











Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2021/0381(COD)</p>	Awaiting Parliament's position in 1st reading
<p>Transparency and targeting of political advertising</p>	
<p>Subject</p> <p>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</p>	
<p>Legislative priorities</p> <p>Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<p>IMCO Internal Market and Consumer Protection</p>	<p> GOZI Sandro</p> <p>Shadow rapporteur</p> <p> ARIAS ECHEVERRÍA Pablo</p> <p> LEITÃO-MARQUES Maria-Manuel</p> <p> GEESE Alexandra</p> <p> JORON Virginie</p> <p> BIELAN Adam</p> <p> KOULOGLOU Stelios</p>	22/12/2021
	<p>Committee for opinion</p> <p>LIBE Civil Liberties, Justice and Home Affairs (Associated committee)</p>	<p> DONÁTH Anna Júlia</p>	13/07/2022
	<p>JURI Legal Affairs</p>	<p> NIEBLER Angelika</p>	28/02/2022
	<p>AFCO Constitutional Affairs</p>	<p> FREUND Daniel</p>	20/06/2022
	<p>CULT Culture and Education</p>		22/03/2022

(Associated committee)



[VERHEYEN Sabine](#)

Council of the European Union
European Commission

Commission DG
[Justice and Consumers](#)

Commissioner
REYNDERS Didier

European Economic and
Social Committee

Key events

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	Matter referred back to the committee responsible		

Technical information

Procedure reference	2021/0381(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 016-p2; Treaty on the Functioning of the EU TFEU 114; Rules of Procedure EP 57
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	IMCO/9/07812

Documentation gateway

Legislative proposal	COM(2021)0731	25/11/2021	EC	Summary
Document attached to the procedure	SEC(2021)0575	25/11/2021	EC	
Document attached to the procedure	SWD(2021)0355	25/11/2021	EC	
Document attached to the procedure	SWD(2021)0356	25/11/2021	EC	
Document attached to the procedure	N9-0014/2022 OJ C 145 01.04.2022, p. 0012	20/01/2022	EDPS	
Economic and Social Committee: opinion, report	CES6449/2021	23/02/2022	ESC	

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

Additional information

Research document	Briefing	08/07/2022
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Transparency and targeting of political advertising

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 peoples 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

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

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				
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	13/04/2023	Google
TANG Paul	Shadow rapporteur for opinion	LIBE	09/03/2023	Irish Council for Civil Liberties University of Amsterdam Bob Hoffman

VERHEYEN Sabine	Shadow rapporteur	IMCO	09/03/2023	Bavarian Government
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	Political Intelligence
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	IMCO	26/01/2023	Flint Europe
BIELAN Adam	Shadow rapporteur	IMCO	16/01/2023	Facebook
ARIAS ECHEVERRÍA Pablo	Shadow rapporteur	IMCO	12/01/2023	Google
GEESE Alexandra	Shadow rapporteur	IMCO	20/12/2022	Stiftung Neue Verantwortung e.V.
WÖLKEN Tiemo	Member	08/02/2023	Campact	
MANDERS Antonius	Member	26/10/2022	NDP Nieuwsmedia	
KOKALARI Arba	Member	13/10/2022	Svenska Tidningsutgivareföreningen	
WALSH Maria	Member	05/07/2022	Meta Platforms Ireland Limited and its various subsidiaries (f/k/a Facebook Ireland Limited)	
KOKALARI Arba	Member	05/07/2022	Meta	
GARCÍA DEL BLANCO Ibán	Member	17/05/2022	EGTA	
GARCÍA DEL BLANCO Ibán	Member	04/05/2022	ACTE	
KAMMEREVERT Petra	Member	27/04/2022	ARD-Verbindungsbüro Brüssel ZDF Europabüro Brüssel	