[IT] Italian Parliament approves ban on gambling advertising

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On 7 August 2018, the Italian Parliament approved a set of economic and social measures by passing into law the so-called 'Dignity Decree' issued by the government in July (Law Decree 12 July, 2018, No. 87) (the "Decree'").

Among other things, the Decree has established a general ban on gambling advertising with a view to increasing consumer protection and preventing gambling addiction (ludopathy).

Pursuant to Article 9, paragraph 1, the following is banned: any form of advertising, including indirect advertising, relating to games or gambling with winnings in money, however carried out and in any means, including sporting, cultural or artistic events, TV and radio broadcasting, the daily and periodic press, and any genre of publications, billboards and Internet.

Despite the broad scope of the ban, the Decree also provides for some exceptions. In particular, the following types of advertising are excluded from the ban: national lotteries with deferred number draw, as set forth in Article 21, paragraph 6, of Law Decree 1 July 2009, No. 78 as converted, with amendments, into Law 3 August 2009, No. 102; local events, as set forth in Presidential Decree 26 October 2001, No. 430 (Decreto del Presidente della Repubblica); and logos on safe and responsible gambling of the Customs and Monopolies Agency (Agenzia delle dogane e dei monopoli).

Furthermore, pursuant to Article 9, paragraph 5, of the Decree, advertising agreements already existing at the date of the entry into force of the Decree will remain valid until the expiration date and in any case no later than 14 July 2019 (that is to say, a year from the entry into force of the Decree).

The effective date of the ban is 14 July 2018. According to Article 9, paragraph 1, of the Decree, starting from 1 January 2019, the ban will be applicable to sponsorships of events, activities, gatherings, programmes, products or services and to all forms of communication of promotional content, including visual and acoustic citations and the superimposing of the name, brand, symbols, activities or products whose advertising, pursuant to the same provision, is prohibited.

In the case of a breach of the ban, Article 9, paragraph 3, of the Decree establishes a pecuniary administrative fine amounting to 5% of the value of the

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sponsorship or of the advertising, and in any case no lower than EUR 50 000 for each violation. The Italian Communication Authority (AGCOM) is competent to investigate violations and to impose the said fines.

Disposizioni urgenti per la dignità dei lavoratori e delle imprese, Decreto-Legge 12 luglio 2018, n. 87, convertito con modificazioni dalla Legge 9 agosto 2018, n. 96

http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2018-07-12;87

Law Decree 12 July, 2018, no. 87

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