

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 – Italy

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
I. General information about the national legal framework		
National legal act(s) governing political advertising	<p>Law no. 28 of 22 February 2000 (General provisions on equal access to media during elections and referenda and political communication – commonly known as the "Par Condicio Law"),</p> <p>AGCOM's Resolution valid for the non-election periods for private television and radio stations. No. 200/00/CSP, supplemented by Resolution https://www.agcom.it/documents/10179/538569/Delibera+200-00-CSP/f2ae84f5-4d0d-4b86-89f7-6896feadfb35?version=1.0 No. 22/06/CSP.</p> <p>Article 9-bis of Law Decree no. 807 of December 6, 1984 as converted into law by Law no. 10 of https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1984-12-06:807 February 4, 1985.</p> <p>Legislative decree n. 47/2013.</p> <p>Law n. 13 of 2014.</p> <p>Law n. 3 of 2019</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>The first piece of legislation to address political communication was introduced in 2000, when Law no. 28 of 22 February 2000 (General provisions on equal access to media during elections and referenda and political communication – commonly known as the "Par Condicio Law"), entered into force.</p> <p>The Par Condicio Law sets forth a detailed and comprehensive set of rules governing the media presence and the media coverage of candidates, politicians and political parties.</p> <p>Moreover, when elections and referenda take place, the Italian Communication Authority (Autorità per le garanzie nelle comunicazioni – "AGCOM") and the Parliamentary Commission for Public Service Broadcasting (the "PSB Commission") issue ad hoc regulations specifying the provisions of the Par Condicio Law that are applicable, respectively, to private broadcasters and to the public service broadcaster (Radio Televisione Italiana – "RAI").</p>

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		<p>The implementing provisions (secondary legislation) are adopted by the “PSB Commission” for RAI, and AGCOM for private television and radio stations. These two bodies adopt two different sets of regulations, one valid for the non-election period (for AGCOM, it is the Resolution No. 200/00/CSP, supplemented by Resolution No. 22/06/CSP and one adopted before each elections. AGCOM has the task of monitoring the compliance with both its own regulations and those adopted by the PSB Commission, but only for national radio and television broadcasters. The supervision of local broadcasters is entrusted to the competent Regional Communications Committees (CORECOM). News programmes fall under regular regulatory mechanisms of impartiality and accuracy. As for election-related programmes, RAI, unlike private stations, has more responsibilities and duties in covering elections, but private broadcasters can also engage in election programmes, such as debates or round table, with the duty to inform AGCOM of this intention, with the same rules applying.</p> <p>As to “silence periods”, under Italian law political “propaganda” cannot be conducted the day before the date of an election or referendum. Within this context, private television and radio broadcasters are forbidden to broadcast electoral campaign material by Article 9-bis of Law Decree no. 807 of December 6, 1984 as converted into law by Law no. 10 of February 4, 1985. Although the Par Condicio Law lacks a similar provision, AGCOM and the PSB Commission apply a "non-campaigning rule" to broadcast media when adopting their respective regulations. In particular, AGCOM and the PSB Commission usually extend the statutory ban governing electoral campaigning to political programmes, stipulating that political programmes cannot be broadcast the day before the vote and on the voting day.</p> <p>Although the Par Condicio Law ranks among the most recent pieces of legislation in Europe regulating the participation in TV programmes and the coverage by media of politicians and political parties, it still lacks specific provisions that relate to online media. Nevertheless, the rules on the publication of polls are also applicable to online media. Article 8 of the Par Condicio Law stipulates several restrictions on polls, which are further specified by the Regulation on the publication and the</p>

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		<p>diffusion of polls on mass media (the "Polls Regulation") adopted by AGCOM by Resolution no. 256/10/CSP of 9 December 2010. In particular, the Polls Regulation prohibits the reporting on polls in the pre-electoral period, until the end of the voting operations. This ban on the publication of polls starts 15 days before the date of an election, even if other polls have been undertaken before this date</p> <p><i>Please, specify the principal piece of legislation or other regulations, (self-/co-regulatory codes or guidelines) governing online political /candidates funding.</i></p> <p>In Italy the direct public funding of political parties was abolished by the Letta government in 2013 with the legislative decree n. 47/2013, then transposed into the law n. 13/2014. At the same time, the reform tried to facilitate indirect forms of private or public funding, through tax deductions for donors, and allowing citizens to donate 0.2 percent (two euro for every thousand) of their own taxes. The reform also established a relatively high ceiling for private donations, fixed at 100,000 euro per year. The law does not impose any particular limitation on the identity of donors: whether members of parliament or government, physical persons, companies, professionals, associations, foundations, political parties and movements (local or otherwise), or parliamentary groups. While foreign donations, from both public and private bodies, are banned, they are allowed for associations and political foundations, once the donations don't end up in the coffers of political parties.</p> <p>Until 31 January 2019 it was still possible to avoid (upon request of the donor) declaring donations below 5000 euro. However, the so-called "Spazzacorrotti" law ("corrupted sweeper", law no. 3 of 2019) requires now transparency for all contributions over 500 euro, regardless whether the funding originates from the online environment or not. The intention was to provide more transparent tools for tracing the provenance of political funding.</p>

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Legal and/or statutory definition of the notion of “political advertising” and “online political advertising” (if applicable)	Article 2, para 2), of the Par Condicio Law: “2. For the purposes of this law, radio and television political communication means broadcasting on the radio and television media of programs containing political opinions and evaluations (...)”	<p><i>Does your national legislation or regulations define political advertising?</i></p> <p>The Italian law does not contain a definition of “political advertising”. However, the Par Condition Law defines “political communications”; according to Article 2, para 2), of the Par Condicio Law: “ 2. For the purposes of this law, radio and television political communication means the broadcasting on the radio and television media of programs containing political opinions and evaluations. The provisions of the following paragraphs shall apply to political communication. They do not apply to the broadcasting of news in information programmes”..</p> <p>Hence, it seems that the notion of “political communications” encompasses the notion of “political advertising” being the former applicable to the broadcasting on the radio and television media of any program containing political opinions and evaluations</p> <p><i>Does your national legislation or regulations define online political advertising?</i></p> <p>Online political advertising is currently not defined by any national law or regulation.</p>
If not applicable, provide other definitions/terms used in the legislation close to the notion of “political advertising”	N/A	<p><u>Examples:</u> “partisan advertising”, “campaign advertising”, “elections advertising and issues based advertising” etc.</p> <p>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.).</p>
Evaluation of the current legislative framework and draft legislations on political advertising and/or	Proposal for the implementation of certain legislative steps aimed at ensuring equal access to the media.	<u>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?</u>

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online advertising political	<p>Guidelines for equal access to online platforms during the electoral campaign for the 2018 general elections (February 1, 2018)</p> <p>AGCOM, Press Release, January 30, 2019</p> <p>Law proposal of August 4, 2016.</p>	<p>The asymmetry between online media and other media raises several issues from a legal standpoint. The Internet has enabled new advertising formats which fall outside the scope of existing provisions governing print or broadcast media only. With this in mind, in 2012 the outgoing President of AGCOM proposed the implementation of legislative steps aimed at ensuring equal access to the media also in the online environment, affirming that it was necessary to reconsider the existing legal framework in the light of the new role of the Internet within the media context.</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>On the occasion of the 2018 general elections, AGCOM, had adopted the Guidelines for equal access to online platforms during the electoral campaign for the 2018 general elections in which it affirmed the need to guarantee for all political subjects, with impartiality and fairness and under the same conditions, access to the information and political communication tools provided by digital platforms. The guidelines were adopted as part of the Technical Table of self-regulation promoted by AGCOM to guarantee pluralism and correctness of information on digital platforms. The Technical Table saw the participation of almost all the stakeholders taking part in the initiative, including Google, Facebook, representatives of the main press and radio-television publishing groups, the respective trade associations, as well as representatives of the world of journalism and the advertising component. The adhering platforms have made available to their users some tools to fight online misinformation, including the information campaign launched by Facebook on the pages of its Italian users for the identification of false news and the initiatives of Google in the promotion and enhancement of fact-checking and for the use of its platform by the political subjects involved in the election campaign. In the 2018 Guidelines it was stressed the need that the principles of equal treatment of the law on par condicio would also be applied to</p>

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		<p>social platforms. For example, with reference to advertising messages whose advertisers are political subjects, the need was highlighted, for those cases where it is possible, for the advertiser to indicate the nature of the "electoral message" in the same way as already envisaged for political-electoral messages in the daily and periodical press pursuant to article 7 of Law no. 28/2000. Similarly, the question was raised of the use of social media in institutional communication, which the law limits during the electoral period to activities that are indispensable for the performance of public functions, provided they are carried out in an impersonal manner. Finally, the AGCOM has recommended that the absolute ban on the dissemination of electoral propaganda on the day of the vote and on the day preceding it should also be respected on social platforms.</p> <p>A year after the approval of the Guidelines, the AGCOM highlighted "a significant regulatory gap on the subject of par condicio on the social network front" and reported to the Government the need intervene (AGCOM, Press Release, January 30, 2019,</p> <p>Other self-regulatory code or practice or "soft law" has not been adopted to date in Italy with a view to ensuring equal access to media during elections and referenda.</p> <p>A law proposal in this regard lies in the Senate , where it was introduced in 2016, suggesting the following amendments:</p> <p><i>"1. In Article 9, paragraph 1, of Law no. 212 of 4 April 1956, the following words should be added at the end: "as well as any form of advertising through radio, social networks and the Internet in general".</i></p> <p><i>Art. 2.</i></p> <p><i>1. Article 9-bis of decree law no. 807 of 6 December 1984, converted, with amendments, by law no. 10 of Law February 4, 1985, no. 10, should be replaced by the following:</i></p> <p><i>"9-bis. -- On the day preceding and on the days established for the elections, it is prohibited to disseminate electoral propaganda through radio and television systems, social networks and the Internet in general"</i></p>
II. Political advertising rules during pre-election campaigns		

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Definitions of pre-election campaigns in the Member State (if applicable)	<p>Article 1, para 5) of Law no. 515 of 10 December 1993 (Regulation of electoral campaigns for the election of the Parliament)</p> <p>Article 20 of Law no. 515 of 10 December 1993 (Regulation of electoral campaigns for the election of the Parliament)</p> <p>Article 4,para 9) of the Par Condicio Law.</p> <p>Art. 11 of Presidential Decree no. 361 of March 30, 1957</p> <p>Art. 3 of Law no. 108 of February 17, 1968</p> <p>Article 15, law no. 352 of May 25, 1970</p>	<p><i>Are pre-election campaigns defined in your Member State? If so, how?</i></p> <p>Italian law lacks a specific definition of pre-election campaigns. As far as parliamentary elections are concerned, Article 1, paragraph 5) of Law no. 515 of 10 December 1993 (Regulation of electoral campaigns for the election of the Parliament) provides that from the official announcement of an election until the end of voting, the participation in informational programmes that are under the responsibility of a media provider must be limited, to the extent necessary, in order to meet the requirements of impartiality and completeness of information. Additionally, specific rules are established for local broadcasters.</p> <p>As regards the identification of the starting date for the electoral campaign, there are slightly different for each type of election:</p> <ul style="list-style-type: none"> • for political or European elections, the period starts from the date of publication in the Official Gazette of the decree of the President of the Republic convening the electoral committees, which adopts it, pursuant to art. 11 of Presidential Decree no. 361 of March 30, 1957, no later than the 45th day prior to the date of voting; • for local and regional elections, the period runs from the date on which Mayors give notice to voters of the Prefect's decree establishing the date of the elections. Such notice must be published no later than the 45th day prior to the date of voting, pursuant to art. 3 of Law no. 108 of February 17, 1968. On this point, AGCOM has affirmed that the prohibition of institutional communication starts from the 45th day before the date of voting, in order to ensure a uniform application of the prohibition in all the Regions involved in the electoral consultation, avoiding discriminatory treatment for those administrations whose Presidents of the Council or Mayors give notice of the decree of convocation of the meetings, well in advance of the 45th day on which the posters are to be affixed. • for referendums, the period of time starts from the date of publication of the decree of the President of the Republic

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		<p>calling the referendum which, pursuant to Law no. 352 of May 25, 1970, containing "Regulations on referendums provided for by the Constitution and on the people's legislative initiative", must be adopted between the 70th and 50th day prior to the date of voting.</p> <p>Article 20 of Law no. 515 of 10 December 1993 extends, mutatis mutandis, the rules applicable to national elections to European, regional, provincial and municipal elections.</p> <p>A similar provision is to be found in article 4, Para 9) of the Par Condicio Law: "9. Starting from the date on which the elections are called and until the close of the election campaign, the transmission on the radio and television of messages of propaganda, advertising 'or' political communication, however denominated, is 'allowed' exclusively according to the discipline of this article".</p>
National rules on paid political advertising during pre-election campaigns	<p>Article 6 of Law no. 212 of April 4, 1956</p> <p>Code of self-regulation on the implementation of the principle of pluralism, Decree of 8 April 2004</p>	<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>Paid political advertising during pre-election campaigns is not prohibited in Italy.</p> <p>According to article 6 of Law no. 212 of April 4, 1956, from the 30th day before the day of voting is prohibited:</p> <ul style="list-style-type: none"> - the throwing or throwing of leaflets in public places or places open to the public; - luminous or figurative electoral propaganda, of a fixed nature in public places, excluding party headquarters signs; - mobile illuminated propaganda.

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		<p>Further limitations are envisaged by Art. 6 of the Code of self-regulation on the implementation of the principle of pluralism, Decree of 8 April 2004:”</p> <p><i>Paid self-managed political messages during election or referendum periods</i></p> <p><i>1. For access to the spaces relating to the messages referred to in this paragraph, uniform economic conditions must be applied to all political subjects.</i></p> <p><i>2. From the date on which election or referendum meetings are called, until the penultimate day before an election or referendum, local radio and television broadcasters intending to broadcast the messages referred to in paragraph 1 are required to give notice of the offer of the relevant space by means of a notice to be transmitted at least once a day during the prime time slot, for three consecutive days.</i></p> <p><i>3. In the notice the local radio and television broadcasters inform the political subjects that at their headquarters, of which the address, telephone and fax numbers are indicated, a document is deposited, which may be consulted on request by anyone interested, concerning</i></p> <p><i>a) the temporal conditions for the reservation of spaces with an indication of the deadline by which such spaces may be reserved;</i></p> <p><i>b) the methods of reserving spaces;</i></p> <p><i>c) the tariffs for access to such spaces as independently determined by each individual local radio and television broadcaster;</i></p> <p><i>d) any further circumstance or technical element relevant to the use of the spaces.</i></p> <p><i>4. Each local radio and television broadcaster shall take account of bookings on the basis of their temporal progression.</i></p> <p><i>5. Political parties requesting space for the messages referred to in paragraph 1 must be granted the best conditions offered to one of them for the space purchased.</i></p> <p><i>6. Each local radio and television broadcaster is obliged to apply, for the messages referred to in paragraph 1, a maximum rate not exceeding 70% of the price list for advertising. The political parties concerned may request documentary verification of the price lists in</i></p>

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		<p><i>relation to which the conditions applied for access to space for the messages referred to in paragraph 1 have been determined.</i></p> <p><i>7. In the case of broadcasting of space for the messages referred to in paragraph 1, differentiated for different territorial areas, the rates charged for each territorial area must also be indicated.</i></p> <p><i>8. The first broadcasting of the notice referred to in paragraphs 2 and 3 constitutes an essential condition for the broadcasting of paid self-managed political messages during election or referendum periods.</i></p> <p><i>9. For local radio stations, the messages referred to in paragraph 1 must be preceded and followed by an audio announcement of the following content: "Paid-for electoral/referendum message", with indication of the commissioning political subject.</i></p> <p><i>10. For local television broadcasters, the messages referred to in paragraph 1 must be overprinted for the entire duration of the message with the following wording: "Election message/referendum for a fee", with indication of the political party commissioning the message.</i></p> <p><i>11. Local radio and television broadcasters may not enter into contracts for the transfer of space relating to paid self-managed political messages during the election period in favor of individual candidates for amounts exceeding 75% of those provided for by the regulations on electoral expenses allowed for each candidate."</i></p> <p>These limitations are not applicable and enforceable online.</p>
National rules on financing of political parties/candidates in relation to political adverts	<p>Article 9, para 23), Law No. 96 of 2012.</p> <p>Law No. 3 of 2019</p> <p>Article 5, para 3), of the Decree of 28 December 2013, No. 149.</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> <p>Article 9, para 23), Law No. 96 of 2012 provides that, in case of donations of any value, the identity of the financier shall be provided.</p>

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		<p>Further, the law no. 3 of 2019 “Spazza-Corrotti” envisages that parties and candidates (excluding mayoral candidates for municipalities with less than 15.000 inhabitants) must disclose the identity of donors that have donated over 500 euros (money or in-kind donations). There's the presumption of understanding by the donor that they consent to have their identity revealed. No contribution can be received if the donor is against revealing their identity.</p> <p>Moreover, according to art. 5, para 3), of the Decree of 28 December 2013, No. 149: “<i>In March of the following calendar year, party has to transmit to the Presidency of the Chamber the list of subjects who have donated amounts equal to or over 500 euros in a calendar year(...)</i>”.</p> <p>Finally, political parties are banned from receiving foreign donations from governments, public bodies and legal persons based in a foreign state not subject to tax obligation in Italy. Only foundations and associations can receive foreign donations, but they aren't allowed to redirect them to political parties.</p>
National rules on free political advertising (or free airtime) during pre-election campaigns	Article 2 of the Par Condicio Law	<p><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></p> <p>Yes, according to Article 2 of the Par Condicio Law, free political advertising is granted on radio and tv.</p> <p>Private radio and television broadcasters are allowed to offer party political broadcasts. However, only the public service broadcaster is obliged to provide party political broadcasts. Radio or television broadcasters that wish to offer party political broadcasts shall notify the PSB Commission and AGCOM that their respective broadcasting schedules shall include this type of content 15 days in advance of such broadcasts being aired.</p>

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National rules on political advertising on broadcast media during pre-election campaigns (incl. public service and private broadcasters)	Par Condicio Law	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i></p> <p>According to the Par condicio Law, strict equal air time rules apply to political programmes in which candidates and political parties present their electoral programmes. Broadcasters that wish to offer political programmes (for example, debates or roundtables) shall notify AGCOM within five days of the date of the official announcement of an election or referendum.</p> <p>The broadcasting of political programmes and party political broadcasts is made available free of charge and is not considered to constitute advertising for the purposes of the relevant advertising limits. Private broadcasters are not obliged to provide party political broadcasts, but if they elect to broadcast such kind of programmes, they are required to make them available free of charge to all political parties.</p> <p>This option aims at making effective the equality of chances of political parties to compete each other: since the amounts of funds available to each political party may be significantly different, requiring them to pay for political broadcasts may actually undermine the goal of a level playing field among political parties regardless of their respective funds and financial resources.</p>
National rules on political advertising in print media during pre-election campaigns	Art. 7 of the Par Condicio Law	<p><i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i></p> <p>The matter is regulated by Art. 7 of the Par Condicio Law that envisages:</p> <p><i>“1. From the date of convocation of the electoral rallies and until the entire the penultimate day before the date of the elections, the publishers of daily newspapers and periodicals, should they intend to disseminate for any reason electoral political messages, they must give timely communication in the newspapers and periodicals published, in order to allow candidates and political forces access to their spaces under equal conditions between them. The</i></p>

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		<i>communication must be made according to the procedures and contents established by the Authority."</i>
National rules on political advertising on online media applicable to political parties , during pre-election campaigns	Provision on data processing at political parties and exemption from disclosure for election propaganda purposes" on April 18, 2019	<i>Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> The national data protection Authority issued a "Provision on data processing at political parties and exemption from disclosure for election propaganda purposes" on April 18, 2019
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during pre-election campaigns	Guidelines for equal access to online platforms during the electoral campaign for the 2018 general elections (February 1, 2018)	<i>Are there any particular rules to online platforms during pre-election campaigns in your Member State?</i> There are not binding rules. Recently, on the occasion of general elections, AGCOM, had adopted the Guidelines for equal access to online platforms during the electoral campaign for the 2018 general elections (February 1, 2018).
Specific rules relating to "false information", "fake news" or "disinformation campaigns" during pre-election campaigns		<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> No. There is no specific legislation governing such cases; thus, the general provisions on defamation apply
III. Political advertising rules during elections period		
Definitions of elections period in the Member State (if applicable)	Code of self-regulation on the implementation of the principle of pluralism, Decree of 8 April 2004, article 2.	<i>How is the elections period defined in your Member State?</i> A definition is included in the Code of self-regulation on the implementation of the principle of pluralism, Decree of 8 April 2004, article 2, Para "e): "Election or referendum period" means the period from the date on which the polls are called or the referendum is called to the date on which the election or referendum campaign closes"

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National rules on paid political advertising during elections period	<p>Article 6 of Law no. 212 of April 4, 1956</p> <p>Code of self-regulation on the implementation of the principle of pluralism, Decree of 8 April 2004</p> <p>Law Decree no. 807 of December 6, 1984 as converted into law by Law no. 10 of February 4, 1985</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?</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 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>Since Italy does not envisage a definition of pre-election period and neither distinguish between election period and pre-election period, the same rules analysed above in regard to pre-elections periods apply. Paid political advertising during election campaigns is not prohibited in Italy.</p> <p>Article 6 of Law no. 212 of April 4, 1956, prescribes limitations from the 30th day before the day of voting is prohibited:</p> <ul style="list-style-type: none"> - the throwing or throwing of leaflets in public places or places open to the public; - luminous or figurative electoral propaganda, of a fixed nature in public places, excluding party headquarters signs; - mobile illuminated propaganda. <p>Further limitations are envisaged by Art. 6 of the Code of self-regulation on the implementation of the principle of pluralism, Decree of 8 April 2004 https://www.corecomlazio.it/content/140-ministero-delle-comunicazioni-decreto-8-aprile-2004-codice-di-autoregolamentazione-in-materia-di-attuazione-del-principio-del-pluralismo.html:"</p> <p><i>Paid self-managed political messages during election or referendum periods</i></p> <p><i>1. For access to the spaces relating to the messages referred to in this paragraph, uniform economic conditions must be applied to all political subjects. 2. From the date on which election or referendum meetings</i></p>

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		<p><i>are called, until the penultimate day before an election or referendum, local radio and television broadcasters intending to broadcast the messages referred to in paragraph 1 are required to give notice of the offer of the relevant space by means of a notice to be transmitted at least once a day during the prime time slot, for three consecutive days.</i></p> <p>These limitations last until the day before the elections as article 9-bis of Law Decree no. 807 of December 6, 1984 as converted into law by Law no. 10 of February 4, 1985 (https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1984-12-06;807), prohibits also to radio and television broadcasters to broadcast electoral propaganda from the day before the elections (silence period).</p> <p>These bans are not applicable and enforceable online.</p>
National rules on financing of political parties/candidates in relation to political adverts	<p>Article 9, para 23), Law No. 96 of 2012.</p> <p>Law No. 3 of 2019</p> <p>Article 5, para 3), of the Decree of 28 December 2013, No. 149.</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> <p>The same rules analysed in relation to pre-elections periods apply.</p> <p>Article 9, para 23), Law No. 96 of 2012 provides that, in case of donations of any value, the identity of the financer shall be provided. Further, the law no. 3 of 2019 “Spazza-Corrotti” envisages that parties and candidates (excluding mayoral candidates for municipalities with less than 15.000 inhabitants) must disclose the identity of donors that have donated over 500 euros (money or in-kind donations). There's the presumption of understanding by the donor that they consent to have their identity revealed. No contribution can be received if the donor is against revealing their identity.</p> <p>Moreover, according to art. 5, para 3), of the Decree of 28 December 2013, No. 149: “<i>In March of the following calendar year, party has to</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><i>transmit to the Presidency of the Chamber the list of subjects who have donated amounts equal to or over 500 euros in a calendar year(...)</i>".</p> <p>Finally, political parties are banned from receiving foreign donations from governments, public bodies and legal persons based in a foreign state not subject to tax obligation in Italy. Only foundations and associations can receive foreign donations, but they aren't allowed to redirect them to political parties.</p>
National rules on free political advertising (or free airtime) during elections period	Article 2 of the Par Condicio Law	<p><i>Are political parties in your Member State allocated free political advertising during elections period?</i></p> <p>Yes, according to Article 2 of the Par Condicio Law, free political advertising is granted on radio and tv.</p> <p>Private radio and television broadcasters are allowed to offer party political broadcasts. However, only the public service broadcaster is obliged to provide party political broadcasts. Radio or television broadcasters that wish to offer party political broadcasts shall notify the PSB Commission and AGCOM that their respective broadcasting schedules shall include this type of content 15 days in advance of such broadcasts being aired.</p>
National rules on political advertising on broadcast media during elections period (incl. public service and private broadcasters)	. Par Condicio Law.	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during elections period</i></p> <p>The same rules seen above in relation to pre-election periods apply.</p> <p>According to the Par condicio Law, strict equal air time rules apply to political programmes in which candidates and political parties present their electoral programmes. Broadcasters that wish to offer political programmes (for example, debates or roundtables) shall notify</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>AGCOM within five days of the date of the official announcement of an election or referendum.</p> <p>The broadcasting of political programmes and party political broadcasts is made available free of charge and is not considered to constitute advertising for the purposes of the relevant advertising limits. Private broadcasters are not obliged to provide party political broadcasts, but if they elect to broadcast such kind of programmes, they are required to make them available free of charge to all political parties.</p> <p>This option aims at making effective the equality of chances of political parties to compete each other: since the amounts of funds available to each political party may be significantly different, requiring them to pay for political broadcasts may actually undermine the goal of a level playing field among political parties regardless of their respective funds and financial resources.</p>
National rules on political advertising in print media during elections period	Art. 7 of the Par Condicio Law	<p><i>Please, provide a brief description of the national rules on political advertising in print media during elections period</i></p> <p>The matter is regulated by Art. 7 of the Par Condicio Law that envisages:</p> <p><i>“1. From the date of convocation of the electoral rallies and until the entire the penultimate day before the date of the elections, the publishers of daily newspapers and periodicals, should they intend to disseminate for any reason electoral political messages, they must give timely communication in the newspapers and periodicals published, in order to allow candidates and political forces access to their spaces under equal conditions. The communication must be made according to the procedures and contents established by the Authority.”</i></p>
National rules on political advertising on online media applicable to	Provision on data processing at political parties and exemption from disclosure for election propaganda purposes” on April 18, 2019	<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i>

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
political parties , during elections period		The national data protection Authority issued a “Provision on data processing at political parties and exemption from disclosure for election propaganda purposes” on April 18, 2019
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during elections period	Guidelines for equal access to online platforms during the electoral campaign for the 2018 general elections (February 1, 2018)	<i>Are there any particular rules to online platforms during elections period in your Member State?</i> There are not binding rules. On the occasion of the 2018 general elections, AGCOM, had adopted the Guidelines for equal access to online platforms during the electoral campaign for the 2018 general elections (February 1, 2018). A commentary to these guidelines is available at the following link: http://www.medialaws.eu/italy-first-attempt-to-selfregulate-the-online-political-propaganda/
Specific rules relating to “false information”, “fake news” or “disinformation campaigns” during elections period		<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> No. There is no specific legislation governing such cases; thus, the general provisions on defamation apply.
IV. Political advertising rules outside of elections period		
National rules on paid political advertising outside of elections period		<i>Is paid political advertising during elections period prohibited or allowed in your Member State?</i> <i>If prohibited, what is the scope of the ban of paid political advertising?</i> <i>If allowed, are there restrictions on paid political advertising?</i> <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> In Italy paid political advertising outside of elections periods is not prohibited.

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
		Outside of elections periods there are not specific rules for political advertising and the same can be said for the online world regardless whether the actors resides within or outside the jurisdiction.
National rules on financing of political parties in relation to political adverts	Article 9, para 23), Law No. 96 of 2012. Law No. 3 of 2019 Article 5, para 3), of the Decree of 28 December 2013, No. 149.	<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>The same rules analysed in relation to pre-elections periods and election periods applies.</p> <p>Article 9, para 23), Law No. 96 of 2012 provides that, in case of donations of any value, the identity of the financer shall be provided.</p> <p>Further, the Legge Spazza-Corrotti envisages that Parties and candidates must disclose the identity of donors that have donated over 500 euros.</p> <p>Moreover, according to art. 5, para 3), of the Decree of 28 December 2013, No. 149: “<i>In March of the following calendar year, party has to transmit to the Presidency of the Chamber the list of subjects who have donated amounts equal to or over 500 euros in a calendar year(...)</i>”.</p> <p>Finally, political parties are banned from receiving foreign donations from governments, public bodies and legal persons based in a foreign state not subject to tax obligation in Italy. Only foundations and associations can receive foreign donations, but they aren't allowed to redirect them to political parties.</p>
National rules on free political advertising (or free airtime) outside of elections period	Article 2, para 4) of the Par Condicio Law	<p><i>Are political parties in your Member State allocated free political advertising outside of elections campaigns?</i></p> <p>Yes, according to article 2, para 4) of the Par Condicio Law (https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2000-02-22:28!vig=), also outside of elections periods, the offer of political communication in radio and television programs (free air time) is compulsory for national radio and television broadcasting companies</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
		and participation in such programs is in any case free of charge. The ad Hoc Parliamentary Commission and the AGCOM, after consultation with each other and each within the scope of its own competence, establish the rules for the for the application of the discipline described above.
National rules on political advertising on broadcast media outside of elections period (incl. public service and private broadcasters)	AGCOM's Resolution No. 200/00/CSP, supplemented by Resolution No. 22/06/CSP	<i>Please, provide a brief description of the national rules on political advertising on broadcast media outside of elections period</i> AGCOM's Resolution No. 200/00/CSP, supplemented by Resolution No. 22/06/CSP contains rules valid for the non-election period. AGCOM has the task of monitoring the compliance with its own regulations and those adopted by the PSB Commission, but only for national radio and television broadcasters. The supervision of local broadcasters is entrusted to the competent Regional Communications Committees (CORECOM).
National rules on political advertising in print media outside of elections period		<i>Please, provide a brief description of the national rules on political advertising in print media outside of elections period</i> There are not specific rules on political advertising in print media outside of elections period.
National rules on political advertising on online media applicable to political parties , outside of elections period	Provision on data processing at political parties and exemption from disclosure for election propaganda purposes” on April 18, 2019. This provision shall be considered applicable also outside of elections periods	<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> The national data protection Authority issued a “Provision on data processing at political parties and exemption from disclosure for election propaganda purposes” on April 18, 2019. This provision shall be considered applicable also outside of elections periods.
V. Rules and obligations applicable to online platform operators and intermediaries of political advertising		
Particular rules applicable to online platforms and		<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>

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
intermediaries such as social media for political advertising		<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>No.</p>
VI. Transparency rules for political parties/candidates funding		
Rules on direct public funding¹ to political parties and/or candidates	Law n. 13 of 2014	<p><i>Are there provisions for direct public funding to political parties in your Member State? Please give a brief description.</i></p> <p>In Italy the direct public funding of political parties was abolished by the Letta government in 2013 with the legislative decree n. 47/2013, then transposed into the law n. 13/2014.</p>
Rules on indirect public funding² to political parties and/or candidates	Law n. 13 of 2014 Law n. 3 of 2019	<p><i>Are there provisions for indirect public funding for electoral campaigns in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>The law n. 13/2014 tried to facilitate indirect forms of private or public funding, through tax deductions for donors, and allowing citizens to donate 0.2 percent (two euro for every thousand) of their own taxes. The reform also established a relatively high ceiling for private donations, fixed at 100,000 euro per year. The identity of donors is not subject to any ban: whether members of parliament or government,</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>

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>physical persons, companies, professionals, associations, foundations, political parties and movements (local or otherwise), or parliamentary groups.</p> <p>Until 31 January 2019 it was still possible to avoid (upon request of the donor) declaring donations below 5000 euro. However, the so-called “Spazzacorrotti” law (“corrupted sweeper”, law no. 3 of 2019,) requires now accountability for all contributions over 500 euro.</p> <p>The intention was to provide more transparent tools for tracing the provenance of political funding</p>
Rules on free or subsidised access to media for political parties and/or candidates	<p>Article 2, para 4) of the Par Condicio Law</p> <p>AGCOM's Resolution No. 200/00/CSP, supplemented by Resolution No. 22/06/CSP</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>Yes, according to article 2, para 4) of the Par Condicio Law, the offer of political communication in radio and television programs (free air time) is compulsory for national radio and television broadcasting companies and participation in such programs is in any case free of charge. The ad Hoc Parliamentary Commission and the AGCOM, after consultation with each other and each within the scope of its own competence, establish the rules for the for the application of the discipline described above. AGCOM's Resolution No. 200/00/CSP, supplemented by Resolution No. 22/06/CSP contains rules valid for the non-election period. AGCOM has the task of monitoring the compliance with its own regulations and those adopted by the PSB Commission, but only for national radio and television broadcasters. The supervision of local broadcasters is entrusted to the competent Regional Communications Committees (CORECOM).</p>
Rules on foreign contributions to political parties and political campaigns	Law n. 3 of 2019	<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>

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>Foreign donations, from both public and private bodies, are banned for political parties; however, they are allowed when the recipients are associations and political foundations. In such cases, these donations are legal if they don't end up in the coffers of political parties.</p> <p>This provision concerns contributions coming from governments or public bodies of foreign States and from legal persons having their headquarters in a foreign State not subject to tax obligations in Italy, as well as by natural persons of foreign age. These contributions, benefits or other forms of support of a financial nature must also be recorded in separate be recorded in a separate and distinct item in the financial statements.</p>
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><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>AGCOM is in charge of the enforcement of the rules set forth in the Par Condicio Law and by the regulations issued by AGCOM and the PSB Commission. AGCOM may act ex officio or upon complaint.</p>
Particular measures for supervising online political advertising within and outside elections periods	<u>AGCOM self-regulatory guidelines on equal access to online platforms</u>	<p><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></p> <p>AGCOM adopted self-regulatory guidelines on equal access to online platforms during each election campaign.</p>
Sanctions, penalties and remedy measures applicable in violation of the law		<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 the event that a violation is found, AGCOM may order the non-compliant broadcaster to suspend those programmes being broadcast</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>in violation of the law. If necessary, AGCOM may also order the adoption of remedy measures, including making available a specific slot in the broadcasting schedule to the relevant parties. Fines shall apply only in the event of repeated non-compliance with the orders issued by AGCOM.</p> <p>The AGCOM has imposed numerous sanctions of the restorative type in order to re-establish, in a short time, equal access to the media in electoral and non-electoral periods.</p> <p>the Authority has frequently ordered the transmission or publication, even repeatedly depending on the gravity, of messages bearing the gravity, of messages indicating the violation committed and, where necessary, of corrections, with prominence, in terms of time slot and location, not inferior to the communication to be corrected. The Authority has also adopted pecuniary administrative measures and emergency measures to restore a balance in access to political communication. On the whole, there are more than four hundred measures taken during electoral periods - with reference to institutional communication, political information, electoral messages and political polls - and non-electoral ones.</p> <p>Prison sentences are not among the sanctions that the AGCOM can impose.</p>

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
Legge 9 gennaio 2019, n. 3 Misure per il contrasto dei reati contro la pubblica amministrazione, nonché in materia di prescrizione del reato e in materia di trasparenza dei partiti e movimenti politici.	https://www.gazzettaufficiale.it/eli/id/2019/01/16/18G00170/sg	Law No. 3 of January 9, 2019 Measures to combat crimes against the public administration, as well as on the statute of limitations of the crime and on the transparency of political parties and movements
Provvedimento in materia di trattamento di dati presso i partiti politici e di esonero dall'informativa per fini di propaganda elettorale - 18 aprile 2019	https://www.gazzettaufficiale.it/eli/id/2019/05/07/19A02800/sg	Provision on data processing at political parties and exemption from disclosure for election propaganda purposes - April 18, 2019
Comunicato Stampa AGCOM del 30 gennaio 2019	https://www.agcom.it/documents/10179/13446572/Comunicato+stampa+31-01-2019/b07c951c-16bf-4a64-adc3-c38b5986f5ed?version=1.1	AGCOM, Press Release, January 30, 2019,
Proposta di Revisione della disciplina in materia di propaganda elettorale e "silenzio elettorale" del 19 marzo 2018.	http://www.senato.it/leg/17/BGT/Schede/FascicoloSchedeDDL/ebook/47217.pdf	Proposed Revision of the Regulations on Electoral Propaganda and Electoral Silence of 19 March 2018
Linee guida per la parità di accesso alle piattaforme online durante la campagna elettorale per le elezioni politiche 2018	https://www.agcom.it/documents/10179/9478149/Documento+generico+01-02-2018/45429524-3f31-4195-bf46-4f2863af0ff6?version=1.0	Guidelines for equal access to online platforms during the electoral campaign for the 2018 general elections
Legge 21 febbraio 2014, n. 13, conversione in legge, con modificazioni, del decreto-legge 28	https://www.gazzettaufficiale.it/eli/id/2014/2/26/14G00024/sg	Law of February 21, 2014, n. 13, conversion into law, with amendments, of the decree-law of

dicembre 2013, n. 149, recante abolizione del finanziamento pubblico diretto, disposizioni per la trasparenza e la democraticita' dei partiti e disciplina della contribuzione volontaria e della contribuzione indiretta in loro favore		December 28, 2013, n. 149, concerning the abolition of direct public financing, provisions for the transparency and democracy of parties and regulation of voluntary and indirect contributions in their favor.
Decreto Legge del 28 dicembre 2013, n. 149	https://www.gazzettaufficiale.it/eli/id/2013/12/28/13G00194/sg	Decree of 28 December 2013, No. 149
Legge n. 6 luglio 2012, n. 96	https://www.gazzettaufficiale.it/eli/id/2012/07/09/012G0120/sg	Law of 6 July 2012, No. 96
AGCOM Rapporto di fine mandato per gli anni 2005-2012.	https://www.AGCOM.it/documents/10179/539825/Pubblicazione+02-05-2012/5c288e0d-9e62-44e4-959cda948bc31ffb?version=1.0	AGCOM End-of-term report for the years 2005-2012.
Decreto 8 aprile 2004, Codice di autoregolamentazione in materia di attuazione del principio del pluralismo	https://www.corecomlazio.it/content/140-ministero-delle-comunicazioni-decreto-8-aprile-2004-codice-di-autoregolamentazione-in-materia-di-attuazione-del-principio-del-pluralismo.html	Code of self-regulation on the implementation of the principle of pluralism, Decree of 8 April 2004
Risoluzione AGCOM No. 200/00/CSP	https://www.agcom.it/documents/10179/538569/Delibera+200-00-CSP/f2ae84f5-4d0d-4b86-89f7-6896feadfb35?version=1.0	Resolution of AGCOM, No. 200/00/CSP
Per la parità di accesso ai mezzi di informazione durante le campagne elettorali e referendarie e per la comunicazione politica, Legge 22 Febbraio 2000, n. 28, in Gazzetta Ufficiale 2000, 43.	http://www.camera.it/parlam/leggi/00028l.htm .	General provisions on equal access to media during elections and referenda and political communication – commonly known as the "Par Condicio Law", Law of 22 February 2000, no. 28, Gazzetta Ufficiale 2000, 43.
Disciplina delle campagne elettorali per l'elezione alla Camera dei deputati e al Senato della Repubblica, Legge del 10 Dicembre 1993 no. 515, in Gazzetta Ufficiale 1993, 292.	http://www.gazzettaufficiale.it/eli/id/1993/12/14/093G0598/sg	Regulation of electoral campaigns for the election of the Parliament, Law No. 515, 10 December 1993.

Articolo 9bis del decreto legge n. 807 del 6 dicembre 1984 come convertito in legge dalla legge n. 10 del 4 febbraio 1985.	https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1984-12-06;807	Article 9-bis of Law Decree no. 807 of December 6, 1984 as converted into law by Law no. 10 of February 4, 1985.
Norme per la disciplina della propaganda elettorale, legge 4 aprile 1956, n. 212	https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1956;212	Norms for the regulation of electoral propaganda, Law No. 212, 4 April 1956.