

Study to support the preparation of an EU instrument on to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Denmark

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
I. General information about the national legal framework		
National legal act(s) governing political advertising	<p><u>Act no. 1260 of 27 August 2020 on Elections for parliament (Valgloven)</u> https://www.retsinformation.dk/eli/lta/2020/1260</p> <p>§ 50. [...] The election manager inspects that the voters are not exposed to election agitation or any other means of influencing the vote in the election building or in immediate surroundings hereof.</p> <p><u>Act no. 1520 of 27 December 2014 on public roads</u> https://www.retsinformation.dk/eli/lta/2014/1520</p> <p><u>Guidelines no. 9041 of 31 January 2018 for the conduct of elections (Vejledning om afholdelse af folketingsvalg)</u> https://www.retsinformation.dk/eli/retsinfo/2018/9041</p>	<p>Please provide an overview of how political advertising is regulated in your Member State:</p> <p><i>Which legal act(s) is the principal piece of legislation governing political advertising (e.g. national elections act, specific act on political advertising, media act etc.)? How are they interlinked (e.g. via definitions or other common provisions)?</i></p> <p><i>Please, specify the principal piece of legislation or other regulations, (self-/co-regulatory codes or guidelines) governing online political advertising, if applicable. Please, provide any other relevant legislation and self-regulatory/co-regulatory instruments applicable to political advertising, political campaigning and parties/candidates funding.</i></p> <p>There is no principal piece of Danish legislation governing political advertising ("politisk reklame"). The main rule under Danish law is that political advertisement is allowed and covered by the constitutional principle of freedom of speech. There are however some limits different places in the legislation, which is outlined below. This legislation covers "traditional" means of campaigning and advertisements – not online campaigns or focused campaigns on social media.</p>

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	<p><u>Act no. 1350 of 4 September 2020 on radio and television (Radio- og fjernsynsloven)</u> https://www.retsinformation.dk/eli/lta/2020/1350</p> <p>§ 76(3) <i>In television there cannot be advertised for employer organisations, unions, religious movements, political parties, political movements or elected candidates or candidates running for political elections.</i></p> <p>§ 76(4) <i>In television there cannot be advertised for political messages in the period from the time the election is called until the time of the election.</i></p> <p><u>Executive order no. 1155 of 18 June 2020 on advertisement and sponsoring etc. of programs in radio, television and on demand audiovisual media services and partnerships (Bekendtgørelse om reklame og sponsorering)</u> https://www.retsinformation.dk/eli/lta/2020/1155</p> <p>Act no. 426 of 3 May 2017 on Marketing Practices (Markedsføringsloven) https://www.retsinformation.dk/eli/lta/2017/426</p> <p><u>Act no. 139 of 7 February 2019 regarding private contributions to political parties and publication of political parties' annual accounts. (Partiregnskabsloven)</u> https://www.retsinformation.dk/eli/lta/2019/139</p>	<p>There is no regulation governing online political advertisement – this area of political advertising falls outside the scope of the marketing act, which only covers advertisement for products. Hence online political advertisement is not prohibited or regulated in any way. One may say that there is a legislative gap.</p> <p><u>Political campaigns and advertisements during election period</u> According to the act on elections for parliament political campaigning or advertising is generally allowed, but according to section 50 campaigning or advertisement is prohibited on election day in the polling stations or in the immediate surroundings hereof. It is not allowed for the politicians or others to seek to influence voters in or around the polling stations. Other ways of trying to influence the positions of the voters are also not allowed. This is reasoned in an overall principle of neutrality on the election day.</p> <p><u>Election posters in public space</u> In the act on common roads section 84 the placement of election posters in public space is regulated. It is a requirement that the poster has name, email and phone number to the person who is responsible for placing it. Election posters can be placed in public space on the 4th Saturday before the election is held – or from the time of the call for election if this is a shorter period of time than 4 weeks (which is usually the case for parliamentary elections in Denmark). Posters must be removed 1 week after the election.</p> <p><u>The radio and television act – ban on political commercials in television</u> The radio and television act regulates political advertising in <i>television</i>. It is legal to have political advertising in the radio, in on demand audio visual media.</p>

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	<p><u>Act no. 973 of 11 August 2017 on grants to political parties (Partistøtteloven)</u> https://www.retsinformation.dk/eli/lta/2017/973</p>	<p>In television and in radio considered as public service it is contrary to the act to send content sponsored by employer organisations or unions or political parties. In television it is also prohibited to advertise for employer organisations, unions, political parties or elected members or candidates running for election.</p> <p>During election periods it is prohibited to advertise for political messages in television in the period of time from the election is called until the time of the election. If the date is known more than 3 months before the election, the ban on political advertising starts 3 months before the election day.</p> <p><u>Requirements for political advertisements, sponsoring etc.</u> Although there is no prohibition on paid political advertisement in radio and on demand audio visual media, such advertisement must comply with the regulation laid down in the executive order on advertisement and sponsoring. The executive order has its legal base in the radio and television act.</p> <p>Advertisement must be made so it can be identified and separated from ordinary program content. The beginning and end of an “advertisement block” must be clearly indicated. Sponsoring of news or current affairs programs are not allowed.</p> <p>According to section 7 of the executive order, any advertisement in radio, television and on demand audio visual media services must be legal, seemly, honorable, true and conducted with clear social responsibility. It must be clearly stated in the advertisement who is the advertiser.</p> <p><u>Executive order on election agitations</u></p>

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		<p>In the context of this specific executive order the term “<i>election agitation</i>” is used to describe the political advertising that consists of hanging up posters, painting roads etc. in public space. Such election agitation is generally allowed with respect for public order.</p> <p><u>Act on marketing practices does not apply to political advertising</u> Act no. 426 of 3 May 2017 on Marketing Practices (Markedsføringsloven) is the main act governing advertisement in Denmark. The act regulates private businesses’ advertisement and public actions when products are brought on the market. Political advertisements fall outside the scope of the act. This has been established in the Supreme Court ruling UfR 2014.867 H where a union’s advertisement to recruit members was not covered by the Marketing Practices Act.</p> <p><u>Rules on funding of political parties</u> The funding of Danish political parties is regulated by two different acts; the act on grants to political parties (partistøtteloven) and the act on private contributions to political parties and publication of political parties’ accounts. (partiregnskabsloven).</p> <p>Political parties performing political work are, cf. the act on grants to political parties, entitled to receive public grants based on the number of votes they received at the last election. The act on grants to political parties regulates the means of such funding, i.e., who is entitled to such grants. In section 1(2) of the act, it is stated that “political work” in that context is defined as every activity with the purpose of promoting election in this country by one or more candidates or to promote a certain result of an election in this country by 1) spreading the knowledge of certain political views, 2) establish and run organisations, 3) cooperate with other organisations or 4) in other ways.</p>

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		<p>The payment of public grants to a political party is dependent on the candidate's/party's publication of private contributions of more than 20.000 [In 2021 21.900 DKK] being disclosed.</p> <p>The rules on public grants to political parties and candidates are monitored by <i>Rigsrevisionen</i> – the Auditor General, and are subject to prosecution in the criminal code.</p> <p>Rules regarding annual accounts of political parties The party accounts act establishes that anonymous contributions of more than DKK 20.000 (approximately 2.700 EUR) are not allowed. The amount is regulated once a year, and in 2021 the exact amount is 21.900 DKK.</p> <p>“Anonymous” contributions include contributions where the political party is not familiar with the identity of the contributor. If the political party is aware of the name of the contributor, but not the address, the contribution is not to be seen as anonymous and falls outside of the scope of the provision.</p> <p>All political parties which have been standing for the last elections to the parliament (Folketing) or the European Parliament must publish its annual report containing overall incomes and expenses. This includes private grants from private individuals, grants from international organizations, collective private associations, professional foundations, and associations. Name and address of such private contributors donating DKK 21.900 or more (in one or more rates) must be stated in the annual report.</p> <p>According to section 5 of the act on parties' annual accounts, no later than 12 months after the end of the accounting year, the party's</p>

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		management shall submit a certified copy of the accounts to the Danish Parliament, which shall submit the accounts for inspection to the public. Submitting an annual report is also a requirement for the political party that wish to receive a public funding grant.
Legal and/or statutory definition of the notion of “ political advertising ” and “ online political advertising ” (if applicable)	<p>Act no. 1350 of 4 September 2020 on radio and television (<i>Radio- og fjernsynsloven</i>) entails the following provisions: https://www.retsinformation.dk/eli/fta/2020/1350</p> <p>76(3) <i>In television there cannot be advertised for employer organisations, unions, religious movements, political parties, political movements or elected candidates or candidates running for political elections.</i></p> <p>76(4) <i>In television there cannot be advertised for political messages in the period from the time the election is called until the time of the election.</i></p> <p>The legislative preparatory work to the provisions §§ 76(3) and 76(4) of the radio and television act, cf. bill no. 38 of 20 October 2004: https://www.retsinformation.dk/eli/ft/200413L00038</p>	<p><i>Does your national legislation or regulations define political advertising?</i></p> <p><i>Does your national legislation or regulations define online political advertising?</i></p> <p>The notion of “political advertisement” (in Danish “politisk reklame”) is not generally defined anywhere in the Danish legislation. The notion is defined in the radio and television act, which is the only Danish act that explicitly covers the concept of political advertisement. Online political advertisement is not regulated under Danish law, hence it is allowed without any limits. The definition of “political advertisement” used in the radio and television act will however most likely be the one to use in other contexts as well.</p> <p><u>Act on television and radio</u></p> <p>The notion of political advertising in relation to television and radio is described in detail in the legislative preparatory work to the provisions §§ 76(3) and 76(4) of the radio and television act, cf. bill no. 38 of 20 October 2004: https://www.retsinformation.dk/eli/ft/200413L00038</p> <p>According to the legislative preparatory work of the act the notion of advertising “<i>political [messages/opinions]</i>” must be interpreted broadly. The notion entails all messages regardless of its form, which has the purpose to promote or affect the opinion of different political questions,</p>

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		<p>both at a local, national, and international level. The notion of “political [opinions/messages]” is hence not limited to political party questions, but also utterances which has the purpose of generally promoting or affecting a political direction.</p> <p>To avoid possible circumventions of the provision the prohibition also includes situations where a political candidate is part of an advertisement even though there is no mentioning of party name, logo etc.</p> <p>The notion of political advertisement also includes situations, where political parties or organisations wants to bring certain products or services to market, this could be clothes, bags, umbrellas etc. with political slogans or symbols. Other examples included in the notion of political advertisement could be advertisement for an information telephone service, webpages with a certain theme – this would be considered as hidden advertisement of a political message.</p> <p>The notion of political advertisement does in this context only cover political advertisement in television. It is stated in the preparatory work, that the prohibition and limitation to political advertisement in television is reasoned in the fact, that this media has a larger and broader impact than other media, you can for example scroll on to the next page in a newspaper or close down an internet window.</p> <p>There is no regulation and/or definition of the notion of online political advertisement.</p>
If not applicable, provide other definitions/terms used in the legislation close to the notion of “political advertising”	N/A	<u>Examples:</u> “partisan advertising”, “campaign advertising”, “elections advertising and issues based advertising” etc.

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		<i>Please, specify whether the available definitions apply towards specific actors/persons. (e.g. political parties/candidates, media, civil society, online intermediaries or other service providers etc.).</i>
Evaluation of the current legislative framework and draft legislations on political advertising and/or online political advertising	<p>In 2018 the former government initiated a campaign to strengthen safeguards against foreign influence on elections: Strengthened safeguards against foreign influence on Danish elections and democracy (um.dk)</p> <p>On 23 June 2020 a Parliamentary agreement on social media's influence on democracy was adopted: https://www.ft.dk/samling/20191/vedtagelse/V93/index.htm</p> <p>On 10 February 2021 the current Danish government published its tech strategy: https://techstrategi.um.dk/</p>	<p><u><i>Has an evaluation of the rules and practices in place for political advertising and/or online political advertising already been carried out and if so, what are the results?</i></u></p> <p><u><i>Further to that, is there any draft legislation currently discussed in your Member State relevant for political advertising and/or online political advertising? If so, please provide a brief overview.</i></u></p> <p><u>Currently no draft legislation to amend current legislation.</u></p> <p>The former government did in September 2018 initiate a campaign to strengthen safeguards against foreign influence on Danish elections, which included inter alia strengthened monitoring of disinformation in the media, social media etc. The campaign also included that the former government wanted to present a bill to ensure that the criminal code is covering threats from influence campaigns launched by foreign intelligence services. In this context the former Minister of Interior stated that the government did not had the intention to amend existing legislation.</p> <p><u>Intern-ministerial task force</u></p> <p>Under the new government there is still an inter-ministerial task force working on the issues, but there are no concrete initiatives to amend existing legislation besides of the current EU initiative.</p> <p>Parliamentary debate – 18 June 2020 – agreement of 23 June 2020</p>

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		<p>As the current regulation does only prohibit political advertisement in television, it is legal for political parties and candidates to promote political messages on other communication- and media platforms such as Facebook, YouTube and other streaming services.</p> <p>There is currently no regulation covering political advertisement, for addressing electronical political communication (or fake news etc.) on social media platforms. Such situations are only covered by the provisions of the general criminal code.</p> <p>The parliamentary debate discussed various situations relating to social media and fake news in relation to the democratic process. The parliamentary debate ended in a political agreement stating that social media plays a still larger role in the everyday life of Danish citizens. However, the social media platforms give significant challenges, for example in relation to the deliberate spreading of misinformation to create false impressions of political views and messages, and when foreign powers use social media to undermine international institutions and the trust to democracy. The parliament agree that this is a challenge and has the potential to be a serious threat to our democracy and welfare state. This require action and regulation, and the parliament is watching the government closely in this matter in order to make the necessary measures.</p> <p>The political agreement has the character of a declaration of intent.</p> <p><u>Tech strategy</u></p> <p>The Danish government did on 10 February 2021 publish its tech strategy, which aims at securing democratic, safe and socially responsible technology development. The strategy aims at regulating the tech industry and supporting initiatives in the EU, UN and NATO.</p>

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		This is at a policy level, and there is currently no draft regulation being negotiated.
II. Political advertising rules during pre-election campaigns		
Definitions of pre-election campaigns in the Member State (if applicable)	N/A	<p><i>Are pre-election campaigns defined in your Member State? If so, how?</i></p> <p>In Denmark, the notion of “pre-election” campaign is not used. The regulation distinguishes between “election period” which runs from the announcement of the election until the election has been held and the “non-election period”. This regulation is described under section III and IV below.</p>
National rules on paid political advertising during pre-election campaigns	N/A	<p><i>Is paid political advertising during pre-election campaigns prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p> <p><i>Please, specify whether such rules during pre-election campaigns are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>See section III and IV below.</p>
National rules on financing of political parties/candidates in relation to political adverts	N/A	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>See section III and IV below.</p>

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National rules on free political advertising (or free airtime) during pre-election campaigns	N/A	<i>Are political parties in your Member State allocated free political advertising during pre-election campaigns? If so, on which media is free political advertising granted?</i> See section III and IV below.
National rules on political advertising on broadcast media during pre-election campaigns (incl. public service and private broadcasters)	N/A	<i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i> See section III and IV below.
National rules on political advertising in print media during pre-election campaigns	N/A	<i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i> See section III and IV below.
National rules on political advertising on online media applicable to political parties , during pre-election campaigns	N/A	<i>Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> See section III and IV below.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during pre-election campaigns	N/A	<i>Are there any particular rules to online platforms during pre-election campaigns in your Member State?</i> See section III and IV below.
Specific rules relating to “false information”, “fake news” or “disinformation campaigns” during pre-election campaigns	N/A	<i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or “disinformation campaigns” during pre-election campaigns?</i>

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		See section III and IV below.
III. Political advertising rules during elections period		
Definitions of elections period in the Member State (if applicable)	<p>Act no 169 of 5 June 1953, the constitution (Grundloven) https://www.retsinformation.dk/eli/lta/1953/169</p> <p>§ 32(1) <i>The members of parliament are elected for a period of 4 years.</i></p> <p>(2) <i>The King can at every time announce an election with the effect that existing parliament mandated lapse[...]</i></p> <p>(3) <i>It rests on the prime minister to make sure that election is held before the election period ends.</i></p> <p>Act no. 1260 of 27 August 2020 on elections for parliament: https://www.retsinformation.dk/eli/lta/2020/1260</p> <p>§ 95(2) <i>The Prime Minister announces the bill in the Government Gazette and announces the day of the referendum. The referendum must be held between 12 and 18 days after the announcement.</i></p> <p>Act 1350 of 4 September 2020 on radio and television, https://www.retsinformation.dk/eli/lta/2020/1350</p> <p>§ 76(4) <i>In television no political advertisement for political messages can be sent in the period from the time of the calling of the election until the election is held. If the date for</i></p>	<p><i>How is the elections period defined in your Member State?</i></p> <p><u>Act on elections for parliament and the constitution</u></p> <p>In section 95(2) of the elections act, which covers various elections and referendums, it is stated that the prime minister announces the election and gives notice of the time of the election. The election must be held between 12 and 18 days after such notice.</p> <p>In the Constitution (which forms legal base of the parliamentary elections) it is not stated how long the election period runs for, but there is an unwritten principle that the election period for parliament elections – in accordance with the 12-18 days for other elections and referendums – are approximately 3 weeks.</p> <p>The election period is under Danish law defined as the period from the time of the call for election until the end of election day.</p> <p><u>Act on radio and television</u></p> <p>In the context of political advertising in television and radio the elections period is defined as either:</p> <ul style="list-style-type: none"> - The period of time from when the election is called until the time of the election. For elections for parliament this period is as earlier mentioned usually around 3 weeks. - If the date is known more than 3 months in advance – for example elections for the European parliament – the election period is from 3 months before the election day until the election day.

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	<i>the election is known more than 3 months before the election, the advertisement free period begins 3 months before the election.</i>	
National rules on paid political advertising during elections period	<p><u>Act no. 1350 of 4 September 2020 on radio and television (Radio- og fjernsynsloven)</u> https://www.retsinformation.dk/eli/lt/2020/1350</p> <p>§ 76(3) <i>In television there cannot be advertised for employer organisations, unions, religious movements, political parties, political movements or elected candidates or candidates running for political elections.</i></p> <p>§76(4) <i>In television no political advertisement for political messages can be sent in the period from the time of the calling of the election until the election is held. If the date for the election is known more than 3 months before the election, the advertisement free period begins 3 months before the election.</i></p> <p><u>Executive order 1155 of 18 June 2020 on advertisement and sponsoring of programs in radio, television and on demand audio visual media services and partnerships.</u> https://www.retsinformation.dk/eli/lt/2020/1155</p>	<p><i>Is paid political advertising during election period prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising? In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p> <p><i>Please, specify whether such rules during elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction (e.g. enforcement of 'silence periods' online)</i></p> <p>The main rule under Danish law is that paid as well as free political advertisement is allowed and covered by the constitutional principle of freedom of speech. There are however some limits to this main rule different places in the legislation.</p> <p>There is no specific regulation covering political advertising during elections period in the radio, in on demand audio visual media or generally online, hence it is legal to advertise political content in such places during (and also outside of) an election period.</p> <p>The regulation does not distinguish between paid and unpaid/free advertisement.</p> <p><u>The radio and television act</u> The radio and television act regulates political advertising in <i>television</i>.</p>

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		<p>In television it is – at any time - prohibited to advertise for employer organisations, unions, political parties or elected members or candidates running for election.</p> <p>In television it is prohibited to advertise for political messages in the period from the time the election is called until the time of the election. If the date is known more than 3 months before the election, the ban on political advertising starts 3 months before the election day.</p> <p><u>Executive order on advertisement and sponsoring:</u> Although there are no prohibitions on paid political advertisement in radio and on demand audio visual media, such advertisement has to comply with the regulation laid down in the executive order on advertisement and sponsoring. The executive order has its legal base in the radio and television act.</p> <p>According to the executive order advertisement must be made so it can be identified and separated from ordinary program content. The beginning and end of an “advertisement block” must be clearly indicated.</p> <p>According to section 7 of the executive order, any advertisement in radio, television and on demand audio visual media services must be legal, seemly, honorable, true and conducted with clear social responsibility. It must be clearly stated in the advertisement who is the advertiser.</p> <p><u>Act on marketing</u> The act on marketing, which under Danish law is the main piece of legislation regulating advertisements, does not take effect on political advertisements, as such advertisement is not intended for profit. This</p>

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		has the effect that it leaves political advertisements in a “legislative gap”.
National rules on financing of political parties/candidates in relation to political adverts	N/A	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>There is no specific regulation of the financing of political advertisement. The political parties are in principle free to spend and use donations and contributions in the way they wish. There is however overall regulation on the obligation for political parties to provide some degree of transparency in their accounts. Overall spending and contributions must be disclosed to the public in their annual report.</p> <p>See a more detailed description of the funding of political parties under section VI below.</p>
National rules on free political advertising (or free airtime) during elections period	N/A	<p><i>Are political parties in your Member State allocated free political advertising during elections period?</i></p> <p>There is no regulation regarding free political advertisement during elections period. Broadcast media are required to give candidates equal time, see the row immediately below.</p> <p>The overall ban against political advertisement in the radio and television act is covering both paid and free advertisement.</p>
National rules on political advertising on broadcast media	Act no. 1350 of 4 September 2020 on radio and television (<i>Radio- og fjernsynsloven</i>) https://www.retsinformation.dk/eli/lt/2020/1350	<i>Please, provide a brief description of the national rules on political advertising on broadcast media during elections period</i>

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during elections period (incl. public service and private broadcasters)	<p><i>§ 76(3) In television there cannot be advertised for employer organisations, unions, religious movements, political parties, political movements or elected candidates or candidates running for political elections.</i></p> <p><i>§76(4) In television no political advertisement for political messages can be sent in the period from the time of the calling of the election until the election is held. If the date for the election is known more than 3 months before the election, the advertisement free period begins 3 months before the election.</i></p> <p>The Public Service Contract with Danish Broad Cast DR: Public Service Contract</p> <p>In section 3.1. it is stated that DR has an obligation to be impartial.</p> <p>DR ethical guidelines: https://www.dr.dk/NR/rdonlyres/5E0BAAD8-78DE-4FC6-B7BB-062461EB7C0B/4760786/Programetiknyversion392012.pdf</p> <p>TV2 ethical guidelines: https://sr.tv2.dk/media/1214/etiske-retningslinjer-19-06-2020.pdf</p>	<p>The overall prohibition against political advertisement in television apply to the broadcast television, but not to radio and online media. See earlier description of the regulation in the radio and television act. These rules cover both public service and commercial private broadcasters.</p> <p>In Denmark there are two main broadcast media – DR and TV2, which both operates under a public service contract with the government. Both media are free to edit their own content, but they are bound by overall principles in their public service obligations and in their ethical guidelines.</p> <p><u>DR ethical guidelines:</u> During elections covering DR must emphasize freedom of speech, the obligation to be versatile and the principle of equality. DR has under elections and referendums an intensified obligation to be informative, versatile, and cover manifold and independent in the coverage before and during the election. [...] During election period DR must have an intensified obligation on the principle of equality of the participants in all programs. DR must secure equal terms of all parties and candidates running for election and secure equality in the presentation of central opinions.</p> <p><u>TV2 ethical guidelines:</u> TV2 is in its journalism free of party political, organisational and commercial bindings.</p> <p>The radio and TV board is monitoring the rules.</p>

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National rules on political advertising in print media during elections period	<p><u>Act no. 914 on media liability (Medieansvarsloven)</u></p> <p>§ 34. <i>The mass media content and acts must be in accordance with good press ethics.</i></p>	<p><i>Please, provide a brief description of the national rules on political advertising in print media during elections period</i></p> <p>There is no specific elections-regulation on political advertisement in print media – the same regulation apply all the time. It is allowed to advertise, but the advertisement must be in accordance with the notion of “good press ethics”, which is a vague notion that can develop over time.</p> <p>To secure the freedom of speech in Denmark the media has free access to collect information and news and to publish them as correctly as possible. It must be easy to complain over the media if someone feels offended.</p> <p>It is contrary to “good press ethics” if a media is trying to hinder that information of substantial importance to the public is not published. It is also contrary to good press ethics to let persons outside of media influence the media content, if it can lead to doubt on the independency of the media.</p> <p>Any advertisements in a print media containing disinformation or which appears to be from an organisation different than what it states could in principle – dependent on the concrete circumstances – be a violation of good press ethics.</p> <p>Any complaints of non-compliance with the act can be brought before the press council.</p>
National rules on political advertising on online media applicable to political parties , during elections period	N/A	<p><i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i></p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>As the current regulation does only prohibit political advertisement in television, it is legal for political parties and candidates to promote political messages on other communication- and media platforms such as Facebook, YouTube and other streaming services.</p> <p>There is currently no regulation covering such political advertisement, for addressing electronical political communication (or fake news etc.) on social media platforms.</p> <p>As the marketing act does not have effect on political advertisements there is a legislative gap regarding online media political advertisements.</p>
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during elections period	N/A	<p><i>Are there any particular rules to online platforms during elections period in your Member State?</i></p> <p>As the current regulation does only prohibit political advertisement in television, it is legal for political parties and candidates to promote political messages on other communication- and media platforms such as Facebook, YouTube and other streaming services.</p> <p>There is no regulation setting boundaries for the use of online platforms in a political advertisement context.</p>
Specific rules relating to “ false information ”, “ fake news ” or “ disinformation campaigns ” during elections period	<p><u>Act no. 914 on media liability (Medieansvarsloven)</u></p> <p>§ 34. <i>The mass media content and acts must be in accordance with good press ethics.</i></p> <p><u>Act no. 1650 of 17 November 2020 of the Criminal Code (Straffeloven)</u> https://www.retsinformation.dk/eli/lta/2020/1650</p>	<p><i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or “disinformation campaigns” during elections period?</i></p> <p>There are no particular rules and obligations applicable to online platform operators and intermediaries relating to political advertising.</p> <p>If any false news or disinformation were distributed through political campaigns or in other ways during election periods, there are different</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p><i>§ 267. Any person who violates the personal honour of another by offensive words or conduct or by making or spreading allegations of an act likely to disparage him in the esteem of his fellow citizens, shall be liable to a fine or to imprisonment for any term not exceeding four months.</i></p> <p><i>§ 268 The penalty mentioned in § 267 can increase to two years imprisonment, if</i></p> <ol style="list-style-type: none"> <i>1) A serious allegation is untrue or</i> <i>2) An allegation is made or disseminated through a mass media and the allegation is suitable for significantly harming the victim.</i> 	<p>consequences depending on the concrete circumstances. The situation would depend on the type of media used for spreading false information/disinformation etc.</p> <p><u>Radio- and Television Board</u></p> <p>The regulation of political advertising (including false information in this context) under the radio and television act is adjudicated by the Radio- and Television Board. Decisions of the Radio- and Television Board according to the radio and television act can be brought before the courts, depending on the question of the decision.</p> <p><u>Press Council</u></p> <p>If disinformation, false information etc. was spread via a mass media it would be a breach of good press ethics and would be assessed by the Press Council which adjudicates media-related complaints. Its decisions are not subject to appeal.</p> <p>The board is independent with a judge as its chairman. Its decisions cover the notion of “good press ethics” and “retort”. A complaint to the board does not exclude the access to file a case at the national courts. The court can decide on compensation, which the board cannot.</p> <p><u>Criminal code</u></p> <p>If political advertisements are false or is violating the personal honour of another person, it can be covered by section 267 of the criminal code. If certain aggravating circumstances are present the penalty can increase, cf. section 268. This is the case when for example untrue allegation are made through a mass media.</p> <p>It is the police who monitors the provisions of the criminal code.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		The criminal code also applies to any severe breaches of the radio- and television act as well as the media liability act.
IV. Political advertising rules outside of elections period		
National rules on paid political advertising outside of elections period	<p>Act no. 1350 of 4 September 2020 on radio and television (<i>Radio- og fjernsynsloven</i>) https://www.retsinformation.dk/eli/lta/2020/1350</p> <p>§ 76(3) <i>In television there cannot be advertised for employer organisations, unions, religious movements, political parties, political movements or elected candidates or candidates running for political elections.</i></p> <p>§76(4) <i>In television no political advertisement for political messages can be sent in the period from the time of the calling of the election until the election is held. If the date for the election is known more than 3 months before the election, the advertisement free period begins 3 months before the election.</i></p> <p><u>Executive order 1155 of 18 June 2020 on advertisement and sponsoring of programs in radio, television and on demand audio visual media services and partnerships.</u> https://www.retsinformation.dk/eli/lta/2020/1155</p>	<p><i>Is paid political advertising during elections period prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>If allowed, are there restrictions on paid political advertising?</i></p> <p><i>Please, specify whether such rules outside of elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>Political advertisements – both paid and unpaid/free - are allowed outside of the elections period.</p> <p>The only restriction to this main rule is section 76(3) of the radio and television where there is a general prohibition against advertisements for political movements, parties, candidates etc. in television.</p> <p>As for political advertisement in election periods any advertisement brought in radio or audio visual media must be in accordance with the regulation on content of advertisement in the executive order on advertisement and sponsoring.</p>
National rules on financing of political parties in relation to political adverts	<p>Act. No. 139 of 7 February 2019 (https://www.retsinformation.dk/eli/lta/2019/139) on private contributions to political parties and publication of the accounts of political parties (partiregnskabsloven) has the following relevant provisions:</p>	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p>§ 2a(1) <i>“Political parties, including regional and municipal candidate lists, cannot from one contributor receive anonymous contributions on more than DKK 20.000.”</i></p> <p>Section 3(2) has the following wording:</p> <p><i>If a party in an account year from the same contributor have received a contribution of more than 20.000 DKK [21.900 DKK] the contributor’s name and address must be stated in the accounts. The accounts must also contain information on the total amount of anonymous contributions and information of the total amount being transferred to the contributor and/or to the ministry of interior, cf. section 2a.”</i></p> <p>In order to avoid and be transparent on any indirect public funding of political parties, the Minister of Interior has published the following guidelines:</p> <p><i>Guidelines no. 9338 of 9 June 2020 on certain questions relating to party contributions:</i> https://www.retsinformation.dk/eli/retsinfo/2020/9338</p>	<p>There is no specific regulation of the financing of political advertisement. The political parties are free to spend and use donations and contributions in the way they wish. There is however overall regulation on the obligation for political parties to provide transparency in their accounts. Spendings and contributions must be disclosed to the public in their accounts.</p> <p>Earmarking donations will be considered as an economic contribution that will have to be disclosed in the annual report, cf. section 5.1.1. of the guidelines on party contributions.</p> <p>In accordance with the guidelines on certain questions relating to party contribution, it will not be considered a party contribution if a company or an organisation or person different from the political party is financing a political advertisement without the political party having knowledge of such campaign. However, if the political party is aware of a political campaign that somebody else is financing and the political party is approving it, this would be considered a financial contribution which must be disclosed in the annual report if it has a value of more than 21.900 DKK.</p>
National rules on free political advertising (or free airtime) outside of elections period	N/A	<p><i>Are political parties in your Member State allocated free political advertising outside of elections campaigns?</i></p> <p>There is no regulation regarding free political advertisement outside of elections period. It is left purely to broadcasters to determine the character of their political programmes, in terms of both form and content – but they are required to follow the principle of political neutrality and of equality.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on political advertising on broadcast media outside of elections period (incl. public service and private broadcasters)	<p>Act no. 1350 of 4 September 2020 on radio and television (<i>Radio- og fjernsynsloven</i>) https://www.retsinformation.dk/eli/lt/2020/1350</p> <p><i>§ 76(3) In television there cannot be advertised for employer organisations, unions, religious movements, political parties, political movements or elected candidates or candidates running for political elections.</i></p> <p><i>§76(4) In television no political advertisement for political messages can be sent in the period from the time of the calling of the election until the election is held. If the date for the election is known more than 3 months before the election, the advertisement free period begins 3 months before the election.</i></p> <p>The Public Service Contract with Danish Broad Cast DR: Public Service Contract In section 3.1. it is stated that DR has an obligation to be impartial.</p> <p>According to TV2 Public Service Concession also TV2 has an obligation to be impartial.</p> <p>DR ethical guidelines: https://www.dr.dk/NR/rdonlyres/5E0BAAD8-78DE-4FC6-B7BB-062461EB7C0B/4760786/Programetiknyversion392012.pdf</p> <p>TV2 ethical guidelines:</p>	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media outside of elections period</i></p> <p>Political advertisements is as a main rule allowed outside of the elections period.</p> <p>Outside of elections periods only section 76(3) of the radio and television act apply, so there is a general prohibition against political advertisement in television. This covers both public service and private broadcasters.</p> <p>In Denmark there are 2 broadcast media – DR and TV2, which both operates under a public service contract with the government. Both media are free to edit their own content, but they are bound by overall principles in their public service obligations and in their ethical guidelines.</p> <p><u>DR ethical guidelines:</u> During elections covering DR must emphasize freedom of speech, the obligation to be versatile and the principle of equality. DR has under elections and referendums an intensified obligation to be informative, versatile, and cover manifold and independent in the coverage before and during the election. [...] During election period DR must have an intensified obligation on the principle of equality of the participants in all programs. DR must secure equal terms of all parties and candidates running for election and secure equality in the presentation of central opinions.</p> <p><u>TV2 ethical guidelines:</u> TV2 is in its journalism free of party political, organisational and commercial bindings.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	https://sr.tv2.dk/media/1214/etiske-retningslinjer-19-06-2020.pdf	The radio and TV board is monitoring the rules.
National rules on political advertising in print media outside of elections period	<p>Act no. 914 on media liability (Medieansvarsloven)</p> <p>§ 34. <i>The mass media content and acts must be in accordance with good press ethics.</i></p>	<p><i>Please, provide a brief description of the national rules on political advertising in print media outside of elections period</i></p> <p>There is no specific elections-regulation on political advertisement in print media – the same regulation apply all the time. It is allowed to advertise, but the advertisement must be in accordance with the notion of “good press ethics”, which is a vague notion that can develop over time.</p> <p>To secure the freedom of speech in Denmark the media has free access to collect information and news and to publish them as correctly as possible. It must be easy to complain over the media if someone feels offended.</p> <p>It is contrary to “good press ethics” if a media is trying to hinder that information of substantial importance to the public is not published. It is also contrary to good press ethics to let persons outside of media influence the media content, if it can lead to doubt on the independency of the media.</p> <p>Any advertisements in a print media containing disinformation or which appears to be from an organisation different than what it states could in principle – dependent on the concrete circumstances – be a violation of good press ethics.</p> <p>Any complaints of non-compliance with the act can be brought before the press council.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on political advertising on online media applicable to political parties , outside of elections period	N/A	<p><i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i></p> <p>As the current regulation does only prohibit political advertisement in television, it is legal for political parties and candidates to promote political messages on other communication- and media platforms such as Facebook, YouTube and other streaming services.</p> <p>There is currently no regulation covering such political advertisement, for addressing electronic political communication (or fake news etc.) on social media platforms.</p> <p>As the marketing act does not have effect on political advertisements there is a legislative gap regarding online media political advertisements.</p>
V. Rules and obligations applicable to online platform operators and intermediaries of political advertising		
Particular rules applicable to online platforms and intermediaries such as social media for political advertising	N/A	<p><i>Are there any particular rules applicable to online platforms in your Member State (e.g. disclosure requirements to users, record-keeping requirements, reporting requirements)?</i></p> <p><i>If so, which are the online platforms operators and other intermediaries concerned by the legislation/guidelines/self-regulatory code?</i></p> <p><i>Are there any particular rules applicable to online platforms to set up means to fight disinformation?</i></p> <p>There are no particular rules and obligations applicable to online platform operators and intermediaries relating to political advertising.</p>
VI. Transparency rules for political parties/candidates funding		

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
Rules on direct public funding¹ to political parties and/or candidates	<p>Act no. 973 of 11 August 2017 on grants to political parties (partistøtteloven) - https://www.retsinformation.dk/eli/lta/2017/973 - contains the following relevant provisions:</p> <p>§ 2 (1): “A party having participated in the election for parliament has the right to receive a grant for the political work in this country. The annual grant amounts to 22,30 DKK [34,50 in 2021] for each vote the party got at the recent election”.</p> <p>§ 2 (2): “A candidate having run outside of any party at the latest election for parliament, has the right to public funding for the political work in this country. The funding amounts to 22,30 DKK [34,50 in 2021] for each vote the candidate got at the recent election.</p> <p>§ 3 No grant shall be provided for parties and independent candidates in whose favor fewer than 1,000 votes were cast at the election.</p> <p>§ 4a.-(1) The amounts specified in sections 2(1) and (2), 3(1) and 4(1) are adjusted each year on January 1st by 2.0 per cent which is added to or deducted from the adjustment percentage for the relevant fiscal year, cf. the Rate Adjustment Percentage Act. The amount resulting from this calculation shall be rounded up to the nearest amount divisible by DKK 0.25.</p> <p>(2) The adjustment shall take place based on the</p>	<p>According to the act on grants to political parties Statefunding is provided for all parties and independent candidates that received at least 1,000 votes in the last parliamentary elections. The grant amounts to 34,50 DKK (2021 level) per each vote the party/candidate received at the last election.</p> <p>The candidates or parties wanting public grants must send an application to the Ministry of Interior, which then must determine whether the party or candidate fulfils the criteria for receiving public funding. The public grant is paid for one year.</p> <p>The payment of public grants is conditional on the party or candidate giving a declaration on which expenditure the party or candidate expects to have in relation to its political work. There is no requirement to give an exhaustive list of all political work – if the party or candidate for example has the right to i.e. 1 mio. DKK, cf. § 2, but is expecting expenditures of 3 mio. DKK, it is sufficient that the party gives a declaration of the expenditure of political work intended of 1 mio. DKK.</p> <p>The payment of public grant is dependent on the candidate's/party's publication of private contributions of more than 20.000 [In 2021 21.900 DKK] being disclosed. Such private contributions covers donations from all natural persons, corporations or organisations.</p> <p>The rules on public grants of political parties and candidates are monitored by <i>Rigsrevisionen</i> – the Auditor General and are subject to prosecution in the criminal code if the provisions are not complied with.</p>

¹ Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates . Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p>amounts before rounding off prevailing at the time of adjustment</p> <p>The amounts in section 2 of the Act is regulated yearly. In 2021 the public grants amounts to 34,50 DKK: https://www.retsinformation.dk/eli/ltta/2020/1368</p> <p><i>§ 7(2): Payment of public funding in § 2 is conditional on the receiver having given a declaration to the Minister of Interior on which expenditure is expected for political work in the calendar year for which the public funding is applied for.</i></p> <p><i>§ 7 d. Payment of public funding according to § 2(2) to a candidate outside a party is conditional upon a declaration to the Minister of interior on whether the candidate has received private contributions of more than 20.000 DKK. If this is the case, the contributors name and address must be informed. The declaration must also contain information of the amount of contribution received.</i></p>	
Rules on indirect public funding² to political parties and/or candidates	<p>DR ethical guidelines: https://www.dr.dk/NR/rdonlyres/5E0BAAD8-78DE-4FC6-B7BB-062461EB7C0B/4760786/Programetiknyversion392012.pdf</p>	<p><i>Are there provisions for direct public funding to political parties in your Member State? Please give a brief description.</i></p> <p>The main rule under Danish law is that indirect public funding of political parties is not allowed, it requires specific legal base for</p>

² Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p>Act no. 1115 of 31 August 2018 on people's enlightenment (Folkeoplysningsloven) https://www.retsinformation.dk/eli/lta/2018/1115 has inter alia the following provisions:</p> <p>§ 4. <i>A people's enlightening organisation is [...]</i> 2) <i>an organization offering voluntary people's enlightening organisation work. [...]</i></p> <p>§ 21. <i>The municipal board of directors can in a prioritized order let suitable rooms in public buildings be used for people's enlightening work [...]</i></p> <p>A municipal was uncertain on whether it was allowed to let a political party use public buildings for meetings, and asked the minister of interior for guidance. The minister of interior has on 25 February 2015 published the following letter stating that political parties can use public buildings for meetings.</p>	<p>governments or municipals to support any party-political purpose, i.e. political parties must pay for transportation, buildings, telephone etc. themselves.</p> <p><u>Access to broadcast media during election campaigns</u> Concerning indirect public funding, in Denmark there is free access to the public broadcast media during election campaigns. The guidelines of the "Danish Radio and Television" (a national public service station) aim at ensuring that all registered political parties are given equal access to pre-election programmes on radio and television. All parties (no matter how small) are given equal time free of charge to present their manifestos etc. to the public.</p> <p><u>Use of public buildings – people's enlightening organisation</u> However, dependent on the organizational setup of the political party (especially dependent on whether the party is open to all), the party can be considered "a people's enlightening organization" in accordance with the act on people enlightening, which to some extent gives access to the use of public buildings for public meetings, debates, campaigns etc. This does most likely also follow from the ordinary public law principles, cf. the letter of the minister of interior. However, any free use of public buildings for a specific political party would require the municipal or government to let other parties use same facilities on same terms.</p> <p><u>TAX</u> Political parties are subject to taxation in respect of their business activities and are, in this respect, subject to the regulations of the Corporation Tax Act. Other types of funding of political parties, whether public or private, are exempt from taxation. A political parties' receipt of economical support is tax-free for the political party. This is reasoned in the donation not being considered as commercial</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>revenue for the party. The party can then use the full donation without any taxation. This is the case for all public organisations.</p> <p>Politicians are not exempt from paying VAT.</p> <p>There is no access to deductions of contributions to political parties – neither for private persons nor for business or organisations.</p>
Rules on free or subsidised access to media for political parties and/or candidates	<p>DR ethical guidelines: https://www.dr.dk/NR/rdonlyres/5E0BAAD8-78DE-4FC6-B7BB-062461EB7C0B/4760786/Programetiknyversion392012.pdf</p> <p>TV2 ethical guidelines: https://sr.tv2.dk/media/1214/etiske-retningslinjer-19-06-2020.pdf</p>	<p><i>Are there provisions for free or subsidized access to media for political parties in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>There are no specific regulation on free or subsidised access to media for political parties and/or candidates.</p> <p>However, in the public service contracts with the two broadcast networks – and in their ethical guidelines – the broadcast stations are obliged to treat the parties equally, hence all parties have the right to access to media and can participate in political debates.</p>
Rules on foreign contributions to political parties and political campaigns	<p>Act. No. 139 of 7 February 2019 (on private contributions to political parties and publication of the accounts of political parties (<u>partiregnskabsloven</u>)) has the following relevant provisions: https://www.retsinformation.dk/eli/lta/2019/139 § 2a(1) “Political parties, including regional and municipal candidate lists, cannot from one contributor receive anonymous contributions on more than DKK 20.000.”</p> <p>[...]</p>	<p><i>Is there a ban on contributions from foreign interests (i.e. foreign countries and governments, foreign companies, foreign organisations, foreign private persons) to political parties and/or to candidates during political campaigns in your Member State?</i></p> <p>There is no regulation prohibiting contributions from foreign interest, governments etc. Such situation would be covered by the existing regulation of private contributions to political parties in the party account act.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p><i>§ 3(2). If a party in an account year from the same contributor have received a contribution of more than 20.000 DKK [21.900 DKK] the contributor's name and address must be stated in the accounts. The accounts must also contain information on the total amount of anonymous contributions and information of the total amount being transferred to the contributor and/or to the ministry of interior, cf. section 2a."</i></p> <p>According to <u>executive order on regulation of amounts in the act on party accounts in 2021</u> (https://www.retsinformation.dk/eli/Ita/2020/1368) the amount mentioned in section 2a(1) above is regulated yearly and is currently 21.900 DKK (2021).</p> <p>In order to avoid and be transparent on any indirect public funding of political parties, the Minister of Interior has published the following guidelines:</p> <p><u>Guidelines no. 9338 of 9 June 2020 on certain questions relating to party contributions:</u> https://www.retsinformation.dk/eli/retsinfo/2020/9338</p>	<p>The act establishes as earlier stated, that anonymous contributions of more than DKK 20.000 (approximately 2.700 EUR) are not allowed. The amount is regulated once a year, and in 2021 the exact amount is 21.900 DKK.</p> <p>"Anonymous" contributions include contributions where the political party is not familiar with the identity of the contributor. If the political party is aware of the name of the contributor, but not the address, the contribution falls outside of the scope of the provision.</p> <p>All political parties must publish its annual report containing overall incomes and expenses. The name and address of private contributors donating DKK 21.900 or more (in one or more rates) must be stated in the annual report.</p> <p>Any donations more than DKK 21.900 from an anonymous contributor must be paid to the Ministry of Interior within 30 days of the receipt of the anonymous contribution to the political party.</p> <p>The act on publication of the accounts does not require the parties to publicise the exact amount of the contribution larger than DKK 21.900. Also, if a group of people establishes a "funding group" they can also avoid the requirement of publication of name and address.</p> <p>The party accounting rules follow largely the general accounting rules for any legal person: The purpose or nature of the contributions does not have to be specified in the accounts nor is it required that the accounts make a distinction between regular income on the one hand, and income relating to election campaigns on the other hand. Neither is it required that income for different election campaigns running in parallel be distinguished from each other in the accounts.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>The Accounts of Political Parties Act does not contain any requirements concerning which expenditures are to be included in the accounts or the level of detail. The only requirement in this respect is that the accounts must contain information about the total expenditure, balance and the net worth.</p> <p>There is no specific authority in Denmark entrusted with monitoring the adherence to political financing rules by political parties, related entities or election candidates and there is no public authority established to check the relevant accounting records of such entities and persons. However, the General Audit Office (Rigsrevisionen), which is an independent institution under Parliament, examines the soundness of all state accounts, i.e. checks that they are without significant errors and deficiencies and this Office is, according to the Grants to Political Parties (Consolidation) Act (Section 7c), authorised to demand accounting records from the beneficiary parties that have received public funding in order to examine how such funding has been spent and, in this context, may check the accounts of political parties.</p> <p>---</p> <p>In this context the question arises, which contributions should be included in the accounts. As stated the act specifies that a contribution of more than 20.000 DKK [21.900 DKK] should be disclosed in the accounts. But when is a contribution to be considered a contribution?</p> <p>In 2015 a political committee on transparency of public funding to political parties found that it was unclear which exact contributions to a political party was covered by the party accounts act. On that background – and also noting a comment from the EU anticorruption organisation GRECO – guidelines have been issued with the purpose</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>of clarifying when direct non-economical/indirect funding is considered to be a contribution in the context of the party account act section 3(2).</p> <p>In section 1.3.2. of the guidelines it is clarified that <i>indirect contributions</i> in the context of the act on party accounts and party contributions are not considered to be contributions. Indirect contributions are defined as every type of support/contributions, where the party does not influence how the support/contribution is used. It can for example be an advertisement in a news paper, where a certain view or support to a certain party is made, but without the party knowing. If, however, an advertisement in a newspaper is made, but the party is aware and has any influence on the advertisement, this is not considered to be indirect support/contributions, but non-economic support/contribution, which is part of the notion of contributions in the context of the two acts.</p> <p>Political parties also receive other types of contributions than economical contributions. Such contributions can be considered as a contribution in relation to the party accounts act. This could for example be to make vehicles available for parties under an election campaign, to lend out meeting facilities for free, free printing of printed advertisements or other free work in general.</p> <p>The guideline section 6.1.1. states some criteria to be considered when assessing if a non-economical contribution represents a value that should be included in the annual accounts:</p> <ol style="list-style-type: none"> 1) It represents a service that is usually calculated in the value of money 2) It is a service that the person that provides the service normally takes payment for as part of a commercial activity, 3) The service in other ways is substituting a monetary amount, 4) It is a personal work effort provided by party members or acquaintances, which is unpaid and performed voluntarily,

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		5) There are other considerations, including practical considerations that can be emphasized.
VII. Monitoring and enforcement of national rules on political advertising by national authorities		
National (or regional/local if applicable) authority or body responsible for monitoring national rules on political advertising	<p><u>Bekendtgørelse nr. 1350 af 4. september 2020 af lov om radio- og fjernsynsvirksomhed m.v.</u> https://www.retsinformation.dk/eli/lta/2020/1350</p> <p>§ 44 <i>The Radio and TV Board has the following assignments in relation to advertisement and sponsoring of programs:</i></p> <ol style="list-style-type: none"> 1) <i>The Board makes decisions regarding identification, placement and extent of advertisements, cf. §§ 72-75.</i> 2) <i>The Board makes decisions on the content of advertisements, cf. §§ 76 and 77. [...]</i> 3) <i>The Board makes decision on retort on information of factual information sent in an advertisement. The right to retort presupposes that the information is suitable to apply someone economical or other damage, and that the accuracy of the information is questionable. The board can impose the owner of the radio- or television company to issue a retort. [...]</i> <p><u>Act no. 914 of 11 August 2014 on media liability (medieansvarsloven)</u> https://www.retsinformation.dk/eli/lta/2014/914</p> <p>§ 1. <i>This act applies to the following mass media:</i></p>	<p><i>Who is responsible for monitoring national rules on political advertising, (e.g. political communications and advertisement messages, the balanced presence and equity of all political candidates)?</i></p> <p><u>Radio- and Television Board</u></p> <p>The regulation of political advertising under the radio and television act is adjudicated by the Radio- and Television Board. Decisions of the Radio- and Television Board according to the radio and television act can be brought before the courts, depending on the question of the decision.</p> <p><u>Press Council</u></p> <p>The Press Council, established by the act on media responsibility, adjudicates media-related complaints. Its decisions are not subject to appeal.</p> <p>The board is independent with a judge as its chairman. Its decisions cover the notion of “good press ethics” and “retort”. A complaint to the board does not exclude the access to file a case at the national courts. The court can decide on compensation, which the board cannot.</p> <p>Internet resources, including on-line editions of newspapers or broadcasters, are not regulated. They can, however, voluntarily register with the Press Council and become subject to the Media Liability Act.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p>1) <i>Domestic periodical writings, including images, printed or in other ways multiplied.</i></p> <p>2) <i>Sound or image programmes distributed by DR or TV2/DANMARK A/S or regional TV2 corporations, which has permission to perform radio or television.</i></p> <p>3) <i>Writing, images or sound, which periodicaly is distributed to the public, if they have the character of news.</i></p> <p><u>Act no. 1650 of 17 November 2020 of the Criminal Code (Straffeloven)</u> https://www.retsinformation.dk/eli/lta/2020/1650</p> <p><i>§ 267. Any person who violates the personal honour of another by offensive words or conduct or by making or spreading allegations of an act likely to disparage him in the esteem of his fellow citizens, shall be liable to a fine or to imprisonment for any term not exceeding four months.</i></p> <p><i>§ 268 The penalty mentioned in § 267 can increase to two years imprisonment, if</i></p> <p>1) <i>A serious allegation is untrue or</i></p> <p>2) <i>An allegation is made or disseminated through a mass media and the allegation is suitable for significantly harming the victim.</i></p>	<p><u>Consumer ombudsman – no authority</u></p> <p>In all other areas relating to advertisement, it is the consumer ombudsman that is obliged to monitor the rules. However, the consumer ombudsman is established and has authority to monitor the marketing act. Political advertisements fall outside the scope of this act, hence the consumer ombudsman does not have any authority in this context.</p> <p><u>Criminal code</u></p> <p>If political advertisements are false or is violating the personal honour of another person, it can be covered by section 267 and 268 of the criminal code. It is the police who monitors the provisions of the criminal code.</p> <p>The criminal code also applies to any severe breeches of the radio- and television act as well as the media liability act.</p>
Particular measures for supervising online political advertising within and outside elections periods	N/A	<i>How are national rules on political advertising, including online, ensured in your Member State, if these exist? What are the enforcement powers of the relevant authority/body, as well as procedural safeguards?</i>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>Internet resources, including on-line editions of newspapers or broadcasters, are not regulated. They can, however, voluntarily register with the Press Council and become subject to the Media Liability Act.</p> <p>If online political advertisement is issued at a mass media covered by the media liability act, then the press council will supervise and monitor such advertisement.</p> <p>However, if the political advertisement is brought at an online platform there are no particular measures other than the criminal codes provisions, which is enforceable by the Danish police.</p> <p>In principle the criminal code will be applicable also towards political advertisements originating from a foreign country but aiming at influencing Danish elections.</p>
<p>Sanctions, penalties and remedy measures applicable in violation of the law</p>	<p>Act no. 1650 of 17 November 2020 of the Criminal Code (Straffeloven) https://www.retsinformation.dk/eli/lta/2020/1650</p> <p>§ 267. Any person who violates the personal honour of another by offensive words or conduct or by making or spreading allegations of an act likely to disparage him in the esteem of his fellow citizens, shall be liable to a fine or to imprisonment for any term not exceeding four months.</p> <p>§ 268 The penalty mentioned in § 267 can increase to two years imprisonment, if</p> <p>1) A serious allegation is untrue or</p>	<p><i>How are national rules on political advertising enforced in your Member State and what sanctions and remedy measures are applicable?</i></p> <p>In most cases it would be the press council or the radio- and tv board that would enforce the rules on political advertising. Depending on the concrete circumstances in most cases it will most likely end with an “criticism” if there was a breach of any rules. In Denmark there is a great tradition of freedom of speech.</p> <p>But in principle both the radio- and tv act as well as the media liability act gives the possibility of imposing economical sanctions, and the criminal code imposes both economic sanctions or imprisonment.</p>

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	<p>2) <i>An allegation is made or disseminated through a mass media and the allegation is suitable for significantly harming the victim.</i></p>	<p>The level of economic sanctions depends on the concrete circumstances of the specific case. When imposing an economic sanction in a court case regarding breach of the radio- and television act, the mass media act or the criminal code, the court assesses the nature and severity of the breach, the expansion of the mass media or the political advertisement as well as the profit the mass media have – or could have – gained through the breach. There is no maximum fine.</p> <p>There are not many court cases on the question of political advertisements that can provide any guidance in relation to the level of sanctions imposed. Most cases are solved at the administrative board level by the board raising criticism.</p> <p>There are a few court cases regarding breach of the media liability act from around year 2000, which imposed economic sanctions of 3.000 DKK [400 EUR]. These cases were not specifically in relation to political advertisement but does however give an indication of the level of the sanctions.</p> <p>In relation to the criminal code section 267 the level of economic sanctions will also depend on an overall assessment of the specific circumstances of the case. In a Supreme Court case U 2018.2048H, Dansk Folkeparti, a Danish national conservative party, had made an advertisement of 700 names of the people that had been granted Danish citizenship. The title of the advertisement was: “One person on this list is a danger to Denmark’s security.” 15 persons stated on the list had filed a lawsuit for breach of section 267 of the criminal code.</p> <p>The city and high court found that Dansk Folkeparti had violated section 267 and imposed economic sanctions of liquidated damages of 10 x 1.000 DKK [approximately 1.300 EUR in total].</p>

Study to support the preparation of an EU instrument on to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Denmark

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		In the appeal case the Supreme Court acquitted Dansk Folkeparti.

Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Bekendtgørelse af lov nr. 139 af 7. februar 2019 om private bidrag til politiske partier og offentliggørelse af politiske partiers regnskaber (partiregnskabsloven)	https://www.retsinformation.dk/eli/lta/2019/139	Act no. 139 of 7 February 2019 regarding private contributions to political parties and publication of political parties' annual accounts.
Bekendtgørelse nr. 973 af 11 august 2017 af lov om økonomisk støtte til politiske partier mv. (partistøtteloven)	https://www.retsinformation.dk/eli/lta/2017/973 -	Act no. 973 of 11 August 2017 on grants to political parties
Bekendtgørelse nr. 1368 af 15. September 2020 om regulering af beløb i partiregnskabsloven og partistøtteloven i 2021	https://www.retsinformation.dk/eli/lta/2020/1368	Executive order nr. 1368 of 15 September 2020 on the regulation of amounts in party annual accounts act and the act on political grants in 2021
Vejledning nr. 9338 af 9. juni 2020 om visse spørgsmål vedrørende partistøtte	https://www.retsinformation.dk/eli/retsinfo/2020/9338	Guidelines no. 9338 of 9 June 2020 on certain questions relating to party contributions
Bekendtgørelse nr. 1350 af 4. september 2020 af lov om radio- og fjernsynsvirksomhed m.v.	https://www.retsinformation.dk/eli/lta/2020/1350	Act no. 1350 of 4 September 2020 on radio and television (<i>Radio- og TV loven</i>)
Bekendtgørelse 1155 af 18 juni 2020 om reklamer og sponsorering m.v. af programmer i radio, fjernsyn og on demand audiovisuelle medietjenester samt indgåelse af parterneskab	https://www.retsinformation.dk/eli/lta/2020/1155	Executive order no. 1155 of 18 June 2020 on advertisement and sponsoring etc. of programs in radio, television and on demand audiovisual media services and partnerships

Bekendtgørelse nr. 1260 af 27. august 2020 af lov om valg til folketinget	https://www.retsinformation.dk/eli/lta/2020/1260 English version: https://elections.sim.dk/media/21968/folketing-parliamentary-elections-act-2019.pdf	Act no. 1260 of 27 August 2020 on elections for parliament
Danmarks Riges Grundlov, lov nr. 169 af 5. juni 1953	https://www.retsinformation.dk/eli/lta/1953/169	<i>Act no 169 of 5 June 1953, the Danish Constitution (Grundloven)</i>
Vejledning om afholdelse af folketingsvalg	https://www.retsinformation.dk/eli/retsinfo/2018/9041	Guidelines no. 9041 of 31 January 2018 for the conduct of elections
Bekendtgørelse nr. 645 af 12 oktober 1989 om valgagitation	https://www.retsinformation.dk/eli/lta/1989/645	Executive order no. 645 of 12 October 1989 on election agitation
Lov nr. 1520 af 27. december 2014 om offentlige veje	https://www.retsinformation.dk/eli/lta/2014/1520	Act no. 1520 of 27 December 2014 on public roads
Bekendtgørelse nr. 1650 af 17. november 2020 af straffeloven	https://www.retsinformation.dk/eli/lta/2020/1650	Act no. 1650 of 17 november 2020 on the criminal code
Lov nr. 426 af 3 maj 2017 om markedsføring (Markedsføringsloven)	https://www.retsinformation.dk/eli/lta/2017/426	Act no. 426 of 3 May 2017 on marketing
2018 regeringskampagne mod udenlandsk indflydelse på danske valg og demokrati	Strengthened safeguards against foreign influence on Danish elections and democracy (um.dk)	Publication of former government 2018 initiative on strengthened safeguards against foreign influence on Danish elections and democracy.

Mapping of national legislation – Denmark

Beslutningsforslag V93 om misinformation på de sociale medier (vedtaget 23. juni 2020)	https://www.ft.dk/samling/20191/vedtagelse/V93/index.htm	On 18 June 2020 Parliamentary agreement on social media's influence on democracy
Den danske regerings tech strategi af 10 februar 2021.	https://techstrategi.um.dk/	Danish government tech strategy of 10 February 2021
Danmarks Radio (DR) public service kontrakt for 2019 - 2023	Public Service Contract	The public service contract with Danish Broad Cast DR for 2019 - 2023
DR's programetik	https://www.dr.dk/NR/ronlyres/5E0BAAD8-78DE-4FC6-B7BB-062461EB7C0B/4760786/Programetiknyversion392012.pdf	DR ethical guidelines:
TV2 Public Service Tilladelse	TV2 public service	TV2 Public Service Concession
TV2 etiske retningslinjer	https://sr.tv2.dk/media/1214/etiske-retningslinjer-19-06-2020.pdf	TV2 ethical guidelines:
Bekendtgørelse nr. 1115 af 31. august 2018 af lov om støtte til folkeoplysende voksenundervisning, frivilligt folkeoplysende foreningsarbejde og daghøjskoler samt om Folkeuniversitet (folkeoplysningsloven)	https://www.retsinformation.dk/eli/ta/2018/1115	Act no. 1115 of 31 August 2018 on people's enlightenment
Økonomi- og indenrigsministeriets udtalelse af 25. februar 2015 om kommuners udlån af lokaler til politiske partiers interne møder	letter on use of public buildings	Letter of 25 February 2015 from the minister of interior to Stevns Municipality regarding the use of public buildings for political party meetings
Lov nr. 914 af 11 august 2014 om medieansvar	https://www.retsinformation.dk/eli/ta/2014/914	Act no. 914 of 11 August 2014 on media liability