiny cable operator Tele-Biella, which provided programs to about 100 subscribers in Biella near Turin. Its programs, not available over the air, were intended to "better inform" the local audience during elections and to counter the entrenched local political hierarchy. When the government attempted to close the system down, a local judge ruled in Tele-Biella's favor, finding that the station fulfilled a local information function that had not been addressed by RAI.

The Italian government, despite the ruling, moved to shut down Tele-Biella and what had by then become an association of 18 similar cable stations. The case went before the Italian Constitutional Court, which in its 1973 Judgment 226 permitted the stations to continue operating.

After the Tele-Biella case, Italian Law 103 of 1975 liberalized private cable television and radio restrictions in extraordinary fashion. Every Italian or European Community citizen, after payment of a relatively minor fee, could provide local cable ser-

vices, although rules against networking and interconnection were very restrictive. Cable systems, many with leftist political sentiments, were instrumental in ending the governmental monopoly. However, as local broadcasting soon became widely available the need for the costlier cable transmission technology declined. By 1980, hardly any of the hundreds of private television stations were transmitting via cable. Ironically, cable television, which had provided the opening wedge for private media, played no role in subsequent Italian television development.

By mid-1975 there were 35 private TV and 150 private radio stations operating illegally in Italy, opting to pay fines and then appeal their cases to the courts. In the historic 1976 Judgment Number 202, the Italian Constitutional Court, in a case involving the Florence station "Teleibra Firenze," held the RAI monopoly unconstitutional with respect to local broadcasting. Immediately, dozens more small private broadcasters and cable companies started low-power local operations.

Judgment 202 freed up local broadcasting in principle, but there was no follow-up legislation, regulatory system or licensing provisions. To speak of an "allocation" of channel frequencies for the private broadcasters would be a considerable exaggeration; frequencies not used by RAI were simply occupied, largely on a first-come, first-served basis. Latecomers were assigned a "waiting frequency," essentially the right to broadcast if and when the particular frequency was vacated by its earlier holder. Some broadcasters simply used frequencies during hours when the primary assignees did not use them.

The fast-paced growth of television and radio stations and the lack of government regulations which might have slowed or obstructed that trend indicate at least tacit agreement by several of the major political parties. Once Italian audiences had tasted television other than RAI, it became politically unpopular to advocate restrictions on the new viewing options. The leading press

publishers, who once stood to lose advertising revenue with the advent of private broadcasting, were now largely in favor of it since many of them, too, had entered broadcasting. And the smaller political parties viewed private broadcasting as an opportunity to get their message on the airwaves for the first time. Even the Communists set up a chain of radio and television stations in the major cities.

The Socialist Party, following the 1976 Italian Constitutional Court decision, launched an initiative to reform the broadcasting system by setting up a fourth RAI channel under the control of private publishers, following the British ITV model. Other proposals by the government were also advanced, but all were outpaced by the rapid business developments.

This is not to say that television became totally unrestricted in Italy. Networking, the electronic link-up of several stations, was not permitted because 202 referred specifically to local rather than national broadcasting. Private broadcasters were still prohibited from showing national news programs, partly to prevent a private firm from establishing undue power over public opinion and partly to maintain political control over the existing news distribution.

## REFORM LEGISLATION

Eventually, the need for a legal framework became more pressing. In particular, the question of national networking of local stations had to be resolved. Late in 1984, the Italian Ministry of Post and Telecommunications prepared a bill that would permit private television stations to broadcast the same program simultaneously in the country, i.e., to create some form of network. This had not been permitted in the past, and programs frequently had to be physically moved to stations, even if these stations were under common ownership. The bill still prohibited private national news programs, but permitted local and regional news.

A related 1985 bill ratified what is now the existing dual system of

public and private broadcasting. The public system is to be run by a state concessionary company (RAI). For the private stations, foreign as well as domestic, regulations were imposed to prevent monopoly or oligopoly, to insure the transparency of ownership and to regulate advertising.

The public broadcasting service must serve the entire country and insure a balanced and complete program mix of culture, entertainment and education. It also has to guarantee an adequate share of Italian programs. Private broadcasting stations need a license which entitles them to operate in a discrete region. These stations can enter into network agreements among themselves. However, nationwide networks require special authorization. There must be an adequate number of frequencies for private stations to insure a pluralism of broadcasters. Two regulatory bodies were introduced, one for frequency licensing, the other to enforce content regulations.

Certain production quotas are mandated: local stations must produce at least 10% of their programs; national concessions, i.e. networks, must self-produce at least 20%; and the public corporation must self-produce at least 50%.

Films cannot be shown within a year of their first public theatrical showing in Italy in order to protect movie theaters. At least a quarter of the films must be of Italian or EEC origin. The broadcasting of films that have been banned for juveniles under 18 can lead to a closing of the station for up to ten days.

For private broadcasters, licenses are not transferrable. Duration of the authorizations for local stations is nine years, and the concession for national networks is 12 years.

To receive a concession for a nationwide television network, companies must be of a minimum size in terms of capital. The National Broadcasting Committee publishes the number of concessions which can be issued, thus limiting the number of networks. However, concessions for simultaneous transmission of pro-

grams remain, permitting the previous type of informal networking.

Network concessions are based on applications that must specify the percentage of self-produced programs, the amount of Italian content, technical standards and other criteria. The previous experience of the ownership group is an important factor. No individual can directly or indirectly control more than two such networks. (In other words, Berlusconi would have to divest itself of one network unless his lawyers found a way around this stipulation.)

Advertising on private stations cannot exceed 16% of total broadcast time on average, or 20% of any given hour. There are limitations on the share of network advertising in order to protect local stations' access to their own lucrative local ad market. Stations can sell broadcast time for parties in election periods, but they cannot discriminate among parties and cannot allocate more than 20% of election transmission time to one party.

### **THE MARKET FOR PRIVATE BROADCASTING**

During the RAI monopoly days, the average Italian household spent three hours a day in front of the TV; with the proliferation of new private offerings the set is now on about 50% longer.

In 1976, there were 90 broadcast stations in Italy. By 1977, the number had grown to 264; by 1978 there were 305, and by 1979, 537. In September 1983, there were 700 to 800 private TV and 6,000 to 8,000 private radio stations, according to RAI.<sup>7</sup> In mid-1985, there were an astonishing 1,319 private television stations in operation, 123 in Sicily alone, 160 in Lombardy, 83 in the Rome area and 60 in Tuscany. With one television station per 10,000 households, Italy boasts the world's greatest density of broadcasters.

Although Italy has a higher density of broadcasting than the United States, the prevalence of multi-channel cable television in the US (with many non-broadcast program chan-

nels) makes the comparison somewhat misleading. In 1987, more than half of US households are connected to cable television, and the channel offerings are typically in the 24-35 range.

About half of the Italian population is able to receive between seven and 11 television channels during most of the day. In most cities, program choices range up to 20 channels, with border areas also enjoying access to broadcasts from adjacent countries.

There is great turnover in station ownership. In 1980 alone, almost one third of the stations in Rome changed either ownership or their political affiliation.<sup>8</sup> Six stopped broadcasting altogether, while five new ones started up and two merged.

### **A PANORAMA OF PROGRAMING**

As a result of private television, Italy has become by far the largest European market for television programs—whether from the United States or from other countries.

Many of the programs shown in Italy are American and, increasingly, Brazilian films. In 1981, Italian television companies imported 2,369 films along with 2,043 made-for-TV films and episodes of television serials, mostly American in origin.<sup>9</sup>

There is a widespread, if exaggerated, view in the rest of Europe that Italian television is infested by pornography. One survey found that on the 30 television channels available in Rome in August of 1980, only 146 minutes of pornographic programing was available daily, or less than five minutes per station per day.<sup>10</sup> Actually, only five stations carried some pornography, none more than 45 minutes per day, and mostly after midnight.

In spite of the customary association between commercial television and private ownership, independent broadcasting in Italy has not been solely the province of business enterprise. The Communist Party has its own broadcasting organization, the network Nuova Emittenza Televisiva (NET). NET has a two-part pro-

own schedule, one national and one regional. In order to offset the pervasive presence of American programming, NET's program supply is heavily imported from eastern Europe and the Soviet Union. NET operates its own production facility and produces original TV films as well as current affairs productions.

Movies, game shows and entertainment make up 60% of broadcast time of Teleregione, the Communists' station in Florence.<sup>11</sup> Ten percent of programming is sports, 10% falls under the non-news information heading, and 20% is Teleregione's own productions. NET claims it receives no direct funding from the Italian Communist Party, relying instead on advertising.

### NETWORK CONCENTRATION ITALIAN STYLE

The primary rule that early on molded private broadcasting in Italy was that national networking among stations was prohibited. However, the economic incentives for networking proved too strong to be contained. The advantages of networking lie in the economies of scale which are possible when obtaining, producing and promoting programs for a national rather than a local audience and when offering national audiences to advertisers.

Media entrepreneurs quickly undercut the network prohibition through the creation of de facto networks which broadcast pre-recorded material simultaneously from their various stations across the country.

Three major private networks have emerged from the fray: Canale-5, Italia-1 and Rete-4, all three of which are controlled by one man, Silvio Berlusconi. In addition, there were also so-called "circuits," cooperative agreements among groups of broadcasters. These include Euro-TV, TV-Port, STP-RV, and DPM—some of which are linked through cross-ownership.

A special role is played by the so-called "concessionaries," advertising companies which sell program packages, including pre-inserted commer-

cial, to various individual stations. The concessionaries, similar to "barter" program syndicators in the US, have provided, in effect, "tape networks" across Italy, making it possible for a small station to have a steady supply of programming and advertising.

Another wrinkle on the Italian scene are the "service networks" (consorzi) which function as purchasing and administrative agents for a number of broadcasters, thus achieving economies of scale in purchases and management.

### THE BERLUSCONI EMPIRE

Silvio Berlusconi is perhaps the most interesting, and certainly the most powerful, of the new television moguls in Europe, a figure in the mold of Sarnoff, Paley and Murdoch.

Berlusconi, sarcastically referred to by the Italian press as "Sua Emittenza," is the son of a Milan bank director. At the age of 14, he allegedly stopped accepting parental financial support. At 16, he entered the world of entertainment as a part-time performer on a tourist ship. He studied law and wrote a doctoral dissertation on advertising. When he was 25, he began a construction company in Milan with support from a bank in which his father was an executive.

Within 15 years, he had become the leading construction entrepreneur in northern Italy and, five years later, had established himself as the dominant force in Italian private television. The Berlusconi empire, controlled through the holding company Fininvest, includes hundreds of firms connected to each other in complex ways. Broadcasting activities account for more than half of Berlusconi's revenues. He also owns the largest television program guide magazine, which can be helpful to his broadcast stations by creating viewer interest, and the rightwing Milan newspaper, *Il Giornale*. Other media-related properties include a technical center, an advertising company, a financial firm, video production, satellite dish manufacturing, music and records, the Milan soccer club,

computer software concerns, a theater, a transportation company, hotels, an insurance company, and 25% of the privately held French TV channel, *La Cinq*. The Berlusconi group's total 1985 revenues were about \$1.3 billion.

Berlusconi was not one of the pioneers of Italian commercial television, entering only after the tumultuous "wildcat" phase of private broadcasting wound down to a handful of weakened competitors whom he managed to buy, hire or outmaneuver. The "wildcat" period of Italian television was between 1972, when pirate broadcasting began in earnest, and 1980, when the large publishing houses entered the field. By 1982, almost one half of the stations that were active only three years earlier had been sold or closed down. Berlusconi himself entered broadcasting in 1980, buying up stations and setting up Canale-5 in Milan as his flagship operation, which he expanded by acquiring other stations and forming a national network. The other major networks at the same time were Rete-Europa, owned by the Italian publishing house Rizzoli; Italia-1, owned by Rusconi; and Rete-4, owned by Mondadori.

Berlusconi's operation, from the start, was marked by a free-spending vision. He spent the most money on stars and technology, and established an outstanding reputation for anticipating audience tastes. He was particularly effective in paying attention to small touches which improved his market position. For example, he entered into contracts with numerous independent antenna installers whom he paid to insure that the signals from his channels would be technically well-received. He also kept advertisers happy with low rates and wooed viewers by offering less ad time per hour than on other channels. Once his audiences increased, economies of scale allowed him to turn a handsome profit while still carrying fewer ads at a lower cost per thousand viewers.

Berlusconi also charged advertisers in unusual ways. In many instances, advertising rates were pegged to the

market success of the product that was advertised. This was attractive to small and medium-sized sponsors who had previously assumed greater risk by paying a flat rate for the advertising time. It also permitted him to act as a price discriminator between low-value and high-value advertising. Often, he granted free advertising time as an incentive to new customers.

The Mondadori group, a powerful publishing house, followed different policies on advertising and programming on its Rete-4 network.<sup>12</sup> However, the network soon ran into financial trouble, and negotiations failed with several other partners, including American broadcasters ABC and Metromedia.

Mondadori's Director General Piero Ottone described what happened: "The turning point in our venture, which had been successful that far, came when Rusconi (in the summer of 1982) decided that television was too risky for his company and offered (his network), Italia Uno, to us. We were negotiating the deal (aiming to merge Rete Quattro and Italia Uno) when Berlusconi moved in and bought Italia Uno from Rusconi for a very good price. From that moment the fight became very uneven: two networks, Canale Cinque and Italia Uno, against one, Rete Quattro. That progressively weakened our position until we decided to sell Rete Quattro. Berlusconi bought it, thereby becoming practically the only private television [company] in Italy. His surviving competitors are much smaller—and not doing well."<sup>13</sup>

Ottone gives three reasons for the failure of Italian publishers like himself in television: lack of television know-how, inability to interconnect, and inadequate financial resources. "Berlusconi has invested very lavishly," he said, "and partly raised his money by selling shares door to door, a very dubious procedure which we have always refused to adopt, and have fought against in

our publications, because it gives investors no protection."<sup>14</sup>

Where four networks existed only a few years before, three of them were now owned and controlled by Silvio Berlusconi, while the fourth, Rete-Europe, was liquidated with some of its stations going to Berlusconi. Even some of the smaller, remaining networks—Rete-A and Euro-TV—declared their readiness to join a single holding company with Berlusconi. (Eventually, however, Tele-Monte Carlo, acquired by Brazil's TV Globo, established a national presence.) Meanwhile, on the legislative front, Berlusconi's goal of electronically interconnected networks was in sight, though it also seemed likely that he would have to divest one of his three chains.

Berlusconi's influence grew enormously. In 1986, his domestic production budget accounted for 60% of all Italian films and features.<sup>15</sup> When the legal situation permitted it, Berlusconi began moving into production of a national news program. This is a necessary ingredient for the credibility and respectability of a full-fledged broadcaster. But it also makes economic sense because of the advertiser interest in the large audience news can draw. Canale-5 first entered into public affairs coverage by providing electoral coverage during local and regional campaigns moderated by prestigious journalists.

Berlusconi is reputed to be a close friend of Prime Minister Bettino Craxi, a Socialist, even though personally he leans—discretely—towards the right of center. Thus, Berlusconi is acceptable to the moderate right and left of the Italian political spectrum. His Socialist political connections have also helped in France, where President Mitterand permitted him to participate in launching the new commercial channel, La Cinq, in 1986.

#### A NEW WIND BLOWING

In 1986 the three commercial networks together held about half of the

total Italian audience; RAI, with its three channels, accounted for only one-third of the audience share. In less than ten years time, the monopoly position of the state broadcast institution had vanished.

Total television viewing also increased: primetime adult audience in 1979 was 16 million; by 1983, viewership had grown to 18.6 million.

The ensuing TV advertising increase also benefited the private sector far more than RAI. Private broadcasters' share of total national advertising revenues grew from virtually nothing in 1972 to more than 32% in 1984. RAI's share of the growing total advertising pie declined slightly from 15.4% to 14.4% over the same period.

Although total advertising expense as a percent of Italian GNP has grown from .38% to .53% in the 1974-84 decade, the total share of GNP is still only one-third of the US' 1.58%, indicating that the Italian ad market, fueled by television, has growth potential left.

Italy's experience with commercial TV, and the stunning success of Berlusconi's own progress, may not be repeated in other European nations where commercial television is now evolving at a slower, more regulated pace. But Berlusconi himself, with ambitions to parlay his Italian stronghold into an international media empire through recent inroads in France and Spain, believes that the Italian model may indeed find fertile ground across the continent.

"It is certain," he has said, "that nobody can disregard our know-how. When other countries are ready, we need only to wait [and choose] which partner is most agreeable to us. I believe this will come because the wind of commercial television blows now from Italy over all of Europe. This is one of the few winds that blows from the south to the north."<sup>16</sup>

## N O T E S

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