

30th EPRA Meeting (Dresden, Oct. 15-16, 2009)  
**Working Group on Political Advertising**

**Summary of Answers to the Questionnaire**  
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This document is based on the responses to a brief survey prepared and circulated by the EPRA Secretariat in order to provide additional background information to the working group on political advertising.

It compiles answers from 23 regulatory authorities: KommAustria (AT), the Communications Regulatory Agency (BA), The Flemish Council for the Media - VRM (BE), the CSA of the French Community of Belgium, The Council for Electronic Media (BG), the OFCOM (CH), The Cyprus Radio-Television Authority - CRTA (CY), The Director's Conference of the State Media Authorities (DE), The Catalonia Audiovisual Council - CAC (ES), The Ofcom (GB), The Hungarian ORTT (HU), The Broadcasting Commission of Ireland (IE), The Autorità per le Garanzie nelle Comunicazioni - AGCOM (IT), The Radio and Television Commission of Lithuania (LT), The Conseil National des Programmes (LU), The Broadcasting Authority (MT), the Commissariaat voor de Media (NL), the Norwegian Media Authority (NO), the National Broadcasting Council - KRRiT (PL), the National Audiovisual Council (RO), The Swedish Radio and Television Authority (SE), The Council for Broadcasting and Retransmission (SK), the Radio and Television Supreme Council – RTÜK (TR).

**1. Has the recent case-law of the European Court of Human Rights (notably the TV Vest case<sup>1</sup>) had any legal consequences in your country so far?**

It appears from the outcome of the questionnaire that the recent case-law of the European Court of Human Rights, so far, only had legal consequences in two countries: the Flemish Community of Belgium and Norway. While the TV Vest case did not have any impact on Switzerland, the Verein gegen Tierfabriken case (VgT) led to a modification of the national legal framework.

In **Norway**, the ban on political advertising is still upheld in spite of the TV Vest case. The government has, however, taken measures to secure access for small political parties to television. The government has imposed stricter regulations on the public service broadcaster NRK in order to secure editorial coverage for all parties and electoral lists over a certain size<sup>2</sup>. The government has also supported the "Open Channel" economically in exchange for guaranteed access by all political parties during the election period. There is currently an ongoing debate about whether these measures are enough to secure compliance with the judgment from the ECtHR.

In the **Flemish Community of Belgium**<sup>3</sup>, the provisions dealing with political advertising in the Media Decree have recently been modified as a direct consequence of the TV Vest case. Up to recently, political advertising on radio and television was prohibited. VRT, the public broadcaster, was under an obligation to allocate broadcasting time during a period of two months preceding the elections to the political parties that are represented in the Parliament. Half of the broadcasting time was divided in accordance with the proportional representation of the political parties in the Parliament and the other half is divided equally between all parties. The problem from the perspective of Art. 10 ECHR with the situation was, however, that it did not guarantee access to this free political broadcasting time to small or new parties that have not yet won representation in the Flemish Parliament and receive only very little media coverage. The new Art. 49 of the Media Decree introduced some flexibility in the blanket ban by allowing paid political advertising during the so-called restriction period preceding the elections. This provision will not come into force until the legislation on electoral expenditure will be modified. In exchange, the free pre-electoral broadcasting time on public radio and television, has been abrogated.

Up to now, the TV Vest Case has not had any legal consequences in **Switzerland**. On the contrary, an attempt by the right-wing SVP (Schweizerische Volkspartei / Union Démocratique du Centre) to abolish the ban on political advertisements on radio and TV was recently turned down by the Federal Assembly (Parliament). The VgT Case had, however, far reaching legal consequences. The blanket ban previously applicable has been restricted to the extent that political advertisements are only prohibited if there is a close connection to a popular election or vote. In its decision of January 26 2005, the Federal Court has supported, in the light of the VgT-Case and the then planned revision of the Federal Act on Radio and

<sup>1</sup> see the analysis of the recent ECtHR case-law in the introductory paper to the Working group, presented by P.F Docquir.

<sup>2</sup> NRK's mandate section 12 (b) (no English version available)

<sup>3</sup> For more information, see [IRIS 2009-3:2](#)

Television (RTVA), the Independent Complaints Authority's decision on the legitimacy of an advertisement with a political background that had been broadcast without a close connection to an ongoing election.

Several countries have however paid close attention to the TV Vest case and its potential effects.

In the **UK**, although no formal changes have been made to the advertising control regime for political broadcast advertising as a result of the TV Vest case (or any other case); its potential effect is understood.

It should also be noted that the UK case is different to the TV Vest case in that the UK, unlike Norway, has provisions in the legislation for the political parties to have access to the airwaves through Party Political Broadcasts.

The respondent further states that: "it is likely that any change by the UK government would be prompted – if at all – by either an application to the ECtHR by a UK interest (see in that respect the UK judicial review proceedings brought by Animal Defenders International) or through the process of drafting new broadcasting legislation (though there has been no suggestion of including this in the current Digital Economy Bill). In the former circumstances, the UK government would need to decide whether and how to defend a challenge based on Art. 10, which could lead to a repeal of the existing statutory provisions if a defence was thought bound to fail. In the latter, a general view of compatibility with Human Rights provisions needs to be made as part of the procedure for Parliamentary enactment and if advised as incompatible a political ad ban could be omitted. In both cases, of course, the UK government would base its position on detailed legal advice".

In **Malta**, draft amendments to the blanket ban on advertising have been prepared but to date the status quo has been maintained.

It is not always easy to find out why the TV Vest case has not triggered a debate in countries with a current prohibition of political advertising (such as Belgium Walloon, Ireland, France, etc.). In the **French speaking Community of Belgium**, the prohibition of political advertising does not appear to be particularly questioned at present. The issue of the access of small parties to the airtime is not the cause of much debate either, even though small parties do regularly complain about the unfair treatment they receive from public service broadcasters.

However, it is clear that the Court decision is not highly relevant for the countries which already allow, at least under some conditions or during certain periods of time, political advertising: e.g. Austria, Hungary, Lithuania, the Netherlands, Poland, Romania, Spain, Sweden or Turkey.

## **2. Where do you draw the line between governmental communication (e.g. on a topic of general interest) and political advertising? Which criteria do you use for making such a distinction? Are the rules different during or outside election time?**

The issue of drawing the line between governmental communication and political advertising does not seem to be very relevant or topical in several countries:

- In **Sweden**, the issue has never really come up in the Swedish debate as political advertising is a very new phenomenon.
- The distinction between governmental communication and political advertising is not relevant considering the **Dutch** context.
- In **Austria**, this distinction is also not particularly relevant either because governmental communication ("Beiträge im Dienste der Allgemeinheit") is qualified as (not commercial) advertising. General content criteria are used by the KommAustria to distinguish between governmental communication and political advertising.
- Similarly, in **Luxembourg**, the book of conditions of the PSB lays down that in the pre-electoral period, the programme has to contain political information broadcasting for which the political parties have to assume full responsibility. These are considered as political advertising. All other governmental communications are considered and treated as "normal" advertising.
- In **Germany**, it appears that a more crucial distinction should be made between social advertising (advertising formats that engage in social contexts, usually by nonprofit organisations) and political advertising. However, there have been occasional debates as to whether an information campaign of the government (e.g. health policy) constitutes (hidden) advertising in favour of government or majority party/parties.
- In **Slovakia**, the Council for Broadcasting and Retransmission has not dealt with such distinction issues as yet. It appears however that governmental communication, in order to be permissible, should have a general interest purpose and refrain from propagating the specific policies of specific political party.
- In the **French Community of Belgium**, the CSA never had to intervene on such matters so far. Governmental communications are prohibited in the two months preceding the elections, unless they are motivated by emergency. In the latter case, neither the name nor the image of the Minister(s) may accompany the message, which shall remain strictly informative.

- In the **Flemish Community of Belgium**, VRT (PSB) is required to broadcast a maximum of fifteen minutes of announcements by the Flemish Government, the Flemish Parliament and the ministers of the government and state secretaries of the Brussels Capital Region every month, in accordance with the rules and conditions determined by the Flemish Government. These announcements serve to inform the Flemish population with regard to matters of public interest. As in the French Community, the broadcast of such announcements is suspended during the two months preceding the elections for the municipal council, provincial council, national and European elections. The same provisions relating to emergency communication apply.

- In **Bulgaria**, such distinction criteria are not set in the law. The extent of information of the communication and the resource of information (if it comes from the Government or if it is transmitted from journalist reports) are taken in account in the different cases.

- In **Italy**, the law 150/00 regulates the information and communication produced by Public administrations (including national and local governments) aimed at advertising their activities and projects ("institutional communication"). During electoral periods the law 28/00 provides that the communication produced by public administrations is forbidden except for that produced in an impersonal way and really necessary to the functions of the administrations.

The distinction between political advertising and governmental communication is however a live issue in many countries. Legislators and regulatory authorities have attempted to set clear boundaries and identify remaining grey areas.

- **In Switzerland**, the distinction between governmental communication and political advertising is clear in the light of the broadcast law: whenever a programme is paid for, it is a matter of advertising. If, however, the line is to be drawn in a broader context, it is very much harder, though of a crucial interest for democracy. Under the former legislation, for instance, broadcasters were obliged to offer airtime to public authorities if these wanted to make a statement. This counted as governmental communication, but the provision was abolished by the new law as it was not feasible and did not comply with a liberal system of independent media. A working group within the Federal Administration recently produced a report in order to give some guidelines for governmental communication, notably during an ongoing vote. The bottom line of the report<sup>4</sup> is that governmental communication has to respect four principles: continuity, transparency, objectivity and proportionality. The principles have to be respected anytime, but are to be respected very carefully during an ongoing vote.

A popular initiative proposing that governmental communication on issues subject to a popular vote, whether in the press or on TV / Radio should be banned<sup>5</sup> was turned down by the Parliament and the citizens.

It is interesting to note that all the bills passed by the Federal Assembly are subject to a potential vote. Further, some 100 000 people entitled to vote have the possibility to enter a popular initiative. When one views the system in this light, Switzerland is in a "constant voting period" which makes it harder to draw the line between political communication and a communication that is potentially influencing the political opinion-forming process prior to a vote.

- In **Catalonia**, as in the Spanish legislation, there are specific regulations dealing with institutional advertising. They provide inter alia that its sole aim should be to provide information on public services and that it should not highlight the performance or achievements of the management of public authorities. Institutional advertising is prohibited during election periods. The Catalonia Broadcasting Council has to monitor that institutional advertising complies with these requirements.

With regard to political advertising, the Catalonia Broadcasting Council elaborated a document<sup>6</sup> interpreting the Catalonia Broadcasting law. It relies on a prior analysis of who is the subject promoter of the advertising, the significance and the finality of the advertising, and the context, not forgetting that political parties have the right to express themselves within the constitutional limits.

- In **Bosnia and Herzegovina**, electoral law and relevant rules and regulations set the distinction between governmental communication and political advertising during electoral campaigns. According to Art 16. of the Election law, governmental communication or information on the regular activities of government officials within their mandate, is allowed only within news and information programmes, but without mentioning their candidacy and/or political party membership. In addition any public officials who are also candidates in the elections, must not be in any privileged position compared to other participants in the election process. A Rulebook on media presentation of political subjects during the election period adopted by the Election Commission provides further guidance for the interpretation of Art. 16.

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<sup>4</sup> The report can be downloaded from the Federal Administration's website:  
<http://www.admin.ch/br/themen/info/00035/index.html?lang=fr>; FR/ IT/ DE

<sup>5</sup> For more information, see the "message" explanatory report: <http://www.admin.ch/ch/f/ff/2005/4139.pdf> ; FR/ IT/ DE.

<sup>6</sup> Document interpreting art. 93.1 c) of the Catalonia Broadcasting Act. [http://www.cac.cat/pfw\\_files/cma/actuacions/Normativa/Ac\\_28-2008\\_Criteris\\_publica\\_OK\\_es.doc](http://www.cac.cat/pfw_files/cma/actuacions/Normativa/Ac_28-2008_Criteris_publica_OK_es.doc) (in Spanish)

- In **Lithuania**, the line between governmental communication and political advertising is rather thin, but possible to draw based on the legal framework applicable to elections. Broadcast information is to be considered as permissible governmental communication if candidates for President, Seimas, Municipality Council or European Parliament member, in the fulfillment of their duties, released important news to the mass media in the form of a press conference and it would be financed from the State or municipal funds and would not contain elements of election campaign.

- In **Malta**, in a number of cases, the Broadcasting Authority has always sought to give a wide interpretation of what constitutes political advertising, and the prevailing criteria adopted throughout its decision making process identifies as political advertising any advertising that promotes the public policy of the government of the day. It has nevertheless been acknowledged that the line of demarcation between an advert of political nature and an informative campaign sometimes is very slim and one has to analyse closely a number of issues when deciding on the matter, namely the context of the message, the wording/visuals used, whether the featured issue is of a controversial nature and how it is being debated at national level.

During election time the rules are further stressed and additional limitations and restrictions are put into place through an ad hoc directive which practically covers the last five weeks prior to an election campaign. Important limitations imposed through this directive include the prior submission of programme schedules and prior RA authorisation for the broadcast of programmes and advertising/information campaigns. In addition, during the day preceding the election and on Election Day itself, **no** programmes or other content, including advertising/information, which deals with political issues or may be deemed to have political connotations, shall be broadcast unless extraordinary circumstances occur.

- **The UK** operates a ban on political broadcast advertising on both TV and radio at all times, including at election time. The ban has no exceptions: it applies to government communications as much as to any other. An advertisement may not be placed by or on behalf of a body whose objects are wholly or mainly 'political'. Nor may any ad be placed if its content is 'political'. 'Political' is defined very widely in the legislation (section 321 of the Communications Act 2003) and amounts – very roughly – to influencing public opinion on any matter of public controversy or attempting to change any political or executive decision or policy whether in the UK or elsewhere.

The government is, however, permitted to advertise on non-controversial matters which are considered to be of public interest. The same is true for local government and government agencies. The government, often through its agency the CoI (The Central Office of Information), frequently uses advertising. For instance, broadcasters would carry government advertisements about drink driving, smoking and healthy eating.

Inevitably there are grey areas. Some advocacy groups, for example, may be prohibited because their general purpose is to campaign for policy changes, but they may also operate subsidiaries, say as charities, that may be able to advertise. Similarly, some advertisers will be perfectly acceptable in general but may mount a campaign that is prohibited by the ban. And of course some subjects can raise matters of dispute as to how controversial or 'political' they are. But these sorts of cases are, in practice, relatively few and the ban (which has always existed) is mainly unproblematic for the regulator.

In **Hungary**, governmental communication is allowed where it is necessary to fulfill governmental remits (e.g. natural disasters, or applying for EU funds). However communications that present the results achieved by the government qualify as the popularising of the parties making up the government, they are thus prohibited. Regular debates on the distinction between political communication and governmental (task related) communication take place within the Board of the Hungarian regulator.

In **Ireland**, the content of the advert, what is being advertised, the context and the aims and objectives of the advertiser are taken into consideration by the regulator to make the distinction between political communication and (prohibited) political advertising. The rules are not different during elections but the context is a factor. The Broadcasting Commission of Ireland has raised issues with the government and EU Commission advertising the positive work of EU institutions during the current referendum campaign on the Lisbon Treaty.

In **Norway**, the rules are the same whether it is during or outside election time. There are no specific criteria to make a distinction between political advertising and governmental communication. The Media Authority will have to consider, on a case by case basis, whether the message is to be regarded as political advertising further to the definitions provided in section 3-1 and 1-1 of the Broadcasting Act<sup>7</sup>. The main criteria are whether the message is considered to be "political", whether it is considered as "marketing" and

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<sup>7</sup> See notably section 3-1 and 1-1 Of the Broadcasting Act. The English version of the Act is available at: <http://www.regjeringen.no/en/dep/kkd/Documents/acts-and-regulations.html?id=313415>.

whether the message has been broadcast in return for "payment or other form of consideration". If these criteria are fulfilled, the message is considered as political advertisement, and the ban applies. However, the term "political end" will include all messages which could influence the people's opinion on questions of political nature. The ban will also include political messages from various organisations. The ban will also apply if political parties or organizations want to market certain products or services. Non-profit messages from the Government of general interest, such as information on Governmental services etc, will normally not be in violation of the ban.

### **3. Are there any provisions regulating the funding of programmes by government/governmental agencies?**

It appears from the outcome of the questionnaire that many countries, such as Austria, Belgium Walloon and Flanders, Cyprus, Hungary, Ireland, Luxembourg, Poland, Slovakia or Sweden do not have specific provisions regulating the funding of programmes, e.g. through sponsorship, by government or governmental agencies.

In **Italy**, it is provided that the projects of communication produced by public administrations, if the aim is to advertise activities or projects of relevant social utility, can also be financed by the Presidency of the Council of Ministers. A legislative decree provides that the state funds, which the public administrations use to buy spaces on media for the advertising communication (institutional communication), must be used in the following way: 15% of the funds to buy spaces in the local commercial television and radio broadcasters and at least 50% of it to buy spaces on newspapers and periodicals. The public administrations must inform the Authority of the funds used for the advertising communication.

In **Germany**, governmental funded content in television is not allowed further to the principle of independence from state and policy.

In **Norway**, the Broadcasting Act section 3-4 states that: "Political party organisations may not sponsor broadcasts".

In **Lithuania**, charity and sponsorship items shall not include funds from state and municipal budgets of the Republic of Lithuania, the State Social Insurance Fund, the Health Insurance Fund, the Privatisation Fund and other state monetary funds, monetary resources of the Bank of Lithuania, other state and municipal monetary resources.

In the **UK**, at present, whether the funding is by a public body (e.g. a governmental department) or a commercial organisation – the same rules apply. These rules state that you cannot fund a programme about your own interest or activity. However, Ofcom's Code is currently under review and it is proposed to introduce a new category of programmes called 'Public Information Programming'. This proposal would permit non-commercial organisations (e.g. governmental organisations) to fund programmes about their own activities so long as the programmes are in the public interest and are non-controversial.

In the **Netherlands** ministries have a long tradition of contributing to programmes of both PSB and private broadcasters with the aim of communicating messages of public interest to the audience. This practice has to stop according to a decision of government on 1 August 2008. Some conditions have been laid down with regards to contributions to programmes by ministries but a content analysis by the Dutch regulator pointed out that the ministries have not always acted accordingly. The important principle that the contribution may not exceed 50% of the programme costs is usually respected. But in contradiction to other requirements ministries often failed to inform that they have financed a programme and about the purpose of the contribution. The investigation by the CvdM demonstrated that 13% of all ministries involved did not mention their contribution at all, meanwhile almost 60% failed to provide a motivation for the contribution. Also in 5 programmes a minister was appearing, which is not allowed in case the ministry has given a contribution to this programme. Due to this lack of transparency and failure to respect the rules, the government has decided to put an end to this practice. The investigation by the CvdM showed that in 2006 and 2007 ministries spent € 8.5 million on programmes. While the Dutch government voluntarily decided to pose a restriction, the Dutch media legislation as such does not contain an obstacle to this funding and according to the Dutch Media Act ministries would be allowed to continue this practice of co-productions.

### **4. What are the practical mechanisms available in your country to give small players (such as minority parties, but also interest and advocacy groups) a fair amount of airtime/coverage on television during or outside election time?**

In **Austria**, where political advertising is not banned, there are no specific practical mechanisms for small players to be given an amount of airtime. The only mechanism for controlling the amount of airtime is the general principle of non-discrimination and the commandment to objectivity.

In **Sweden**, there are no such things as free airtime schemes. All parties buy commercial time on the open market. As for allocated time in, for example, political debates the rules concerning impartiality are in force. The SBC has ruled in earlier decisions that it is reasonable to give all political parties in the parliament air time during debates, but that is part of the SBC practice and not regulated in law or broadcast permits.

In **Slovakia**, there are practically no practical mechanisms to give small players a fair amount of airtime/coverage on television. Elections laws provide that every party gets equal and fair conditions but all parties still have to pay for their air time, except on the occasion of presidential elections where candidates get a certain amount of airtime for free.

In the **French Community of Belgium**, there is no such mechanism for private broadcasters. However, the PSB has to ensure a balanced and objective coverage within its programmes of the various opinions and ideological movements.

In **Norway**, NRK, the public broadcaster, has an obligation to: "Provide a broad and balanced coverage of political elections. All parties and electoral lists over a certain size shall be covered in the normal manner by the editorial election coverage."

These obligations refer to the electoral coverage during the election. Not all parties or electoral lists will be guaranteed editorial coverage. This does not entail a requirement of equal treatment. All political parties are also welcome to advertise free of charge on the "Open channel" during the election period.

Even though there is currently no system of free-airtime scheme in Norway, several broadcasters have recently offered political parties advertisements free of charge during the election period. This is not in violation of the ban on political advertising, as the ban only refers to paid advertisements or advertisements in return for other forms of consideration

In **Cyprus**, the licensed stations are obliged to treat equally and with no discrimination, especially during the course of the pre-election period (i.e. the period of three months preceding any elections) the legislative and executive power, the political parties, the candidates for the post of President, the members of the House and the candidate members, the trade union and social organisations, the municipal and community authorities and the citizens in general without affecting the right of the journalist to evaluate events and situations according to its newsworthiness and importance.

In **Italy**, legal provisions include rules for the equitable and fair access to media and determine that TV and radio broadcasters (national and local) must guarantee to all political representatives impartial access to political communication programs (programmes containing political opinions and evaluations such as political debates, roundtables, etc), Political self-managed messages (advertisement messages produced by political parties) and information programming (news and current affairs).

In the **Flemish Community of Belgium**, there are no practical mechanisms available to give minority parties, interest or advocacy groups a fair amount of airtime/coverage on television during or outside election time.

However, it is worth noting that an opportunity has been created for philosophical associations that are accredited by the Flemish Government to provide television programmes on a channel of the public broadcasting company VRT. These philosophical associations are non-commercial associations aimed at producing programmes that are directly related to expressing the opinions of representative philosophical movements. Every year the Flemish Government determines the broadcasting time allocated to all accredited philosophical associations. The joint broadcasting time of the accredited philosophical associations amounts to a maximum of fifty hours per year. The Flemish Government can increase this broadcasting time in proportional increments when new associations are accredited.

The accredited philosophical associations have the right to a subsidy, the sum of which is at the direct expense of the budget of the Flemish Community. This grant covers the association's costs, including technical costs. This grant is paid directly to the association concerned, in a manner determined by the Flemish Government. Every year, the Flemish Government determines the sum which is granted to every accredited philosophical association.

In **Germany**, the principle of "equality of opportunity" ensures that minority parties as well as majority parties are getting a fair amount of airtime/ coverage on television before elections are taking place.<sup>8</sup> New political formations, which had no success during the last legislative period have to be included in the

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<sup>8</sup> See also §5 Parteiengesetz (Law concerning the political parties), as well as special rules for advertising by political parties before elections which are set by the media authorities: <http://www.alm.de/fileadmin/Download/Positionen/Rechtliche-Hinweise-Wahlsendezeiten-2005.pdf>.

schedules of free airtime/ coverage on television during election time to present their programmes in the form of short spots.

In **Switzerland**, licensed programme services must: “appropriately express the variety of events and opinions in the totality of their editorial programmes”. The national PSB is subject to more stringent obligations to “contribute to free public opinion-forming through comprehensive, diverse and accurate information especially regarding political, economic and social matters (...)”.

If a person thinks that the obligation to express the variety of events and opinions has not been respected by a broadcaster, s/he can report the programme(s) to the ombudsman which will try to find a solution. If he fails to do this, the complainant can lodge a complaint to the Independent Complaints Authority. If s/he is not satisfied by the result of this procedure, s/he can lodge an appeal directly with the Federal Supreme Court.

Art. 91 par. 3 of RTVA further provides that the ombudsman has also to deal with reports about a refusal to grant access to the programme services of Swiss broadcasters. The fact that there is a possibility to report such a refusal is however not to be understood as a right to an access to a programme.

There are currently attempts being made by the political institutions committee of the Federal Assembly in order for political parties to have free airtime. Based on an intervention by a member of the socialist party, the political institutions committee has proposed an amendment that would oblige the national PSB as well as every licensee with a performance mandate and a right to a share of revenue to offer free airtime to the political parties that are represented in the Parliamentary Assembly and that are members of a parliamentary faction<sup>9</sup>. In its recent statement on the draft, the Federal Council pronounced against the draft<sup>10</sup>.

In **Turkey**, equality of opportunity among political parties and democratic groups in broadcasts is stated as a basic principle in Turkish Broadcasting Law.

### **Free airtime schemes/ party political broadcasts schemes**

A system of free airtime schemes, mostly but not exclusively a duty of public service broadcasters, is in place in many countries, such as in Bosnia and Herzegovina, Catalonia, the UK, Hungary, Ireland, Italy, Luxembourg, Lithuania, Malta, Netherlands, Poland, Romania and in Turkey, and is sometimes operated in addition to paid political advertising:

**In the UK**, the legislation provides for qualifying political parties to have free airtime (largely unmediated) at specific times in the political calendar (e.g. at times of all elections, party conferences and the Queen’s speech)<sup>11</sup>. The rules provide for guaranteed airtime for major parties before elections. Other parties (sometimes referred to as ‘minor’) may also qualify for election broadcasts on the basis of the number of seats contested. These broadcasts are allocated only to registered political parties (referendum broadcasts are only allocated to designated referendum organisations). Interest and advocacy groups receive coverage in news and other programmes under the editorial control of broadcasters, during and outside elections.

In **Catalonia**, there are no concrete mechanisms outside election time. Broadcasting laws are the tools used to determine whether the amount of airtime/coverage on television is fair or not. During the election periods, the electoral law establishes for the free-to-air electoral advertising the so-called “percentages of electoral advertising”, according to the prior parliamentary representation, each political party has a certain amount of time to broadcast their electoral advertising. Also, for the non advertising content (e.g. debates) the principle of pluralism shall be preserved. In the news programmes, and in general terms, broadcasters use to apply the same “percentages” used by the electoral advertising, and calculated according to the parliamentary representation.

In **Hungary**, the act on the procedure of elections stipulates that all parties that participate in the elections should be provided airtime twice in the campaign period by public service broadcasters free of charge.

In **Ireland**, there is also a provision for free party political broadcasts but not an absolute requirement for broadcasters to carry them.

In **Italy**, RAI is obliged to broadcast free political messages while commercial broadcasters are not obliged to. In addition, the PSB, offers free spaces of programming (in radio and television broadcasters), so-called

<sup>9</sup> (See the draft law <http://www.admin.ch/ch/f/gg/pc/documents/1552/Vorlage.pdf> ; French / Italian / German).

<sup>10</sup> (see press release <http://www.news.admin.ch/message/index.html?lang=fr&msg-id=28495>; French / Italian / German)

<sup>11</sup> Ofcom rules on these broadcasts can be found at <http://www.ofcom.org.uk/tv/ifi/guidance/ppbrules/ppbrules.pdf>. These rules apply to Channel 3 (ITV), Channel 4, Five and national commercial radio. The BBC operates similar rules.

"Programmi dell'accesso", to cultural, religious, ethnic groups, trade unions, etc. who can request these spaces. These spaces are regulated by a Parliamentary Commission.

In **Luxembourg**, 5 weeks before the elections, every political party has the right to broadcast on public service channels a total of 18 min. of political advertising, 10 dedicated to national elections and 8 to European elections.

In **Lithuania**, the rules for providing free airtime during the election time to all parties are enshrined in all laws on elections which state that 'Parties that have submitted lists of candidates for elections, candidates in single-member constituencies shall be granted the right to use state mass media free of charge. No law specifies the size of the party or significance of a person or a group of persons, who could be provided with free airtime. All parties can buy airtime on their own outside the election period, but the free airtime is provided only for those parties, who exceed this 5% threshold and participate in the elections.

In the **Netherlands**, paid political advertising on radio and TV is not prohibited. But in practice the possibility to buy advertising time is hardly used by political parties, probably because political parties already have the legal right to obtain broadcasting time on the national radio and TV channels of PSB. Following section 6.1 of the Dutch Media Act, the Dutch media authority allocates broadcasting time to political parties. In average, each political party has 10 minutes on radio every 2 weeks, and 3 minutes on TV every 1, 5 week. During election time the CvdM allocates extra broadcasting time: 20 minutes (2 times 10 minutes) for radio and 18 minutes (6 times 3 minutes) for TV.

In **Malta**, ad hoc party political broadcasts schemes are specifically set up and organised within the context of General Elections, Local Council Elections, Referenda and European Parliament Elections by the Broadcasting Authority.

In **Poland**, during the parliamentary election campaign, public broadcasters are obliged to broadcast, without payment, on nationwide and regional channels election announcements prepared by election committees. Broadcasters are also obliged to emit paid election announcements prepared by election committees. Outside election time public radio and television broadcasting organisations shall enable political parties and trade unions and employers' organisations to present their position with regard to major public issues.

In **Turkey**, the public broadcaster TRT is under the obligation to allocate free airtime to all political parties participating to elections according to a specific plan and time schedule.

## Annex – A selection of relevant legal provisions

### CH:

#### Art. 4 par. 4 RTVA:

*Licensed programme services must appropriately express the variety of events and opinions in the totality of their editorial programmes. If a coverage area is served by an adequate number of programme services, the licensing authority may release one or more broadcasters in the license from the variety obligation.*

#### Art. 10 par. 1 lit. D RTVA:

*"Advertising for the following is prohibited:*

*(...)*

*political parties, persons holding political office or candidates for such offices and matters which are the subject of a popular vote;"*

#### Art. 24 par. 4 RTVA:

*The SRG SSR contributes to:*

- a. *free public opinion-forming through comprehensive, diverse and accurate information especially regarding political, economic and social matters (...)*

#### Ordinance on Radio and Television Art. :

- <sup>1</sup> *Any group which takes part in popular elections is considered to be a political party.*
- <sup>2</sup> *Political offices are offices to which persons are appointed by popular elections.*
- <sup>3</sup> *The prohibition on advertising relating to matters that are the subject of a popular vote applies from the moment of publication of the date of the vote by the competent authority.*

### ES: (Catalonia)

*Art. 109 of the Catalan Broadcasting Act establishes the following regarding the institutional advertising:*

*"(...) Institutional advertising on radio and television on the part of the public administration bodies of Catalonia shall be subject to the provisions of the legislation regulating institutional advertising.*

*2. Institutional advertising shall comply with the following requirements:*

- a) *The only object of this advertising shall be to provide information on public services.*
- b) *Advertising campaigns highlighting the performance or achievements of the management of the public authorities are not permitted.*
- c) *Direct or indirect inducement of confusion regarding identifying features of political parties or election campaigns is not permitted.*
- d) *During election periods, the administration bodies of Catalonia may only run institutional campaigns addressed to informing the public of the date on which the election or referendum will take place, the voting procedure and the requirements and steps involved in postal voting. Under no circumstances may these campaigns suggest, directly or indirectly, voting options.*
- e) *The prohibition on institutional advertising during election periods shall begin on the day of publication of the announcement of elections."*

*Art 89 of the Catalan Broadcasting Act:*

*"(...) During electoral periods, the broadcasting media shall strive especially to ensure plurality of news. The public broadcasting media shall provide sufficient information on the various electoral candidates and on the activity of the outgoing representatives."*

### GB: Extract from section 321 of the Communications Act 2003 which forms the basis of the ban on broadcast political advertising:

*« (2) For the purposes of section 319(2)(g) an advertisement contravenes the prohibition on political advertising if it is—*

- (a) an advertisement which is inserted by or on behalf of a body whose objects are wholly or mainly of a political nature;*
- (b) an advertisement which is directed towards a political end; or*
- (c) an advertisement which has a connection with an industrial dispute.*

*(3) For the purposes of this section objects of a political nature and political ends include each of the following—*

- (a) influencing the outcome of elections or referendums, whether in the United Kingdom or elsewhere;*

- (b) bringing about changes of the law in the whole or a part of the United Kingdom or elsewhere, or otherwise influencing the legislative process in any country or territory;
- (c) influencing the policies or decisions of local, regional or national governments, whether in the United Kingdom or elsewhere;
- (d) influencing the policies or decisions of persons on whom public functions are conferred by or under the law of the United Kingdom or of a country or territory outside the United Kingdom;
- (e) influencing the policies or decisions of persons on whom functions are conferred by or under international agreements;
- (f) influencing public opinion on a matter which, in the United Kingdom, is a matter of public controversy;
- (g) promoting the interests of a party or other group of persons organised, in the United Kingdom or elsewhere, for political ends. »

## **IT:**

### **Law provisions about political advertising and communication in the national and local broadcaster**

#### Law 28/00 and law 313/03

The law 28/00 and the law 313/00( for local broadcasters) contain rules for the equitable and fair access to media and determine that TV and radio broadcasters (national and local) must guarantee to all political representatives impartial access to:

- political communication programs (programs containing political opinions and evaluations such as political debates, roundtables, etc)
- Political self-managed messages (advertisement messages produced by political parties)
- information programming (news and current affairs).

They provide a different regulatory regime for

- electoral campaign periods and
- non electoral periods.

Specific application rules of the principles are drafted by the AGCOM (for commercial broadcasters) and by Parliamentary Commission (for PSB), for each electoral campaign period and for non electoral periods.

### **Law provisions about political communication programs**

The 28/00 law defines the political communication as "the broadcasting of programs containing political opinions and evaluations". The national public and private broadcasters (with the licence to broadcast FTA) are obliged to offer free political communication programs (debates, round tables, interviews and any other kind of program in which the expression of political opinions and evaluations is central and significant) and must ensure the parity of conditions in the exposition of political opinions and positions(art.2). The local broadcasters are not obliged to offer political communication programs.

Further provisions:

- Total amount of the time of political communication programs is shared among political representatives according to the principle of "equal opportunity" between coalitions and the parties in competition during electoral periods and on the basis of the number of seats obtained by each party in the last elections during non electoral periods;
- The law gives the Authority for the commercial broadcasters and the Parliamentary Commission for PBS, the duty to share the spaces of the political communication programs according to the following criteria:
- from the date of fixing the elections' day to the date of presentation of candidates, the spaces are shared among political subjects present in the assemblies to renew and between the political subjects not present in those assemblies but in the European (with at least two seats) or Italian Parliament;
- From the date of presentation of candidates to the end of the campaign, the total amount of the time of political communication programs is shared among political subjects according to the principle of equal opportunity between coalitions and the parties in competition that have candidates in electoral constituencies concerning at least the 25 % of the electorate; the law provides also the possible presence of political subjects representatives of recognized linguistic minorities (defined by the law n.482/99).
- In the referendum campaign the total amount of the time of political communication programs is equally shared among representatives that support the referendum and representatives that don't support the referendum.

The law 28/2000 provides that in the case of violation of the provisions about the political communication programmes, the Authority orders the broadcasters to transmit programmes with a prevalent participation of the subjects damaged by the violations (art.10).

### **Law provisions about political selfmanaged messages**

The political messages are spaces that contain "the description of a political programme or opinion; they can last from one to three minutes for the television broadcasters and from thirty to ninety seconds for the radio broadcasters". The law indicates precise rules for the messages:

- the broadcasters that transmit free political communication programs can transmit free political self-managed messages;
- the PSB (RAI) is obliged to broadcast free political messages; the commercial broadcasters are not obliged to;
- For each national broadcaster the spaces for messages cannot be more than the 25 percentage of the total amount of the political communication programs broadcast in each week and in the same blocks of time;
- the messages cannot interrupt other programs and have an independent position in the programming;

- they are broadcast in appropriate spaces of the programming defined "contenitori";
- the local commercial broadcasters, if they transmit free political messages during electoral periods, receive a state refund; both in electoral and non electoral periods, they also can broadcast paid political messages according to the law provisions (law n. 28/00 and law n. 313/00 and Agcom provisions). These political spaces must contain the indication of the political party that asked for the space and the wording "political self-managed message".

### **Law provisions about news and current affairs programs**

The broadcasters must guarantee:

- the parity of treatment, the objectivity, the impartiality and the completeness of information;
- the presence of political representatives in information programs with equity and balance;
- during electoral periods no participant in information TV programs is allowed to express their vote's preferences; journalists and directors must have an impartial and correct behaviour in the program; the presence of all candidates in competition must be guaranteed in each information programme dedicated to the representation of political opinions in order to ensure a "balanced debate".

### **Law provisions about communication produced by public administrations (Comunicazione istituzionale)**

The law 150/00 regulates the information and communication produced by Public administrations (including national and local governments) aimed to advertise their activities and projects ("institutional communication").

During electoral periods the law 28/00 provides that during electoral periods the communication produced by Public administrations is forbidden except for that produced in an impersonal way and really necessary to the functions of the administrations.

- The law 150/00 provides that the projects of communication produced by Public administrations, if aimed to advertise activities or projects of relevant social utility, can also be financed by the Presidency of the council of ministers (art.14).
- The legislative decree n.177/05 provides that the state funds that the public administrations use to buy spaces on media for the advertising communication (institutional communication), must be used in the following way: 15% of the funds to buy spaces in the local commercial television and radio broadcasters and at least 50% of it to buy spaces on newspapers and periodicals. The public administrations must inform the Authority of the funds used for the advertising communication (art.n.41).

### **MT:**

**Constitution of Malta: Article 119. (1):**

*"It shall be the function of the Broadcasting Authority to ensure that, so far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties"*

### **Article 13(4) and (5) of Broadcasting Act:**

*(4)It shall also be the duty of the Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties represented in Parliament; to produce properly balanced discussions or debates that afford access to persons from different interest-groups and with different points of view, and also to produce commentaries or other programmes about questions relating to current public policy, wherein persons taking part can put forward differing views and comments.*

*(5) In order to fulfill its duty under subarticle (4), the Authority shall in addition to all its other powers, have the right to order any person or all persons providing broadcasting services in Malta for reception in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Authority shall direct, the same programmes:*

*Provided that the powers of the Authority under this subarticle may only be exercised in so far as that exercise is reasonably justifiable in a democratic society – which safeguards fall under the competence of the RA and enforced through its enforcement mechanism*

### **NL:**

#### **Dutch Media Act, Section 6.1**

1. *The Media Authority shall allocate national broadcasting time to those political parties which gained one or more seats in the House of Representatives or the Senate of the States General at the last election.*
2. *The Media Authority shall allocate national broadcasting time to:*
  - a *political parties which are standing in all constituencies in an election for the Senate of the States General, as well as to*
  - b *political parties in the Netherlands participating in an election for the European Parliament.*
3. *This broadcasting time shall be allocated for such a period - to be determined by the CvdM as immediately precedes the day fixed for the relevant election in the Netherlands.*

## Section 6.2

1. If a political party has been ordered to pay an unconditional financial penalty under articles 137c, d, e, f or g, or article 429 quater of the Criminal Code, the Media Authority shall not allocate any broadcasting time to that political party for a period commencing on the day on which the order becomes irrevocable. This period shall last:

- (a) one year, in the case of a penalty of less than € 1125;
- (b) two years, in the case of a penalty of between € 1125 and € 2250;
- (c) three years, in the case of a penalty of between € 2250 and € 3375; and
- (d) four years, in the case of a penalty of € 3375 or more.

2. If, on the day on which the order becomes irrevocable, the political party in question has had no parliamentary seats allocated to it under the Elections Act (Kieswet), but is allocated one or more parliamentary seats on the basis of an election held within two years of the said day, the period during which that political party shall not be allocated any broadcasting time as referred to in subsection 1 shall commence on the day on which the said election is held.

### **NO:**

**Broadcasting Act section 3-1 and 1-1** (English version of the Broadcasting Act is available at: <http://www.regjeringen.no/en/dep/kkd/Documents/acts-and-regulations.html?id=313415>).

Section 3-1: "Broadcasters may not broadcast advertisements to promote belief systems or political ends on television. This also applies to teletext services."

Advertising is defined in the Broadcasting Act Section 1-1, as:

"any form of marketing of a product, service, cause of idea in return for payment or other form of consideration. Advertising also means any form of announcement on television whose purpose is to promote the broadcaster's own activity."

Broadcasting Act section 3-4 states that: "Political party organisations may not sponsor broadcasts".

### **PL:**

**Art. 22 of Broadcasting Act of December 29, 1992 and Regulation of the National Broadcasting Council of 21 August 1996 concerning the procedure related to presenting and explaining the policy of the state by supreme national authorities in public radio and television.**

#### Article 22

1. State authorities may take decisions concerning the functioning of public radio and television broadcasting organisations only in circumstances specified in the existing legislation.

2. Public radio and television broadcasting organisations shall facilitate direct presentation and explanation of the State policy by supreme State authorities.

(...)

**Art. 23 of Broadcasting Act of December 29, 1992 and Regulation of the National Broadcasting Council of 24 April, 2003 concerning procedures related to the presentation of standpoints with regard to crucial public issues by political parties, trade unions and of employers' organizations in public radio and television.**

#### Article 23

1. Public radio and television broadcasting organisations shall enable political parties to present their position with regard to major public issues.

2. The provision of paragraph 1 shall apply correspondingly to national trade unions and employers' organisations.

(...)

**Act of 12 April 2001 on Elections to the Sejm of The Republic of Poland and to the Senate of the Republic of Poland. Art. 181**

According to Article 181 in the period of time beginning from the 15th day before polling day up to the day ending the election campaign public broadcasters are obliged to broadcast, without payment, on nationwide and regional channels election announcements prepared by election committees

(...)

2. The total time of broadcast shall amount to:

- 1) on nationwide channels – 15 hours on Polish Television, including up to three hours for TV Polonia, and 30 hours on Polish Radio, including up to five hours broadcast for listeners abroad;

- 2) on regional channels - 10 hours on Polish Television and 15 hours on Polish Radio.
3. An election committee shall have the right to broadcast its election materials on:
  - 1) nationwide channels – if it has registered constituency lists in at least one-half of electoral constituencies;
  - 2) on regional channels – if it has registered a constituency list in at least one electoral constituency.
4. The length of broadcasting time assigned to an election committee shall not be transferred to another committee.

Article 23 (Broadcasting Act of December 29, 1992)

1. Public radio and television broadcasting organisations shall enable political parties to present their position with regard to major public issues.
  2. The provision of paragraph 1 shall apply correspondingly to national trade unions and employers' organisations.
- (...)

**RO:**

**Decision no. 187 of April 3, 2006 Concerning The Regulation of the Content of Audiovisual Programme Services**, Title IV

"The ensurance of pluralism and of the correct information of the public", Art 74, "(1) In news programmes, including sports news, out of the total time allocated to declarations by politicians, the broadcasters under Romanian jurisdiction shall allocate 60% to representatives of the governing party (senators, deputies, representatives of the central and local public administration) and 40% to representatives of the parliamentary opposition, to independent parliamentaries, to non-parliamentary political parties and their local representatives.

- (2) the number of representatives of power and of opposition taking part in TV debates shall be equal.
- (3) to the aim of correct information and freedom of opinion, the broadcasters shall take into account the percentages of parliamentary representation and the importance of the themes under debate.
- (4) Exceptions to the rules foreseen in paragraph (1) refer to:
  - a) time allocated to the prime-minister when representing Romania at international internal and external official events;
  - b) the time allocated to accounts and interventions concerning natural calamities or epidemics, and to the measures of removing their effects; this exception does not annul the right of the opposition of expressing their point of view concerning the event and the measures established by the authorities."

**Decision no. 187 of April 3, 2006 Concerning The Regulation of the Content of Audiovisual Programme Services**, Title VII "Sponsorship, advertising, teleshopping", Chapter 2 "Advertising and teleshopping", Section 5 "Political Advertising and Advertising regarding the practicing of certain professions" Art. 155: "(1) For the purpose of the present code, the advertising spots that promote a party, a politician or a political message are considered political advertising.

- (2) Political advertising is prohibited, except during elections campaigns."

"Art. 37. – (1) In the electoral campaign, the candidates, political parties, political alliances, electoral alliances, organizations of citizens belonging to national minorities, and voting citizens, have the right to express opinions freely and without any discrimination, by electronic means and other mass media.  
 (2) the means used in the electoral campaign shall not contravene the legal order.  
 (3) the organization of electoral campaign activities within military units shall be prohibited.

Art. 38. – (1) Political parties, political alliances, electoral alliances, organizations of citizens belonging to national minorities participating to elections under this title as well as independent candidates have free access to public radio and television services in proportion to the number of final proposed candidates.  
 Every public radio and television institution will take into account the number of candidates proposed by each electoral competitor in the geographical area covered by that radio or television station.

- (2) Political parties, political alliances, electoral alliances, organizations of citizens belonging to national minorities to participating in elections under this title and independent candidates shall request, within 48 hours after the voting day was established, to the management of the public radio and television services, the granting of broadcasting time. Requests after this term shall not be taken into account.
- (3) Private radio and television broadcasting stations shall practice the same fee per programme and per time unit for all the electoral competitors participating in elections under this title, and broadcasting time allotted to the electoral competitors must be proportionate to those practiced by public stations.

(4) *It is prohibited to place election advertising spots in other programmes than electoral programmes."*

**SK:**

„Political advertising for the purpose of this law means public announcement determined for:

a) support of a political party, political movement, member of a party, or member of a movement, or candidate, or in their favour during an election campaign or referendum campaign,

b) popularisation of name, mark, or slogans of a political party, political movement or a candidate.

**TR:**

**Law on the Establishment of Radio and Television Enterprises and Their Broadcasts Law No. 3984 of 20 April 1994:**

4(n) *The equality of opportunity shall be established among the political parties and democratic groups; the broadcasts shall not be biased or partial; the broadcasts shall not violate the principles on the election bans which are determined at election times.*

**Art.27 of the said law states that:**

*"Broadcasts during election periods are regulated by the Supreme Election Board within the framework of powers vested in the Board by law.*

*The Supreme Council monitors transmissions during election periods in keeping with the decisions of the Supreme Election Board."*

**Art. 32 of the said law states that:**

*"The principles and procedure relating to the broadcasts during election periods shall be regulated by the Supreme Election Board within the framework of powers vested in the Council by the law.*

*The Supreme Council shall monitor, supervise and evaluate the broadcasts of the radio and television enterprises during the election periods in accordance with the decisions of the Supreme Election Board.*

*Within seven days before the voting date, no broadcasts for or against a specific political party or candidate nor any broadcasts that may influence the citizen's vote through any kind of programmes such as news and interviews or through advertising or public opinion surveys, questionnaires, forecasts, and via information communication telephone lines under labels such as mini-referendums shall be allowed. Those not complying with these restrictions are deemed to have violated the broadcasting standards.*

*The provisions arranged under the Article 149/A of the Law on the Basic Principles of the Elections and the Electoral Roll, Law No. 298 shall be carried out by the Supreme Council immediately after the decisions of the High Election Council."*

**Art. 52, Supreme Election Board Law No 298**

(Amended by Law No. 2234 on 17.5.1979) (Amended 2839/46- 10.6.1983)

*Political parties which take part in the election may conduct propaganda on radio and television after the 7th day in advance of the Election Day until 18:00 hours on the day before the Election Day, provided that the provisions in private laws are reserved.*

*(Amended Art.3/3377 -23.5.1987) Political parties which will take part in elections shall be given the following propaganda rights:*

- a) *Two speeches not more than 10 minutes on the first 10 days and the last day to explain their programs and projects,*
- b) *An additional 10 minutes for political parties having a group in the Grand National Assembly,*
- c) *(Amended: Art 4/ 4125 - 27.10.1995) an additional propaganda time of 20 minutes for the party having the political power or the larger one of the parties sharing the power and additional 15 minutes for other parties holding the power,*
- d) *Additional 10 minutes propaganda to main opposition party.*

*Political parties may also conduct visualised propaganda provided that the time used for those does not exceed half of propaganda times. Visualised propaganda shall be prepared outside TRT premises (Turkish Radio & Television Corporation). Visualised propaganda is for explaining the activities realized and which will be realized by political parties. Such propaganda shall not include any image to constitute an offence. Such propaganda of political parties shall not be less than two minutes at a time nor shall its total time within a day be more than ten minutes. Political parties may distribute their propaganda rights in more than one channel of TRT.*

*The Supreme Election Board shall determine the period of time in which the images shall be delivered to TRT and the times of broadcast of such propaganda by TRT depending on the availability of TRT. If such images contain a matter constituting an offence, the Supreme Election Board shall not allow the images to be broadcast.*

*Political parties shall, in their first speeches through the radio and television make their election declarations. Speeches shall be broadcast simultaneously through all radio and television stations in Turkey.*

*The day and time of propaganda speeches through radio and television and the parties to deliver speech shall be announced in advance through news programs by the Turkish Radio and Television.  
(Amended 2839/46 -10.6.1983) Supreme Election Board and the Turkish Radio and Television shall provide that propaganda through radio and television shall be made equitably and impartially.*

*(Annexed 4125/4 -27.10.1995) Propaganda speeches of political parties in private radios and televisions shall be made according to principles and procedures applied in TRT. The broadcasts shall be regulated and audited by the Supreme Election Board for radios and televisions at national level and by Provincial Election Boards for local radios and televisions. No propaganda speeches shall be broadcast in any other way contradicting with the conditions specified above. Any party acting in contrary shall be subject to provisions of Article 151/2 the Law for Basic Provisions on Elections and Voter Registers No. 298.*