



## **Forthcoming Grand Chamber Judgment in the case of *Centro Europa 7 S.R.L. and Di Stefano v. Italy* concerning TV company's inability to broadcast due to lack of frequencies**

The European Court of Human Rights will be delivering a Grand Chamber judgment in the case of **Centro Europa 7 S.R.L. and Di Stefano v. Italy (application no. 38433/09) in public on 7 June 2012 at 10 a.m.** – local time – in the Human Rights Building, Strasbourg.

The case concerns an Italian TV company's inability to broadcast, despite having a broadcasting licence, due to lack of television frequencies allocated to it.

*Press releases and the text of the judgment will be available after the delivery on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int))*

### **Principal facts**

The applicants are *Centro Europa 7 S.R.L.*, an Italian company based in Rome, and Francescantonio Di Stefano, its statutory representative.

In 1999, the Italian authorities granted the company a licence for national television broadcasting via Hertzian waves, authorising it to set up and use a TV broadcasting network. For the allocation of frequencies, the terms of the licence referred to a national frequency allocation plan of 1998, which in fact was never implemented. Due to a series of interim legislative schemes, existing TV channels were allowed to extend their use of frequencies that they should in principle have given up. As a result, *Centro Europa 7 S.R.L.* had no frequency attributed to it and it was unable to broadcast.

The applicants complain that they have been subjected to an unjustified breach of their right to impart information, relying on Article 10 (freedom of expression and information) of the European Convention on Human Rights, and that they have suffered discrimination, relying on Article 14 (prohibition of discrimination) of the Convention. They further rely on Article 6 § 1 (right to a fair hearing), claiming that the procedure by which they submitted their complaint was unfair, on account of the enactment and application of legislation which prolonged the situation in question. Lastly, they contend that the licence granted in 1999 to *Centro Europa 7 S.R.L.* constituted a "pecuniary interest" which warranted the protection of property, relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, but that they were denied such protection.

### **Procedure**

The application was lodged with the Court on 16 July 2009 and [communicated](#) to the Italian authorities in November 2009. The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber<sup>1</sup> and a [hearing](#) was held in the Human Rights building in Strasbourg on 12 October 2011.

<sup>1</sup> Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish

The non-governmental organisation Open Society Justice Initiative submitted written comments as a third party, under Article 36 § 2 of the Convention.

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.