[IT] The Italian Parliament Allows Political and Electoral Advertisements

IRIS 2000-3:1/17

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On 22 February 2000 the Italian Parliament finally reached an agreement and approved new provisions on access to the mass media with regard to political and electoral communication (Disposizioni per la parità di accesso ai mezzi di informazione durante le campagne elettorali e referendarie e per la comunicazione politica, Legge of 22 February 2000, no. 28, in Gazzetta Ufficiale 2000, 43). The scope of the Act, as defined in Article 1, ranges from political information to electoral campaigns and replaces several provisions laid down by the Elections Act (Disciplina delle campagne elettorali per l'elezione alla Camera dei deputati e al Senato della Repubblica, Legge of 10 December 1993 no. 515, in Gazzetta Ufficiale 1993, 292).

As a main rule it is established that any political body (soggetto politico) has to be granted equal access to programmes on radio and television broadcasting containing political opinions, such as party political broadcasts, debates, round tables, public discussions, interviews and other programmes where the exposition of political views appears to be relevant. According to Article 2, the transmission of such programmes is compulsory for the public concessionaire (RAI) and for private national concessionaires transmitting free to air. During the last 45 days before an election, the presence of political subjects is ensured according to criteria relating to the degree of representation of the parties.

Articles 4 and 5 entitle parties, coalitions and candidates to transmit political advertisements (messaggi autogestiti), the duration of which may range between one and three minutes on television and between 30 and 90 seconds on radio. The transmission of those messages is compulsory for the public concessionaire and optional for private broadcasters; it is free of charge if transmitted on national broadcasters (public or private), while local broadcasters have to allow a 50 percent discount. During the last 30 days before an election, local broadcasters are granted a refund of the expenses by the Regioni (regional authorities). Fee-paying messages may only be transmitted by local broadcasters that have agreed to transmit free messages, provided that the transmission time respectively assigned to free and paid messages is the same, and can be broadcast in addition to the time devoted to commercial advertising.

Article 5 lays down specific rules for the transmission of news: broadcasters have to ensure that any information is presented impartially; it is forbidden to influence

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the public even indirectly; candidates may only appear on the screen during information programmes. The following articles deal with political and electoral advertisements on daily press and periodical magazines and with the publication of opinion polls, which is forbidden during the last 15 days before an election. The Communication Authority adopted on 2 March the implementing rules relating to the next administrative election on 16 April 2000 (Disposizioni di attuazione della disciplina in materia di comunicazione politica e di parità di accesso ai mezzi di informazione relative alla campagne per le elezioni regionali, provinciali e comunali fissate per il giorno 16 aprile 2000, Delibera of 2 March 2000, no. 29, in Gazzetta Ufficiale 2000, 51), when the new provisions will apply for the first time.

Disposizioni per la parità di accesso ai mezzi di informazione durante le campagne elettorali e referendarie e per la comunicazione politica, Legge del 22. Februar 2000, Nr. 28, in Gazzetta Ufficiale 2000, 43.

Law of 22 February 2000, no. 28, Gazzetta Ufficiale 2000, 43.

Delibera della Autorità per le Garanzie nelle Comunicazioni del 2 Marzo 2000, no. 29, Disposizioni di attuazione della disciplina in materia di comunicazione politica e di parità di accesso ai mezzi di informazione relative alla campagne per le elezioni regionali, provinciali e comunali fissate per il giorno 16 aprile 2000.

http://www.agcom.it/provv//D2900_CSP.htm

Implementing rules relating to the next administrative election on 16 April 2000, Delibera of 2 March 2000, no. 29, in Gazzetta Ufficiale 2000, 51.

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