Basic information

2021/0381(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Transparency and targeting of political advertising **Subject** 1.20.09 Protection of privacy and data protection 2.40 Free movement of services, freedom to provide 4.60.02 Consumer information, advertising, labelling **Legislative priorities** Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	GOZI Sandro (Renew)	22/12/2021
	Shadow rapporteur ARIAS ECHEVERRÍA Pablo (EPP) LEITÃO-MARQUES Maria-Manuel (S&D) GEESE Alexandra (Greens/EFA) BIELAN Adam (ECR) JORON Virginie (ID) KOULOGLOU Stelios (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
CULT Culture and Education (Associated committee)	VERHEYEN Sabine (EPP)	22/03/2022
JURI Legal Affairs	NIEBLER Angelika (EPP)	28/02/2022
LIBE Civil Liberties, Justice and Home Affairs (Associated committee)	DONÁTH Anna Júlia (Renew)	13/07/2022

	AFCO Constitutional Affairs	FREUND Daniel (Greens /EFA)	20/06/2022
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Justice and Consumers	REYNDERS Didier	
European Economic and Social Committee			

Key events

Date	Event	Reference	Summary
25/11/2021	Legislative proposal published	COM(2021)0731	Summary
13/12/2021	Committee referral announced in Parliament, 1st reading		
05/05/2022	Referral to associated committees announced in Parliament		
24/01/2023	Vote in committee, 1st reading		
26/01/2023	Committee report tabled for plenary, 1st reading	A9-0009/2023	Summary
01/02/2023	Debate in Parliament		
02/02/2023	Decision by Parliament, 1st reading	T9-0027/2023	Summary
02/02/2023	Results of vote in Parliament		
02/02/2023	Matter referred back to the committee responsible for interinstitutional negotiations		
24/01/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)000267 PE758.111	
26/02/2024	Debate in Parliament		
27/02/2024	Decision by Parliament, 1st reading	T9-0090/2024	Summary
27/02/2024	Results of vote in Parliament		
11/03/2024	Act adopted by Council after Parliament's 1st reading		
13/03/2024	Final act signed		
20/03/2024	Final act published in Official Journal		

Technical information

Procedure reference	2021/0381(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation

Legislative instrument	Regulation
Legal basis	Rules of Procedure EP 57_o Treaty on the Functioning of the European Union TFEU 016-p2 Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/9/07812

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE732.754	16/06/2022	
Amendments tabled in committee		PE736.500	15/09/2022	
Amendments tabled in committee		PE736.517	15/09/2022	
Committee opinion	AFCO	PE719.609	20/10/2022	
Committee opinion	CULT	PE735.573	03/11/2022	
Committee opinion	JURI	PE735.590	05/12/2022	
Committee opinion	LIBE	PE734.324	08/12/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0009/2023	26/01/2023	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T9-0027/2023	02/02/2023	Summary
Text agreed during interinstitutional negotiations		PE758.111	20/12/2023	
Text adopted by Parliament, 1st reading/single reading		T9-0090/2024	27/02/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)000267	20/12/2023	
Draft final act	00090/2023/LEX	13/03/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0731	25/11/2021	Summary
Document attached to the procedure	SEC(2021)0575	25/11/2021	
Document attached to the procedure	SWD(2021)0355	25/11/2021	
	SWD(2021)0356		

Document attached to the procedure		25/11/2021	
Commission response to text adopted in plenary	SP(2024)270	08/07/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N9-0014/2022 OJ C 145 01.04.2022, p. 0012	20/01/2022	
EESC	Economic and Social Committee: opinion, report	CES6449/2021	23/02/2022	
CofR	Committee of the Regions: opinion	CDR1120/2022	27/04/2022	

Additional information

Source	Document	Date
European Parliament	Briefing	08/07/2022
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
GOZI Sandro	Rapporteur	IMCO	03/10/2023	Meta
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	03/10/2023	European Partnership for Democracy
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	29/09/2023	Computer & Communications Industry Association
ARIAS ECHEVERRÍA Pablo	Shadow rapporteur	IMCO	27/09/2023	Meta
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	21/09/2023	Flint Europe
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	15/09/2023	Access Now Europe Centre for Democracy & Technology, Europe
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	08/09/2023	Google Ireland Limited and its affiliates
GEESE Alexandra	Shadow rapporteur	IMCO	20/07/2023	European Digital Rights
GOZI Sandro	Rapporteur	IMCO	12/07/2023	The Authority for European Political Parties and European Political Foundations
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	06/07/2023	TikTok Technology Ltd
GOZI Sandro	Rapporteur	IMCO	27/06/2023	Google Ireland Limited and its affiliates

GOZI Sandro	Rapporteur	IMCO	13/06/2023	Meta
GEESE Alexandra	Shadow rapporteur	IMCO	26/05/2023	Berliner Beauftragte für Datenschutz und Informationsfreiheit
GEESE Alexandra	Shadow rapporteur	IMCO	24/05/2023	AWO Belgium BV (trading as AWO)
GEESE Alexandra	Shadow rapporteur	IMCO	12/05/2023	Wikimedia Europe
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	13/04/2023	Google Ireland Limited and its affiliates
GEESE Alexandra	Shadow rapporteur	IMCO	27/03/2023	Access Now Europe European Center for Not-for-Profit Law Stichting European Digital Rights European Partnership for Democracy European Youth Forum interface - tech analysis and policy ideas for Europe e.V. Center for Democracy and Technology
GOZI Sandro	Rapporteur	IMCO	22/03/2023	Snapchat
VERHEYEN Sabine	Shadow rapporteur	IMCO	09/03/2023	Bavarian Government
TANG Paul	Shadow rapporteur for opinion	LIBE	09/03/2023	Irish Council for Civil Liberties University of Amsterdam Bob Hoffman
GEESE Alexandra	Shadow rapporteur	IMCO	28/02/2023	Access Now Europe European Partnership for Democracy Italian media regulatory authority AGCOM,
GARCÍA DEL BLANCO Ibán	Shadow rapporteur	JURI	03/02/2023	Prisa Media
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	26/01/2023	Flint Europe
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	26/01/2023	Public Impact Brussels
BIELAN Adam	Shadow rapporteur	IMCO	16/01/2023	Facebook
ARIAS ECHEVERRÍA Pablo	Shadow rapporteur	IMCO	12/01/2023	Google Ireland Limited and its affiliates
GEESE Alexandra	Shadow rapporteur	IMCO	20/12/2022	interface - tech analysis and policy ideas for Europe e.V.
GEESE Alexandra	Shadow rapporteur	IMCO	19/12/2022	Campact
GEESE Alexandra	Shadow rapporteur	IMCO	16/12/2022	Reset Tech GmbH
GEESE Alexandra	Shadow rapporteur	IMCO	14/12/2022	Access Now Europe
ARIAS ECHEVERRÍA Pablo	Shadow rapporteur	IMCO	12/12/2022	ACT Alliance Advocacy to the European Union MEP Arias Echeverría was not present in the room. One of his APA held this meeting on his behalf.
ARIAS ECHEVERRÍA Pablo	Shadow rapporteur	IMCO	07/12/2022	Google Ireland Limited and its affiliates MEP Arias Echeverría was not present in the room. One of his APA held this meeting on his behalf.
BIELAN Adam	Shadow rapporteur	IMCO	23/11/2022	YouTube
TANG Paul	Shadow rapporteur for opinion	LIBE	23/11/2022	European Digital Rights
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	22/11/2022	TikTok Technology Ltd

LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	17/11/2022	World Federation of Advertisers
GEESE Alexandra	Shadow rapporteur	IMCO	16/11/2022	Bitkom e.V. Deutsche Welle VAUNET - Verband Privater Medien e. V. ERGA
GEESE Alexandra	Shadow rapporteur	IMCO	14/11/2022	European Partnership for Democracy Institute for Strategic Dialogue
TANG Paul	Shadow rapporteur for opinion	LIBE	14/11/2022	Access Now Europe
GARCÍA DEL BLANCO Ibán	Shadow rapporteur	JURI	14/11/2022	ACT Group
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	10/11/2022	Pinterest Europe Limited
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	09/11/2022	European Partnership for Democracy
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	09/11/2022	Google Ireland Limited and its affiliates NOVE Youtube
ARIAS ECHEVERRÍA Pablo	Shadow rapporteur	IMCO	08/11/2022	World Federation of Advertisers
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	27/10/2022	European Digital Rights
GEESE Alexandra	Shadow rapporteur	IMCO	24/10/2022	Centre for Democracy & Technology, Europe
TANG Paul	Shadow rapporteur for opinion	LIBE	24/10/2022	Interactive Advertising Bureau Europe
GEESE Alexandra	Shadow rapporteur	IMCO	18/10/2022	Centre for Democracy & Technology, Europe
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	18/10/2022	TikTok Technology Ltd
GOZI Sandro	Rapporteur	IMCO	10/10/2022	DOT Europe
TANG Paul	Shadow rapporteur for opinion	LIBE	27/09/2022	European Partnership for Democracy
TANG Paul	Shadow rapporteur for opinion	LIBE	22/09/2022	DOT Europe
GEESE Alexandra	Shadow rapporteur	IMCO	21/09/2022	European Digital Rights
VERHEYEN Sabine	Shadow rapporteur	IMCO	07/09/2022	EASA
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	05/09/2022	European Advertising Standards Alliance
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	01/09/2022	EBU-UER (European Broadcasting Union)
GEESE Alexandra	Shadow rapporteur	IMCO	01/09/2022	ERGA
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	31/08/2022	World Federation of Advertisers
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	13/07/2022	DOT Europe
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	13/07/2022	Meta Platforms Ireland Limited and its various subsidiaries

VERHEYEN Sabine	Rapporteur for opinion	CULT	12/07/2022	Permanent Representation of the Kingdom of the Netherlands to the European Union Permanent Representation of Belgium to the European Union
ĎURIŠ NICHOLSONOVÁ Lucia	Shadow rapporteur	IMCO	11/07/2022	Meta Platforms Ireland Limited and its various subsidiaries
GEESE Alexandra	Shadow rapporteur	IMCO	11/07/2022	European Partnership for Democracy
GEESE Alexandra	Shadow rapporteur	IMCO	06/07/2022	Meta Platforms Ireland Limited and its various subsidiaries
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	29/06/2022	LinkedIn Ireland
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	29/06/2022	interface - tech analysis and policy ideas for Europe e.V.
KOLAJA Marcel	Shadow rapporteur for opinion	CULT	28/06/2022	Access Now Europe
GEESE Alexandra	Shadow rapporteur	IMCO	28/06/2022	Access Now Europe Centre for Democracy & Technology, Europe European Center for Not-for-Profit Law Stichting European Digital Rights European Partnership for Democracy interface - tech analysis and policy ideas for Europe e.V.
TANG Paul	Shadow rapporteur for opinion	LIBE	28/06/2022	Centre for Democracy & Technology, Europe European Center for Not-for-Profit Law Stichting European Partnership for Democracy interface - tech analysis and policy ideas for Europe e.V.
TANG Paul	Shadow rapporteur for opinion	LIBE	21/06/2022	Access Now Europe Civil Liberties Union for Europe European Partnership for Democracy interface - tech analysis and policy ideas for Europe e.V. EDPS
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	14/06/2022	Association of Commercial Television and Video on Demand Services in Europe
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	09/06/2022	CDT
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	07/06/2022	EBU-UER (European Broadcasting Union)
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	07/06/2022	Google Ireland Limited and its affiliates
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	19/05/2022	EGTA
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	19/05/2022	European Magazine Media Association European Newspaper Publishers' Association
GOZI Sandro	Rapporteur	IMCO	19/05/2022	EBU
VERHEYEN Sabine	Rapporteur for opinion	CULT	19/05/2022	ARD-Europabüro ZDF-Europabüro
GEESE Alexandra	Shadow rapporteur	IMCO	18/05/2022	European Publishers Council
GEESE Alexandra	Shadow rapporteur	IMCO	13/05/2022	ARD-Europabüro ZDF Europabüro Brüssel
GEESE Alexandra	Shadow rapporteur	IMCO	05/05/2022	World Federation of Advertisers
GEESE Alexandra	Shadow rapporteur	IMCO	04/05/2022	European Partnership for Democracy
GOZI Sandro	Rapporteur	IMCO	31/03/2022	DOT

GEESE Alexandra	Shadow rapporteur	IMCO	11/03/2022	European Digital Rights
GEESE Alexandra	Shadow rapporteur	IMCO	10/03/2022	Interactive Advertising Bureau Europe
GEESE Alexandra	Shadow rapporteur	IMCO	24/02/2022	European Partnership for Democracy

Other Members

Transparency

Name	Date	Interest representatives
KOKALARI Arba	12/07/2023	Google Ireland Limited and its affiliates
WÖLKEN Tiemo	08/02/2023	Campact
MANDERS Antonius	26/10/2022	NDP Nieuwsmedia
KOKALARI Arba	13/10/2022	Svenska Tidningsutgivareföreningen
KOKALARI Arba	05/07/2022	Meta
WALSH Maria	05/07/2022	Meta Platforms Ireland Limited and its various subsidiaries
GARCÍA DEL BLANCO Ibán	17/05/2022	EGTA
GARCÍA DEL BLANCO Ibán	04/05/2022	ACTE
KAMMEREVERT Petra	27/04/2022	ARD-Europabüro ZDF Europabüro Brüssel

Final act

Regulation 2024/0900
OJ OJ L 20.03.2024

Transparency and targeting of political advertising

2021/0381(COD) - 25/11/2021 - Legislative proposal

PURPOSE : to lay down harmonised rules for a high level of transparency of political advertising and related services.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: political advertising is a tool in campaigning to convey political messages to voters. It aims to influence people's views on political subjects and their voting decisions, and is often specifically regulated nationally, with a specific focus on transparency.

The traditional media for political ads used to be newspapers, posters, radio and television. However, these have increasingly been displaced by the digital sphere. The cross-border nature of online political advertising has challenged the relevance of national rules, which typically included restrictions to ensure democratic accountability and fairer processes and economic operators face difficulties to determine and adapt to applicable rules, limiting their ability to offer advertising services.

Several Member States have legislated or intend to legislate in the area of transparency in political advertising. As these rules diverge in scope, content and effect, new ad hoc national rules would only increase the fragmentation of the essential transparency elements.

This proposal also complements the proposed amendment to Regulation (EU) 1141/2014 on the statute and financing of European political parties and foundations.

CONTENT: the proposal **addresses the fragmentation of the existing Regulatory framework in this area and seeks to promote high European standards of transparency in political campaigning** and free and fair elections in the EU level, strengthen the resilience of democratic processes in the EU and combat disinformation, information manipulation and interference in elections.

The proposed Regulation lays down:

- harmonised transparency obligations for providers of political advertising and related services to retain, disclose and publish information connected to the provision of such services;

- harmonised rules on the use of targeting and amplification techniques in the context of the publication, dissemination or promotion of political advertising that involve the use of personal data.

The main measures set out in the proposed Regulation on transparency and targeting of political adverts include:

Scope

Political advertisements will cover ads by, for or on behalf of a political actor as well as so called issue-based ads which are liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.

Transparency obligations for paid political advertising

The proposal establishes measures applicable to all providers of political advertising services involved in the **preparation, placement, promotion, publication or dissemination** of political advertising. In particular, it provides for measures concerning (i) the transparency of political advertising, (ii) the obligation to identify political advertisements and (iii) the obligation to keep records and provide information to advertising publishers.

Advertising publishers would be required to:

- include a **clear statement** to the effect that it is of a political nature, indicate the name of the sponsor, and make available information to understand the wider context of political advertising and its aims;

- publish annually **information on the amounts or value** of other benefits received in part or full exchange for services they have provided in connection with political advertisements;

- establish user-friendly mechanisms for citizens to notify them of advertisements that do not comply with the obligations set out in the Regulation.

Political targeting and amplification

The proposal lays down strict conditions on the use of targeting or amplification techniques involving the processing of personal data for political advertising purposes. When sensitive data are at stake, a prohibition applies accompanied by specific exemptions. Further, controllers making use of these techniques for political advertising purposes shall adopt and implement an internal policy, keep records, and provide information to allow individuals to understand the logic involved and main parameters of the targeting used, and the involvement of third-party data and additional analytical techniques.

Supervision and enforcement

The proposal lays down an obligation for providers of political advertising services not established in the Union to appoint a **legal representative** in one of the Member States where they provide their services. It also lays down which authorities are entrusted with the supervision and enforcement of specific the measures.

Fines

Member States will be required to introduce effective, proportionate and dissuasive fines when the rules on transparency of political advertising are breached.

Transparency and targeting of political advertising

2021/0381(COD) - 02/02/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 433 votes to 61, with 110 abstentions, **amendments** to the proposal for a regulation of the European Parliament and of the Council on the transparency and targeting of political advertising.

The matter was referred back to the committee responsible for inter-institutional negotiations.

The main amendments adopted in plenary concern the following points:

Subject matter, scope and definitions

Members propose to clarify that the regulation lays down harmonised rules on:

- obligations concerning the provision of political advertising services, transparency and due diligence for sponsors and providers of political advertising services that require them to provide, collect, retain, disclose and publish information connected to the provision in the internal market of such services;

- the use of **targeting and ad delivery techniques** in connection with the preparation, placement, promotion, publication, delivery or dissemination of political advertising, in the context of the provision of political advertising services, that involves the processing of personal data;

- the **supervision and enforcement** of this Regulation, including as regards the cooperation and coordination between the competent authorities.

It is clarified that political views and opinions and other editorial content expressed under the editorial responsibility of a media service provider should not be considered political advertising unless specific payment or other remuneration is provided for their preparation, placement, promotion, publication, delivery or dissemination by third parties.

Furthermore, the Regulation should **protect fundamental rights and freedoms** as enshrined in Union and national law, including the Charter of Fundamental Rights, and should not affect the content of political advertising or national provisions governing election periods and political campaigns.

Provision of political advertising services in the Union

Providers of political advertising services should not discriminate against sponsors on grounds of their place of residence or, where applicable, establishment, when those sponsors request, conclude or hold a contract for political advertising services. By way of exception, political advertising services should be provided only to a sponsor or a service provider acting on behalf of a sponsor who is a citizen of the Union, or a natural or legal person **residing or established in the Union**.

Identification of a political advertisement

In order to determine whether a message constitutes a political advertisement, Members suggest that all its features should be taken into account, in particular the content and purpose of the message, its sponsor, the spoken or written language used to convey the message, as well as the context in which the message is conveyed and how it is transmitted. The Commission should develop common guidance to contribute to the correct application of those criteria.

Transparency and due diligence obligations for political advertising services

Members suggested the following clarifications:

- all service providers should ensure that the **contractual arrangements** concluded for the provision of a political advertising service specify how the relevant provisions of this Regulation are complied with;

- the **statement** made by advertising services acting on behalf of sponsors whether the advertising service constitutes a political advertising service should be made in a good faith, should contain accurate information, and should be provided in timely, complete and accurate manner. In case of manifestly erroneous declarations, the providers of advertising services should request corrections.

- political advertising publishers that are also Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) should diligently identify, analyse and assess any systemic risks that their political advertising services pose in the context of their risk assessments and put in place reasonable, proportionate and effective mitigation measures;

- strengthening the provisions on **record-keeping** and transmission of information to the political advertising publisher to ensure that providers of political advertising services retain information they collect in the provision of their services and communicate it to the political advertising publisher in a timely and accurate manner;

- **labelling** requirements that allow people to easily identify political advertising as such, as well as the definition by the Commission of standardised and effective techniques for the labelling of political advertising;

- details of the information to be provided in the **transparency notice** and the responsibility of providers of political advertising services, including publishers with regards to accuracy and completeness of information; transparency notices should be presented in an easily accessible form;

- the establishment of an **EU library** for hosting political advertisements ensuring the hosting of a database containing each online political advertisement;

- the adoption by the Commission to adopt **common standards** to establish common data structure and standards, and a common application programming interface;

- details of the procedures for natural and legal persons to easily **flag up** possibly unlawful political advertisements.

Targeting and delivery of political advertising

Targeting and ad delivery techniques that involve the processing of special categories of personal data in the context of political advertising would be prohibited. Targeting techniques involving the processing of personal data would be limited to personal data explicitly provided by the data subject with **his or her consent**. The data controller should inform when requesting consent from the data subject that his or her provided personal data may be processed solely for the purpose of presenting political advertising to the data subject.

The amendments aim to ensure that publishers of political advertising include in the transparency notice all the information necessary to enable the data subject to understand the logic involved and the main parameters of the technique used, such as the objectives, mechanisms and logic of targeting, including inclusion and exclusion parameters, and the reasons for choosing these parameters.

In addition, the transparency notice should visibly refer to an **easily accessible interface** where users can withdraw their consent or modify the personal data they have provided.

Supervision, enforcement and sanctions

Parliament called for enhanced **cooperation at EU level** between national competent authorities, while preserving national competences in this area. Each Member State should designate a competent authority as a national contact point at EU level for all aspects of the Regulation. The national contact points would ensure effective cooperation between national competent authorities and with other national contact points and authorities at Union level.

Within the framework of the European Cooperation Network on Elections, a **permanent Network of National Contact Points** should be established which should serve as a platform for regular exchange of information and structured cooperation between national contact points and the Commission on all aspects of this Regulation.

As for the provisions requiring Member States to determine the system of penalties for breaches of the Regulation, Parliament suggested that Member States should also have the possibility of imposing **periodic penalty payments** for serious and repeated breaches.

Lastly, any person, or entity should have the right to lodge a **complaint** with the competent authority that is the national contact point of the Member State where that entity or person is located or established against sponsors and providers of political advertising services, alleging an infringement of this Regulation.

Transparency and targeting of political advertising

2021/0381(COD) - 26/01/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Sandro GOZI (Renew, FR) on the proposal for a regulation of the European Parliament and of the Council on the transparency and targeting of political advertising.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure amend the proposal as follows:

Subject matter, scope and definitions

Members propose to clarify that the regulation establishes harmonised rules on obligations concerning the provision of political advertising services, and on transparency and due diligence for sponsors and providers of political advertising services that require them to provide, collect,

retain, disclose and publish information connected to the provision in the internal market of such services.

Furthermore, the Regulation should **protect fundamental rights and freedoms** as enshrined in Union and national law, including the Charter of Fundamental Rights, and should not affect the content of political advertising or national provisions governing election periods and political campaigns.

Moreover, political opinions expressed under the editorial responsibility of a service provider should not be considered political advertising unless specific payment or other remuneration is provided for their preparation, placement, promotion, publication, delivery or dissemination by third parties.

The report also recommends **clarifying several definitions**, including 'political advertising', 'political actor' and ‘political advertising publisher', 'targeting and amplification techniques', and proposes a new definition of 'political advertising service providers' in order to promote a better understanding of the system.

Provision of political advertising services in the Union

Providers of political advertising services should not discriminate against sponsors on grounds of their place of residence or, where applicable, establishment, when those sponsors request, conclude or hold a contract for political advertising services. By way of exception, political advertising services should be provided only to a sponsor or a service provider acting on behalf of a sponsor who is a citizen of the Union, or a natural or legal person **residing or established in the Union**.

Identification of a political advertisement

Members believe that it is essential to clearly establish the criteria for determining whether an advertisement is political in nature or not. Such criteria should include the content and purpose of the message, its sponsor, the spoken or written language used to convey the message, as well as the context in which the message is conveyed and how it is transmitted. The Commission should develop common guidance to contribute to the correct application of those criteria.

Transparency and due diligence obligations for political advertising services

The report suggested the following clarifications:

- all service providers should ensure that the contractual arrangements concluded for the provision of a political advertising service specify how the relevant provisions of this Regulation are complied with;

- the **statement** made by advertising services acting on behalf of sponsors whether the advertising service constitutes a political advertising service should be made in a good faith, should contain **accurate information**, and should be provided in timely, complete and accurate manner. In case of manifestly erroneous declarations, the providers of advertising services should request corrections. Additional risk management obligations should apply to service providers who are very large online platforms in the meaning of the Digital Services Act;

- strengthening the provisions on **record-keeping** and transmission of information to the political advertising publisher so as to ensure that providers of political advertising services retain information they collect in the provision of their services and communicate it to the political advertising publisher in a timely and accurate manner;

- the definition by the Commission of common standards to establish harmonised, efficient and prominent **labels** for political advertisements;

- details of the information to be provided in the **transparency notice** and the responsibility of providers of political advertising services, including publishers with regards to accuracy and completeness of information;

- the establishment of an EU library for hosting political advertisements ensuring the hosting of a database containing each online political advertisement;

- the adoption by the Commission to adopt **common standards** to establish common data structure and standards, and a common application programming interface;

- details of the procedures for natural and legal persons to easily **flag up** possibly unlawful political advertisements.

Targeting and delivery of political advertising

Targeting and ad delivery techniques that involve the processing of special categories of personal data in the context of political advertising would be prohibited. Targeting techniques involving the processing of personal data would be limited to personal data explicitly provided by the data subject with **his or her consent**.

The amendments aim to ensure that publishers of political advertising include in the transparency notice all the information necessary to enable the data subject to understand the logic involved and the main parameters of the technique used. In addition, the transparency notice should visibly link to an **easily accessible interface** in which users can withdraw their consent or modify the personal data they provided for the sole purpose of online political advertising.

Monitoring, enforcement and sanctions

The Commission should keep publicly available registers of **legal representatives** registered at national level under this Regulation. Service providers should give their legal representative the necessary powers and sufficient resources to ensure effective and timely cooperation with the Member States' competent authorities and, where relevant, with the Commission, and to ensure the compliance with their decisions.

Competent authorities, when exercising their supervisory tasks in relation to the Regulation, would be empowered to: (i) request access to data, documents, or any necessary information from the providers of political advertising services; (ii) order an end to infringements and, where appropriate, impose remedies that are proportionate to the infringement and necessary to bring it effectively to an end; (iii) impose administrative fines and financial penalties, including periodic penalty payments; (iv) carry out order inspections of any premises that providers of political advertising services use for purposes related to their trade, business, craft or profession.

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.