[IT] Italian Communication Authority issues resolution on equal airtime for general elections

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On 10 January 2018, the Italian Communication Authority (AGCOM) issued Resolution No. 1/18/CONS to enact the provisions of the Par Condicio Law (Law No. 28 of 22 February 2000) applicable to private broadcasters during the electoral period preceding the general elections to be held on 4 March 2018. In particular, the resolution aims at ensuring the respect of some core principles, including pluralism, impartiality, independence and the completeness of media coverage of elections.

With respect to broadcast media, specific rules are laid down to allot time in political communication programmes (that is to say, programmes where political parties discuss their plans) among (a) the parties already sitting in parliament, (b) the parties that are represented by at least two members in the European Parliament, (c) the parties that have at least one MP and represent linguistic minorities; and (d) the members of the so-called “Gruppo Misto”, that is to say, those MPs who are not affiliated with any political party.

In this respect, equal airtime rules are framed in a different way in Phase I (that is to say, the period from the official announcement of the election to the candidate-filing deadline) and in Phase II (that is to say, the period running from the presentation of candidates to the end of the electoral campaign).

Private radio and television broadcasters are allowed to offer party political broadcasts. The broadcasting of political programmes and party political broadcasts is made available free of charge. Party political broadcasts are made available on an equal footing among the various political parties. TV broadcasts may last from one to three minutes, while the duration is from thirty to ninety seconds for radio broadcasts. Furthermore, they shall not interrupt other programmes and are distributed among four time frames per day, each one of which shall include at least three broadcasts. A party political broadcast cannot be broadcast twice within the same time frame. In any case, no political party is allowed to broadcast more than two party political broadcasts within the same day. The broadcasting of party political broadcasts is not considered to constitute advertising for the purposes of the relevant advertising limits.

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Particular rules are provided with respect to information programmes, including news programmes and newscasts. In addition to principles such as pluralism, impartiality and independence, AGCOM calls for information programmes to pay special attention to a balanced gender representation and the plurality of parties and candidates. Editors, journalists and presenters are required to comply with these principles in order to avoid affecting the equal chances of everyone concerned.

The AGCOM resolution also points out that, if in the context of information programmes it happens that a journalist supports a certain view, appropriate time must be reserved to journalists representing different opinions in order to guarantee pluralism and completeness of information. The resolution also contains other provisions which apply to local broadcasters, who have a special status deriving from the Par Condicio Law.

As far as print media are concerned, the resolution specifies that they are permitted to publish political advertisements until the day before the end of the electoral period; if print media wish to do so, they are required to issue a public notice specifying the conditions under which the publication takes place, including, among other things, fees and acceptance criteria. Political advertisements must feature the words ‘messaggio elettorale’ (political advertisement) in order for the public to identify the content as such.

Finally, the resolution also mentions opinion polls, to which an ad hoc resolution applies (No. 256/10/CSP). As to the enforcement of the rules on equal airtime, the Regional Committees of Communication (CO.RE.COM.) are competent to monitor the compliance with the applicable legislation and regulations and to report any violation. AGCOM may impose administrative sanctions as a result of the procedure established by Article 27 of the resolution.

Autorità per le garanzie nelle comunicazioni, delibera n. 1/18/CONS

https://www.agcom.it/documents/10179/9301827/Delibera+1-18-CONS/c63e653f-ca2f-414a-934d-f8f009627e1f?version=1.0

Italian Communication Authority, Resolution No. 1/18/CONS, 10 January 2018

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