

Regulating political advertising

During the February I plenary session, Parliament is expected to vote the report on the proposal to adopt a regulation on the transparency and targeting of political advertising. Put forward by the Commission as part of the November 2021 legislative package to reinforce democracy and ensure the integrity of elections, the report was adopted by the Committee on the Internal Market and Consumer Protection (IMCO) on 24 January 2023.

Background

Digital technologies and social media have [revolutionised](#) electoral campaigning, offering political actors massive reach at very low cost. However, they have sometimes been used to spread false information, fragment political debate and manipulate voters. The EU has tried to address such threats for example in the [2018 code of practice on disinformation](#), strengthened in [2022](#), the 2018 [action plan](#) against disinformation and the 2018 [electoral package](#), all with specific measures on political advertising. However, the Commission's [assessment](#) of the 2018 code of practice and its [report](#) on the 2019 EU elections pointed to **shortcomings** in the instruments available, leading to the [proposal](#) on political advertising in 2021.

European Commission proposal

The proposal seeks to introduce a common regulatory framework for sponsored political advertising applying to both online and offline environments in the run-up to elections and between elections. Building on the [Digital Services Act](#), the proposal would impose obligations on providers of political advertising services. Political advertisements would have to be **labelled** as such to **distinguish them from editorial content**, and be accompanied by certain information and a **transparency notice**, making reference to the sponsor's identity and contact details, the period of publication, and the amounts spent and their sources. The proposal also seeks to **ban targeting and amplification techniques** that involve the processing of sensitive personal data as listed in Article 9(1) of the [General Data Protection Regulation](#) (GDPR).

European Parliament position

IMCO was the lead committee for the file, with LIBE and CULT as associated committees. The [draft report](#) was presented on 21 June 2022, 686 [amendments](#) were tabled and IMCO adopted its legislative report on 24 January 2023. The report streamlines the scope of application of the future regulation, excluding political views expressed under the **editorial responsibility** of a media service, and providing a non-exhaustive list of elements to be taken into account to determine whether a message is a political advertisement. It adds measures to prevent **risks of foreign interference**. **Obligations on sponsors are enhanced**, requiring them to identify political advertisements and provide relevant information with advertisements. **Labelling and transparency obligations are also enhanced**. The report provides for the creation of a **European repository for online political advertisements**, managed by the Commission and including all online political advertisements and the information provided in their transparency notices. Finally, the report would tighten the rules on **targeting and delivery of political advertising online**. The use of sensitive data for targeting and ad delivery purposes would be prohibited, and non-sensitive data could only be used if the data subject has given explicit consent solely for the purpose of online political advertising and subject to strict limitations. The General Affairs Council adopted its [mandate](#) for negotiations with the Parliament on 13 December 2022, so trilogues may begin once the Parliament adopts its position.

First-reading report: [2021/0381\(COD\)](#); Committee responsible: ITRE; Rapporteur: Jerzy Buzek (EPP, Poland).
For more information, see our [briefing](#).



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PE 739.311 – January 2023



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