

Transparency and targeting of political advertising

2021/0381(COD) - 27/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 470 votes to 50, with 105 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the transparency and targeting of political advertising.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter and scope

The amendments clarify that the Regulation lays down:

- (a) harmonised rules, including **transparency and related due diligence obligations**, for the provision of political advertising and related services, and, where applicable, for sponsors, on the collection, retention, disclosure and publication of information related to the provision of such services in the internal market;
- (b) harmonised rules on the use of **targeting techniques** and ad-delivery techniques that involve the processing of personal data in the context of the provision of online political advertising;
- (c) rules on the **supervision** and enforcement of this Regulation, including as regards the cooperation and coordination between the competent authorities.

The rules only concern **remunerated** political advertisements. They do not affect the content of political ads nor rules on conduct and financing of political campaigns. Personal views, political opinions, such as any unsponsored journalistic content, or communication on the organisation and participation in elections by official national or EU sources are not impacted.

Provision of political advertising services in the Union

Providers of political advertising services should not make the provision of their services subject to discriminatory restrictions solely based on the place of residence or establishment of the sponsor.

Providers of political advertising services should be required, in the **three months preceding an election or referendum** organised at Union level or at national, regional or local level in a Member State to only provide political advertising services to citizens of the Union, third-country nationals permanently residing in the Union and having a right to vote in that election or referendum or legal persons established in the Union which are not controlled by third-country entities.

Identification of a political advertisement

According to the amended text, there should be a clear and substantial link between the message and its potential to influence the outcome of an election or referendum, voting behaviour or a legislative or regulatory process.

In order to determine the existence of such a link, account should be taken of all factors relevant at the time the message was promoted, published, delivered or disseminated, such as the identity of the sponsor

of the message, the form and the content of the message, the spoken or written language used to convey the message, the context in which the message was conveyed, including the period of dissemination such as an electoral period, the objective of the message and the means by which the message was promoted, published, delivered or disseminated and the audience targeted.

Record-keeping

Providers of political advertising services should retain, to the extent necessary to comply with this Regulation, information they collect in the provision of their services on the following: (i) information on the public or private origin of the amounts and other benefits received in part or full exchange for the service or services provided, as well as whether they originated from inside or outside of the Union; (ii) the identity and the contact details of the sponsor of the political advertisement and, where applicable, of the entity ultimately controlling the sponsor and, for legal persons, their place of establishment.

Transparency

Political advertising publishers should ensure that the **transparency notice** includes the following information:

- the identity of the sponsor and, where applicable, of the entity ultimately controlling the sponsor, including their name, e-mail address, and, where made public, their postal address;
- the information required on the natural or legal person that provides remuneration in exchange for the political advertisement if this person is different from the sponsor or the entity ultimately controlling the sponsor;
- the aggregated amounts and the aggregated value of other benefits received by the providers of political advertising services, including those received by the publisher in part or full exchange for the political advertising services, and, where relevant, of the political advertising campaign;
- information on public or private origin of the amounts and other benefits as well as whether they originate from inside or outside the Union.

Transparency notices should be clearly visible and user friendly. Moreover, the Commission should establish and ensure, directly or by entrusting this responsibility to a management authority, the management of a **European repository** for online political advertisements (the ‘European repository’) which is a public repository for all online political advertisements published in the Union or directed to Union citizens or residents in the Union.

Targeting techniques and ad-delivery techniques in the context of online political advertising

In order to protect voters from manipulation, targeting and amplification techniques will only be possible for online political advertising based on personal data collected from the subject once their **explicit and separate consent** has been given. Targeting techniques and ad-delivery techniques involving **profiling** using special categories of personal data should be prohibited. Special categories of personal data (e.g. ethnicity, religion, sexual orientation) or minors’ data cannot be used.

Competent authorities

The competent authorities, when performing their tasks in relation to this Regulation, should have the power to:

- request access to data, documents or any necessary information, in particular from the sponsor or the providers of political advertising services concerned, which the competent authorities are to use only for the purpose of monitoring and assessing compliance with this Regulation;
- issue warnings addressed to the providers of political advertising services regarding their non-compliance with the obligations under this Regulation;
- order the cessation of infringements and require sponsors or providers of political advertising services to take the steps necessary to comply with this Regulation;
- impose or request the imposition by a judicial authority of fines or financial penalties or other financial measures as appropriate.