[IT] Self-regulatory guidelines for online platforms for next general elections published by Italian Communication Authority

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On 1 February 2018, the Italian Communication Authority (AGCOM) published guidelines to ensure equal treatment of parties/candidates on online platforms within the context of the next general elections. The guidelines are the result of the work performed within the context of a working group established by AGCOM containing representatives from major online platforms and newspapers.

Although the guidelines constitute self-regulatory "soft law" and do not therefore have specific legal value, they nonetheless provide helpful insight into how operators and stakeholders are approaching Italian election laws. The latter, in fact, are not per se applicable online, and commentators struggle to determine which principles can also be applied to regulate the online environment.

The document covers six topics. First, equal treatment of political subjects. The Par Condicio Law (Law no. 28 of 22 February 2000) on offline information requires that television and radio grant candidates/parties equal treatment when certain conditions are met. Even though similar rules are not applicable to the Internet, there are nonetheless general principles that are valid in respect of all means of communication. For example, online platforms should make sure that all political actors have equal access to means of communication. In particular, it is advisable that they be properly informed of the instruments that each platform makes available to them for the delivery of political messages online. Each political actor should be free to choose which instruments to use in a non-discriminatory manner.

Secondly, as regards what concerns online political advertising, in compliance with the law on political advertising, the buyer shall clearly specify political nature of each message and shall indicate the name of the "committente responsabile" (i.e. the person responsible for purchasing the political advertising). These elements must be included in the advertisement or, at least on the website to which the advertisement links.

Thirdly, in respect of illicit content and content whose dissemination is forbidden (such as polls), online platforms must set up tools by which to report defamatory content against candidates; similarly, online platforms should allow AGCOM to

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quickly report the presence of online polls/surveys in the fifteen days preceding an election day, which are forbidden by law.

Fourthly, with regard to public entities' social media accounts, the working group notes that public entities should refrain from using social media for political communication during election periods.

Fifthly, it is "desirable" that online platforms prevent political groups from carrying out political campaigning online on an election day and the day before, in compliance with the legal restrictions already in place regulating traditional means of campaigning. Lastly, as concerns fact-checking methods, AGCOM specifically recommends that Google and Facebook enhance those fact-checking mechanisms already in place.

Autorità per le garanzie nelle comunicazioni, Linee guida per la parità di accesso alle piattaforme online durante la campagna elettorale per le elezioni politiche 2018

https://www.agcom.it/documents/10179/9478149/Documento+generico+01-02-2018/45429524-3f31-4195-bf46-4f2863af0ff6?version=1.0

AGCOM, Guidelines for equal access to online platforms during the election campaign for the 2018 general elections, 1 February 2018

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