



2021/0381(COD)

21.6.2022

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the transparency and targeting of political advertising
(COM(2021)0731 – C9-0433/2021 – 2021/0381(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Sandro Gozi

Rapporteurs for the opinions (*):

Sabine Verheyen, Committee on Culture and Education

Anna Júlia Donáth, Committee on Civil Liberties, Justice and Home Affairs

(*) Associated committee(s) – Rule 57 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act**Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	86

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on the transparency and targeting of political advertising
(COM(2021)0731 – C9-0433/2021 – 2021/0381(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0731),
 - having regard to Article 294(2) and Articles 16 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0433/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Economic and Social Committee of 23 February 2022¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Culture and Education, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Legal Affairs and the Committee on Constitutional Affairs,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C xxx, xx.xx.xxxx, p. x.

Amendment 1

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) The need to ensure transparency is a legitimate public goal, in conformity with the values shared by the EU and its Member States pursuant to Article 2 of the Treaty on European Union ('TEU'). It is not always easy for citizens to recognise political advertisements and exercise their democratic rights in an informed manner. ***A high level of transparency is necessary, among others, to support an open and fair political debate and free and fair elections or referendums and to combat disinformation and unlawful interference including from abroad.*** Political advertising can be a vector of disinformation in particular where the advertising does not disclose its political nature, and where it is targeted. Transparency of political advertising contributes to enabling voters to better understand when they are being presented with a political advertisement on whose behalf that advertisement is being made, and how they are being targeted by an advertising service provider, so that voters are better placed to make informed choices.

Amendment

(4) The need to ensure transparency is a legitimate public goal, in conformity with the values shared by the EU and its Member States pursuant to Article 2 of the Treaty on European Union ('TEU'). It is not always easy for citizens to recognise political advertisements and exercise their democratic rights in an informed manner. ***Furthermore, the increasingly sophisticated and intense interference by malign foreign actors in our democratic electoral processes through the spread of disinformation should be tackled.*** Political advertising can be a vector of disinformation in particular where the advertising does not disclose its political nature, where it ***comes from sponsors outside of the Union*** and where it is targeted ***or amplified.*** ***A high level of transparency is necessary inter alia to support an open and fair political debate, political campaigns and free and fair elections or referendums and to combat disinformation and unlawful interference, including from third countries.*** Transparency of political advertising contributes to enabling voters to better understand when they are being presented with a political advertisement, on whose behalf that advertisement is being made, and how they are being targeted by an advertising service provider, so that voters are better placed to make informed choices.

Or. en

Amendment 2

Proposal for a regulation Recital 4 a (new)

(4a) Defamatory advertising and libellous campaigns that deliberately fabricate and spread false information about political actors with the aim of worsening their public image are unacceptable in any democratic system as they undermine the electoral process and hinder political discussion based on facts, ideas and programmes. Member States should undertake all necessary steps to bring an immediate halt to such practices and to investigate them through the appropriate mechanisms and procedures, especially during electoral periods.

Or. en

Amendment 3

Proposal for a regulation

Recital 5

(5) In the context of political advertising, targeting techniques are frequently used. Targeting ***or amplification*** techniques should be understood as techniques that are used ***either*** to address a tailored political advertisement only to a specific person or group of persons ***or*** to increase the circulation, reach or visibility of a political advertisement. Given the power and the potential for the misuse of personal data of targeting, including through microtargeting and other advanced techniques, such techniques may present particular threats to legitimate public interests, such as fairness, equal opportunities and transparency in the electoral process and the fundamental right to be informed in an objective, transparent and pluralistic way.

(5) In the context of political advertising, targeting techniques are frequently used. Targeting techniques should be understood as techniques that are used to address a tailored political advertisement only to a specific person or group of persons. ***Amplification or ad delivery techniques are used*** to increase the circulation, ***the*** reach or ***the*** visibility of a political advertisement. ***Such techniques are used by political advertising publishers and especially by very large online platforms within the meaning of Regulation xxx [the Digital Services Act], to deliver political advertisements to an audience. Delivering advertisements using such techniques involves the use of opaque algorithms and can differ from what the sponsors and providers of advertising services, acting on behalf of***

sponsors, intended, making some users less likely than others to see particular political advertisements. Given the power and the potential for the misuse of personal data of targeting, including through microtargeting and other advanced techniques, such techniques may present particular threats to legitimate public interests, such as fairness, equal opportunities and transparency in the electoral process and the fundamental right to be informed in an objective, transparent and pluralistic way.

Or. en

Amendment 4

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) This situation leads to the fragmentation of the internal market, decreases legal certainty for providers of political advertising services preparing, placing, publishing or disseminating political advertisements, creates barriers to the free movement of related services, distorts competition in the internal market, including between offline and online service providers, and requires complex compliance efforts and additional costs for relevant service providers.

Amendment

(8) This situation leads to the fragmentation of the internal market, decreases legal certainty for providers of political advertising services preparing, placing, publishing, ***promoting*** or disseminating political advertisements, creates barriers to the free movement of related services, distorts competition in the internal market, including between offline and online service providers ***as a consequence of the disparity in the level of obligations and compliance between those different types of service providers,*** and requires complex compliance efforts and additional costs for relevant service providers.

Or. en

Amendment 5

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) A consistent and high level of transparency of political advertising throughout the Union should therefore be ensured when political advertising services are provided, while divergences hampering the free circulation of related services within the internal market should be prevented, by laying down uniform transparency obligations for providers of political advertising services guaranteeing the uniform protection of rights of persons and supervision throughout the internal market based on Article 114 of the TFEU.

Amendment

(10) A consistent and high level of transparency of political advertising throughout the Union should therefore be ensured when political advertising services are provided, while divergences hampering the free circulation of related services within the internal market should be prevented, by laying down uniform transparency ***and due diligence*** obligations for providers of political advertising services guaranteeing the uniform protection of rights of persons and supervision throughout the internal market based on Article 114 of the TFEU.

Or. en

Amendment 6

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Member States should not maintain or introduce, in their national laws, provisions diverging from those laid down in this Regulation, in particular more or less stringent provisions to ensure a different level of transparency in political advertising. Full harmonisation of the transparency requirements linked to political advertisement increases legal certainty and reduces the fragmentation of the obligations that service providers meet in the context of political advertising.

Amendment

(11) Member States should not maintain or introduce, in their national laws, provisions diverging from those laid down in this Regulation, in particular more or less stringent provisions to ensure a different level of transparency in political advertising. Full harmonisation of the transparency ***and due diligence*** requirements linked to political advertisement increases legal certainty and reduces the fragmentation of the obligations that service providers meet in the context of political advertising.

Or. en

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) This Regulation should **not** affect the **substantive** content of political advertising nor rules regulating the **display** of political advertising including **so-called silence periods preceding elections or referendums**.

Amendment

(13) This Regulation should **neither** affect the content of political advertising nor **Union or Member States** rules regulating the **content** of political advertising, **electoral periods and the conduct of political campaigning** including **advertising bans**.

Or. en

Amendment 8

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to support the enforcement of national rules concerning external interference in elections it is necessary to ensure that political advertising sponsored, prepared, placed, promoted, published or disseminated in the Union, or directed to individuals in one or more Member States is only available to sponsors holding the nationality of a Member State or residing in the Union, and to service providers acting on behalf of such sponsors. For the purposes of determining the place of establishment of a sponsor, the place of establishment of entities ultimately controlling the sponsor should be taken into account.

Or. en

Amendment 9

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) The Regulation should provide for harmonised transparency requirement applicable to economic actors providing political advertising and related services (i.e. activities that are normally provided for remuneration); those services consist in particular of the preparation, placement, promotion, publication and dissemination of political advertising. The rules of this Regulation that provide for a high level of transparency of political advertising services are based on Article 114 of the TFEU. This Regulation should also address the use of targeting and amplification techniques in the context of the publication, dissemination or promotion of political advertising that involve the processing of personal data. The rules of this Regulation that address the use of targeting and amplification are based on Article 16 of the TFEU. Political advertising directed to individuals in a Member State should include advertising entirely prepared, placed *or* published by service providers established outside the Union but disseminated to individuals in the Union. To determine whether a political advertisement is directed to individuals in a Member State, account should be taken of factors linking it to that Member State, including language, context, objective of the advertisement and its means of dissemination.

Amendment

(14) The Regulation should provide for *a* harmonised transparency *and due diligence* requirement applicable to economic actors providing political advertising and related services (i.e. activities that are normally provided for remuneration); those services consist in particular of the preparation, placement, promotion, publication and dissemination of political advertising. The rules of this Regulation that provide for a high level of transparency of political advertising services are based on Article 114 of the TFEU. This Regulation should also address the use of targeting and amplification techniques in the context of the publication, dissemination or promotion of political advertising that involve the processing of personal data. The rules of this Regulation that address the use of targeting and amplification are based on Article 16 of the TFEU. Political advertising directed to individuals in a Member State should include advertising entirely prepared, placed, published, *or promoted* by service providers established outside the Union but disseminated to individuals in the Union. To determine whether a political advertisement is directed to individuals in a Member State, account should be taken of factors linking it to that Member State, including language, context, objective of the advertisement and its means of dissemination.

Or. en

Amendment 10

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) The definition of political advertising should include advertising published or disseminated directly or indirectly by or published or disseminated directly or indirectly for or on behalf of a political actor. Since advertisements by, for or on behalf of a political actor cannot be detached from their activity in their role as political actor, they can be presumed to be liable to influence the political debate, except for messages of purely private or purely commercial nature.

Amendment

(16) The definition of political advertising should include advertising ***promoted***, published or disseminated directly or indirectly by or ***promoted***, published or disseminated directly or indirectly for or on behalf of a political actor. Since advertisements by, for or on behalf of a political actor cannot be detached from their activity in their role as political actor, they can be presumed to be liable to influence the political debate, except for messages of purely private or purely commercial nature. ***In order to determine that a message is of a purely private or purely commercial nature, account should be taken of all relevant factors, such as its content, the language used to convey it, the context in which it is conveyed, its objective and the means by which it is promoted, published or disseminated. Messages concerning a political actor's family status or business activities can be purely private or purely commercial. However, messages which are designed and liable to influence, the outcome of an election or referendum, a legislative or regulatory process or voting behaviour cannot be purely private or purely commercial.***

Or. en

Amendment 11

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) The publication or dissemination by

Amendment

(17) The publication, ***promotion*** or

other actors of a message that is liable to influence the outcome of an election or referendum, legislative or regulatory process or voting behaviour should also constitute political advertising. In order to determine whether the publication or dissemination of a message is liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, account should be taken of all relevant **factors** such as the content of the message, the language used to convey the message, the context in which the message is conveyed, the objective of the message and the means by which the message is published or disseminated. Messages on societal or controversial issues may, as the case may be, be liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.

dissemination by other actors of a message that is **designed and** liable to influence, the outcome of an election or referendum, legislative or regulatory process or voting behaviour **at Union, national, regional, local or at a political party level** should also constitute political advertising. In order to determine whether the publication, **promotion** or dissemination of a message is **designed and** liable to influence, the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, account should be taken of all **factors** relevant **at the time the message was published, promoted or disseminated**, such as **the identity of the sponsor of the message**, the content of the message, the language used to convey the message, the context in which the message is conveyed, the objective **and intention** of the message and the means by which the message is published, **promoted** or disseminated. **A clear and substantial link should exist between the message and its design and its liability to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.** Messages on societal or controversial issues may, as the case may be, be **designed and** liable to influence, the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.

Or. en

Amendment 12

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Commercial advertising and marketing practices can legitimately affect consumers' perceptions of products and services or their buying behaviour,

including through brand differentiation based on company actions in the field of corporate social responsibility, delivering social impact, or any other types of purpose-driven engagement. Commercial advertising in some cases may be designed and liable to influence, the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, and where this is not the case, this Regulation should not apply to such advertising.

Or. en

Amendment 13

Proposal for a regulation Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) For the effective implementation of the requirements of this Regulation, and in particular to support the sponsors of advertising and service providers acting on behalf of the sponsors in declaring political advertising, and to support providers of political advertising services in facilitating and appropriately administering such declarations, it is necessary for the Commission to encourage the preparation of guidance, codes of conduct and standards. This should be done in the context of the European Cooperation Network on Elections, and in coordination and cooperation with other relevant structures including the European Regulators Group for Audiovisual Media (ERGA) and stakeholders from the civil society and industry.

Or. en

Amendment 14

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Practical information from official sources **regarding** the organisation and modalities for participation in the elections or referendums should not constitute political advertising.

Amendment

(18) Practical information from official sources **strictly limited to** the organisation and modalities for participation in the elections or referendums should not constitute political advertising.

Or. en

Amendment 15

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) Political views expressed in the programmes of audiovisual linear broadcasts or published in printed media **without direct payment or equivalent remuneration** should not be covered by this Regulation.

Amendment

(19) Political views **and opinions** expressed **for journalistic purposes or under the editorial responsibility of a service provider**, in the programmes of audiovisual **media including** linear **and non-linear** broadcasts or published in printed media, **should not be considered political advertising and** should not be covered by this Regulation, **if no payment is provided by a third party for the expression of the views or opinions. Journalistic practices established either in national law or by media and press councils in accordance with Union law, including the Charter of Fundamental Rights, should be followed and should prohibit and prevent any form of covert advertising. Such political views and opinions which are additionally promoted, published or disseminated by service provider should be considered to be political advertising.**

Or. en

Amendment 16

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) It is necessary to define political advertisement as an instance of political advertising. Advertisements include the means by which the advertising message is communicated, including in print, by broadcast media or via an online platforms service.

Amendment

(21) It is necessary to define political advertisement as an instance of political advertising. Advertisements include the means by which the advertising message is communicated, including in print, by broadcast media ***on web pages showing results from search engine queries*** or via an online platforms service;

Or. en

Amendment 17

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) In order to cover the broad range of relevant service providers connected to political advertising services, providers of political advertising services should be understood as comprising providers involved in the preparation, placement, promotion, publication and dissemination of political advertising.

Amendment

(26) In order to cover the broad range of relevant service providers connected to political advertising services, providers of political advertising services should be understood as comprising providers involved in the preparation, placement, promotion, publication and dissemination of political advertising. ***For example, providers of political advertising services may initiate political advertising services on behalf of sponsors. Political advertising publishers should be understood as providers of political advertising services. The provision of targeting and amplification techniques in the context of political advertising should be understood to be a political advertising service;***

Or. en

Amendment 18

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Providers of purely ancillary services in relation to political advertising, which are provided in addition to and which merely complement the preparation, placement, promotion, publication and dissemination of political advertising, should not be understood as providers of political advertising services within the meaning of this Regulation. Ancillary services are services that typically depend on and complement a political advertising service. Such services include transportation, financing and investment, purchasing, sales, catering, marketing, computer services, cleaning and maintenance.

Or. en

Amendment 19

Proposal for a regulation Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) A sponsor should be understood as the person on whose behalf political advertising is prepared, placed, promoted, published or disseminated, for instance an individual candidate in an election or a political party.

Or. en

Amendment 20

Proposal for a regulation Recital 26 c (new)

Text proposed by the Commission

Amendment

(26c) Political advertising publishers should be understood as providers of political advertising services, usually at the end of the chain of service providers, promoting, publishing and disseminating political advertising by broadcasting, making it available through an interface or otherwise bringing it to the public.

Or. en

Amendment 21

Proposal for a regulation Recital 27

Text proposed by the Commission

Amendment

(27) The notion of political advertising services should not include messages that are shared by individuals in their purely personal capacity. Individuals should not be considered as acting in their personal capacity if they are publishing messages the dissemination or publication of which is paid for ***by another***.

(27) The notion of political advertising services should not include messages that are shared by individuals in their purely personal capacity. Individuals should not be considered as acting in their personal capacity if they are publishing messages the dissemination or publication of which is paid for.

Or. en

Amendment 22

Proposal for a regulation Recital 28

Text proposed by the Commission

Amendment

(28) Once ***an advertisement is indicated as being connected to political*** advertising,

(28) Once ***the sponsor declares*** advertising ***to be political***, this should be

this should be clearly indicated to other service providers involved in the political advertising services. In addition, once ***an advertisement*** has been identified as political advertisement, its further dissemination should still comply with transparency requirements. For instance, when ***sponsored content*** is shared organically, the advertising should still be labelled as political advertising.

clearly indicated to other service providers involved in the political advertising services. In addition, once ***advertising*** has been identified as political advertisement, its further dissemination should still comply with transparency ***and due diligence*** requirements. For instance, when ***political advertising*** is shared organically, the advertising should still be labelled as political advertising.

Or. en

Amendment 23

Proposal for a regulation Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) To guarantee the effectiveness of the transparency and due diligence requirements, sponsors and providers of advertising services acting on behalf of sponsors should transmit in good faith relevant information in a timely, clear, complete and accurate manner to enable the other providers of services in the chain to comply with the Regulation. When the political advertising publisher is the only provider of political advertising services, the sponsor should communicate such information to the political advertising publisher.

Or. en

Amendment 24

Proposal for a regulation Recital 28 b (new)

Text proposed by the Commission

Amendment

(28b) Where providers of political

advertising services become aware of a manifest error, inaccuracy or incompleteness in the declaration that advertising is or is not political, or in the information communicated, providers of political advertising services should make reasonable efforts to ensure that such manifest error, inaccuracy or incompleteness is corrected, in particular through confirmation of information provided by the service provider, or where relevant the sponsor itself.

Or. en

Amendment 25

Proposal for a regulation Recital 28 c (new)

Text proposed by the Commission

Amendment

(28c) A declaration or information should be considered manifestly erroneous if it is apparent from the advertising, the sponsor, or the context in which the relevant service is provided, without further verifications or fact-finding exercises.

Or. en

Amendment 26

Proposal for a regulation Recital 28 d (new)

Text proposed by the Commission

Amendment

(28d) Best efforts should include diligent and objective measures such as contacting the sponsor or the service providers concerned, to complete or correct the information. Account should be taken of the nature and importance of the

erroneous or missing information in relation to the requirements laid down by this Regulation. Best efforts should also be reflected in the contractual arrangements among service providers and with the sponsor, where relevant. The provider of political advertising services should not be required to engage in excessive or costly fact-finding exercises or complex contact with the sponsor or the providers of political advertising services concerned.

Or. en

Amendment 27

Proposal for a regulation Recital 28 e (new)

Text proposed by the Commission

Amendment

(28e) To support compliance with the requirements laid down in this Regulation it is necessary for Member States to cooperate on the preparation of standards to guide sponsors on the declaration of political advertising. It is also necessary for the Commission to encourage the preparation of such standards in the context of the European Cooperation Network on Elections, and to facilitate the preparation of guidance, codes of conduct and standards in cooperation with relevant industry bodies, civil society and the research community, in particular for the accurate and effective collection and transmission of information from sponsors to providers of political advertising services and political advertising publishers.

Or. en

Amendment 28

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) The rules on transparency laid down in this Regulation should only apply to political advertising services, i.e. political advertising that is normally provided against remuneration, which may include a benefit in kind. The transparency requirements should not apply to content uploaded by a user of an online intermediary service, such as an online platform, and disseminated by the online intermediary service without consideration for the placement, publication or dissemination for the specific message, unless the user has been remunerated by a third party for the political advertisement.

Amendment

(29) The rules on transparency **and due diligence** laid down in this Regulation should only apply to political advertising services, i.e. political advertising that is normally provided against remuneration, which may include a benefit in kind. The transparency requirements should not apply to content uploaded by a user of an online intermediary service, such as an online platform, and disseminated by the online intermediary service without consideration for the placement, publication or dissemination for the specific message, unless the user has been remunerated by a third party for the political advertisement.

Or. en

Amendment 29

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) As regards online intermediaries, Regulation (EU) 2021/XX [Digital Services Act] applies to political advertisements published or disseminated by online intermediaries through horizontal rules applicable to all types of online advertising, including commercial and political advertisements. Based on the definition of political advertising established in this Regulation, it is appropriate to provide additional granularity of the transparency requirements laid out for advertising publishers falling under the scope of

Amendment

(32) As regards online intermediaries, Regulation (EU) 2021/XX [Digital Services Act] applies to political advertisements published or disseminated by online intermediaries through horizontal rules applicable to all types of online advertising, including commercial and political advertisements. Based on the definition of political advertising established in this Regulation, it is appropriate to provide additional granularity of the transparency requirements laid out for advertising publishers falling under the scope of

Regulation (EU) 2021/XX [Digital Services Act], notably very large platforms. This concerns in particular information related to the funding of political advertisements. The requirements of this Regulation leave unaffected the provisions of the Digital Services Act, ***including as regards*** risk assessment and mitigation obligations for very large online platforms as regards their advertising systems.

Regulation (EU) 2021/XX [Digital Services Act], notably very large platforms. This concerns in particular information related to the funding of political advertisements. The requirements of this Regulation leave unaffected the provisions of the Digital Services Act, ***but should inform the*** risk assessment and mitigation obligations for very large online platforms as regards their advertising systems ***including the techniques of targeting and amplification of political advertising employed.***

Or. en

Amendment 30

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) The preparation, placement, promotion, publication and dissemination of political advertising can involve a complex chain of service providers. This is the case in particular where the selection of advertising content, the selection of targeting criteria, the provision of data used for the targeting of an advertisement, the provisions of targeting techniques, the delivery of an advertisement and its dissemination may be controlled by different service providers. For instance, automated services can support matching the profile of the user of an interface with the advertising content provided, using personal data collected directly from the user of the service and from the users' online conduct, as well as inferred data.

Amendment

(33) The preparation, placement, promotion, publication and dissemination of political advertising can involve a complex chain of service providers. This is the case in particular where the selection of advertising content, the selection of targeting ***and amplification*** criteria, the provision of data used for the targeting ***and amplification*** of an advertisement, the provisions of targeting ***and amplification*** techniques, the delivery of an advertisement and its dissemination may be controlled by different service providers. For instance, automated services can support matching the profile of the user of an interface with the advertising content provided, using personal data collected directly from the user of the service and from the users' online conduct, as well as inferred data.

Or. en

Amendment 31

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) In view of the importance of guaranteeing in particular the effectiveness of the transparency requirements including to ease their oversight, providers of political advertising services should ensure that the relevant information they collect in the provision of their services, including the indication that an advertisement is political, is provided to the political advertising publisher which brings the political advertisement to the public. In order to support the efficient implementation of this requirement, and the timely and accurate provision of this information, providers of political advertising services should consider and support automating the transmission of information among providers of political advertising services.

Amendment

(34) In view of the importance of guaranteeing in particular the effectiveness of the transparency ***and due diligence*** requirements including to ease their oversight, providers of political advertising services should ensure that the relevant information they collect in the provision of their services, including the indication that an advertisement is political, ***is complete and accurate, and it*** is provided to the political advertising publisher which brings the political advertisement to the public. In order to support the efficient implementation of this requirement, and the timely and accurate provision of this information, providers of political advertising services should ***transmit this information at the same time with the provision of the relevant service, and*** consider and support automating the transmission of information among providers of political advertising services. ***When providers of political advertising services become aware that information which they have transmitted has been updated, they should ensure that this updated information is communicated to the relevant political advertising publisher.***

Or. en

Amendment 32

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) Transparency of political

Amendment

(38) Transparency of political

advertising should enable citizens to understand that they are confronted with a political advertisement. Political advertising publishers should ensure the publication in **connection to** each political advertisement of a clear statement to the effect that it is a political advertisement and of the identity of its sponsor. Where appropriate, the name of the sponsor could include a political logo. Political advertising publishers should make use of labelling which is effective, taking into account developments in relevant scientific research and best practice on the provision of transparency through the labelling of advertising. ***They should also ensure the publication in connection to each political advertisement of information to enable the wider context of the political advertisement and its aims to be understood, which can either be included in the advertisement itself, or be provided by the publisher on its website, accessible through a link or equivalent clear and user-friendly direction included in the advertisement.***

advertising should enable citizens to understand that they are confronted with a political advertisement. Political advertising publishers should ensure the publication in each political advertisement of a clear statement to the effect that it is a political advertisement and of the identity of its sponsor. Where appropriate, the name of the sponsor could include a political logo. Political advertising publishers should ***ensure that advertisements that are political should be correctly labelled as such and to*** make use of labelling which is effective, taking into account developments in relevant scientific research and best practice on the provision of transparency through the labelling of advertising. ***In light of technological and other developments in relevant scientific research, the Commission should adopt a delegated act establishing common standards including harmonised, efficient and prominent labels for political advertisement.***

Or. en

Amendment 33

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) This information should be provided in a transparency notice which should also include the identity of the sponsor, in order to support accountability in the political process. The place of establishment of the sponsor and whether the sponsor is a natural or legal person should be clearly indicated. Personal data concerning individuals involved in political advertising, unrelated to the sponsor or other involved political actor should not be

Amendment

(39) This information should be provided in a transparency notice which should also include the identity of ***the sponsor and where applicable, the entity ultimately controlling*** the sponsor, in order to support accountability in the political process. The place of establishment of the sponsor and whether the sponsor is a natural or legal person should be clearly indicated. Personal data concerning individuals involved in political

provided in the transparency notice. The transparency notice should also contain information on the dissemination period, any linked election, the amount spent for and the value of other benefits received in part or full exchange for the specific advertisement as well for the entire advertising campaign, the source of the funds used and other information to ensure the fairness of the dissemination of the political advertisement. Information on the source of the funds used concerns for instance its public or private origin, the fact that it originates from inside or outside the European Union. Information concerning linked elections or referendums should include, when possible, a link to information from official sources regarding the organisation and modalities for participation or for promoting participation in those elections or referendums. The transparency notice should further include information on how to flag political advertisements in accordance with the procedure established in this Regulation. This requirement should be without prejudice to provisions on notification according to Article 14, 15 and 19 of Regulation (EU) 2021/XXX [Digital Services Act].

advertising, unrelated to the sponsor or other involved political actor should not be provided in the transparency notice. The transparency notice should also contain information on the dissemination period, any linked election, the amount spent for and the value of other benefits received in part or full exchange for the specific advertisement as well for the entire advertising campaign, the source of the funds used and other information to ensure the fairness of the dissemination of the political advertisement. Information on the source of the funds used concerns for instance its public or private origin, the fact that it originates from inside or outside the European Union. Information concerning linked elections or referendums should include, when possible, a link to information from official sources regarding the organisation and modalities for participation or for promoting participation in those elections or referendums. The transparency notice should ***be available immediately once the advertising is published or disseminated, and the information it contains should be kept up to date. The transparency notice should*** further include information on how to flag political advertisements in accordance with the procedure established in this Regulation. This requirement should be without prejudice to provisions on notification according to Article 14, 15 and 19 of Regulation (EU) 2021/XXX [Digital Services Act]. ***Providers of political advertising services should make reasonable effort to ensure that the information is complete and accurate.***

Or. en

Amendment 34

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) ***The information to be included in the transparency notice should be provided in the advertisement itself or be easily retrievable on the basis of an indication provided in the advertisement.*** The requirement that the information about the transparency notice is to be inter alia clearly visible should entail that it features prominently in ***or with*** the advertisement. The requirement that information published in the transparency notice is to be easily accessible, machine readable where technically possible, and user friendly should entail that it addresses the needs of people with disabilities. Annex I of Directive 2019/882 (European Accessibility Act) contains accessibility requirements for information, including digital information that should be used to render political information accessible for persons with disabilities.

Amendment

(40) ***Political advertising publishers should ensure that each political advertisement contains a clear indication of where the transparency notice could be easily retrieved.*** The requirement that the information about the transparency notice is to be inter alia clearly visible should entail that it features prominently in the advertisement - ***use could be made, for example, of a dedicated webpage link, a Quick Response code (or “QRcode”), or equivalent clear and user-friendly technical measures.*** The requirement that information published in the transparency notice is to be easily accessible, machine readable where technically possible, and user friendly should entail that it addresses the needs of people with disabilities. Annex I of Directive 2019/882 (European Accessibility Act) contains accessibility requirements for information, including digital information that should be used to render political information accessible for persons with disabilities.

Or. en

Amendment 35

**Proposal for a regulation
Recital 42**

Text proposed by the Commission

(42) Since political advertising publishers make political advertisements available to the public, they should publish or disseminate that information to the public together with the publication or dissemination of the political advertisement. Political advertising publishers should not make available to the public ***those*** political advertisements not fulfilling the transparency requirements

Amendment

(42) Since political advertising publishers make political advertisements available to the public, they should publish or disseminate that information to the public together with the publication or dissemination of the political advertisement. ***Where political advertising publishers become aware that a political advertisement does not fulfil the transparency requirements under this***

under this Regulation. In *addition*, political advertising publishers *which are very large online platforms within the meaning of Regulation (EU) 2021/XXX [Digital Services Act]* *should make the information contained in the transparency notice available through the repositories of advertisements published pursuant to Article 30 Regulation [Digital Services Act]*. *This will facilitate the work of interested actors including researchers in their specific role to support free and fair elections or referendums and fair electoral campaigns including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape.*

Regulation, they should make best efforts to fulfil the requirements under this Regulation. When the information cannot be completed or corrected without undue delay, political advertising publishers should not make available *or should discontinue the publication or dissemination* to the public *of the* political advertisements not fulfilling the transparency requirements under this Regulation. In *such situation*, political advertising publishers *should inform the provider of services concerned and, where relevant the sponsor, of the reasonable steps taken to fulfil the requirements under this* Regulation.

Or. en

Amendment 36

Proposal for a regulation Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) When complying with these obligations, providers of political advertising services should act with due regard to fundamental rights, and other rights and legitimate interests. Providers of political advertising services should in particular pay due regard to freedom of expression and access to information, including media freedom and pluralism.

Or. en

Amendment 37

Proposal for a regulation Recital 42 b (new)

(42b) This regulation should facilitate the work of interested actors, including researchers, in their specific role to support free and fair elections or referendums and fair electoral campaigns, including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape. Therefore, political advertising publishers which are Very Large Online Platforms (VLOPs) within the meaning of Regulation xxx [Digital Services Act] and Very Large Online Search Engines (VLOSEs) as defined in Regulation xxx [Digital Services Act] should make the information contained in the transparency notice available and update it, in real time, through the repositories of advertisements published pursuant to Regulation xxx [Digital Services Act]. The European Commission should ensure a provision of a service, namely a European library for political ads to support political advertising publishers that are not VLOPs within the meaning of Regulation xxx [Digital Services Act] and VLOSEs as defined in Regulation xxx [Digital Services Act] to comply with the provisions of this Article. Political advertising publishers which are not VLOPs within the meaning of Regulation xxx [Digital Services Act] and VLOSEs as defined in Regulation xxx [Digital Services Act] should ensure that the information contained in the transparency notice is made available in the European library for political advertisements without undue delay. Information made available on the interface of political advertising publishers should be provided in a machine readable format according to common data structure and standards and accessible using a common application programming interface, developed by the Commission in consultation with relevant

stakeholders.

Or. en

Amendment 38

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) Information about the amounts spent on and the value of other benefits received in part or full exchange for political advertising services can usefully contribute to the political debate. It is necessary to ensure that an appropriate overview of political advertising activity can be obtained from the annual reports prepared by relevant political advertising publishers. To support oversight and accountability, such reporting should include information about expenditure on the targeting of political advertising in the relevant period, aggregated to campaign or candidate. To avoid disproportionate burdens, those transparency reporting obligations should not apply to enterprises qualifying under Article 3(3) of Directive 2013/34/EU.

Amendment

(44) Information about the amounts spent on and the value of other benefits received in part or full exchange for political advertising services can usefully contribute to the political debate. It is necessary to ensure that an appropriate overview of political advertising activity can be obtained from the annual reports prepared by relevant political advertising publishers. To support oversight and accountability, such reporting should include information about expenditure on the targeting *or amplification* of political advertising in the relevant period, aggregated to campaign or candidate. To avoid disproportionate burdens, those transparency reporting obligations should not apply to enterprises qualifying under Article 3, *paragraphs 1 to 3*, of Directive 2013/34/EU.

Or. en

Amendment 39

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) Political advertising publishers providing political advertising services should put in place mechanisms to enable individuals to report to them that a

Amendment

(45) Political advertising publishers providing political advertising services should put in place mechanisms to enable individuals to report to them that a

particular political advertisement which they have published does not comply with this Regulation. The mechanisms to report such advertisement should be easy to access and use, and should be adapted to the form of advertising distributed by the advertising publisher. As far as possible, these mechanisms should be accessible from the advertisement itself, for instance on the advertising publisher's website. Political advertising publishers should be able to rely on existing mechanisms where appropriate . Where political advertising publishers are online hosting services providers within the meaning of the Digital Services Act, with regards to the political advertisements hosted at the request of the recipients of their services, the provisions of Article 14 of the Digital Services Act continue to apply for notifications concerning non-compliance of such advertisements with this Regulation.

particular political advertisement which they have published does not comply with this Regulation. The mechanisms to report such advertisement should be easy to access and use, and should be adapted to the form of advertising distributed by the advertising publisher. As far as possible, these mechanisms should be accessible from the advertisement itself, for instance on the advertising publisher's website. Political advertising publishers should be able to rely on existing mechanisms where appropriate . Where political advertising publishers are online hosting services providers within the meaning of the Digital Services Act, with regards to the political advertisements hosted at the request of the recipients of their services, the provisions of Article 14 of the Digital Services Act continue to apply for notifications concerning non-compliance of such advertisements with this Regulation.

Where political advertising publishers are online hosting services providers within the meaning of Regulation xxx (the Digital Services Act), with regard to the political advertisements hosted at the request of the recipients of their services, political advertising publishers should be able to rely on the notice mechanism pursuant to Regulation xxx (the Digital Services Act) for notifications concerning non-compliance of such advertisements with this Regulation.

Or. en

Amendment 40

Proposal for a regulation Recital 45 a (new)

Text proposed by the Commission

Amendment

(45a) The political advertising publishers should make reasonable efforts to address in a timely, diligent and

objective manner the notifications received pursuant to this Regulation, by contacting the relevant service providers and, as relevant, the sponsor. The political advertising publisher should inform the author of the notification and the service providers concerned of the follow up given to the notification and provides information on redress possibilities, including under Directive (EU) 2020/1828 of the European Parliament and of the Council^{1a}, in respect of the advertisement to which the notification relates. Where a notification contains sufficient information to enable a diligent provider of political advertising services to identify, without a detailed examination and complex contact process, that it is clear that information is missing or incomplete, the political advertising publisher should act without undue delay.

^{1a} Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1)

Or. en

Amendment 41

Proposal for a regulation Recital 45 b (new)

Text proposed by the Commission

Amendment

(45b) In order to ensure the effectiveness of the transparency and due diligence requirements during an election or a referendum, political advertising publishers should address, within the last month preceding the election or the referendum, any notification that they

receive about an advertisement linked to this vote within 48 hours, by contacting the services providers concerned and, where relevant, the sponsor.

Or. en

Amendment 42

Proposal for a regulation Recital 45 c (new)

Text proposed by the Commission

Amendment

(45c) Any action taken by a political advertising publisher should strictly target the correction, completion or removal of specific items of information not in compliance with this Regulation. In doing so, it should have due regard for freedom of expression and information, and other fundamental rights.

Or. en

Amendment 43

Proposal for a regulation Recital 55

Text proposed by the Commission

Amendment

(55) Providers of political advertising services established in a third country that offer services in the Union should designate a mandated legal representative in the Union to allow for effective oversight of this Regulation in relation to those providers. The legal representative could be the one designated on the basis of Article 27 of Regulation (EU) 2016/679) or the representative designated on the basis of Article 11 of Regulation (EU) 2021/xxx [the DSA].

(55) Providers of political advertising services established in a third country that offer services in the Union should designate a mandated legal representative in the Union ***that is registered with the national single contact point***, to allow for effective oversight of this Regulation in relation to those providers. The legal representative could be the one designated on the basis of Article 27 of Regulation (EU) 2016/679) or the representative designated on the basis of Article 11 of Regulation (EU)2021/xxx [the DSA].

Member States should keep a publicly available register of all legal representatives registered on their territory under this Regulation.

Or. en

Amendment 44

Proposal for a regulation Recital 60 a (new)

Text proposed by the Commission

Amendment

(60a) Within the framework of the European Cooperation Network on Elections, a permanent Network of National Contact Points should be established to serve as platform for the regular exchange of information, and for structured cooperation, between national contact points and the Commission concerning all aspects of this Regulation.

Or. en

Amendment 45

Proposal for a regulation Recital 61

Text proposed by the Commission

Amendment

(61) With a view to facilitating the effective application of the obligations set out in the regulation, it is necessary to empower national authorities to request from the services providers the relevant information on the transparency of political advertisement. Information to be transmitted to competent authorities could concern an advertising campaign, be aggregated by years or concern specific advertisements. In order to ensure that the requests for such information can be

(61) With a view to facilitating the effective application of the obligations set out in the regulation, it is necessary to empower national authorities to request from the services providers the relevant information on the transparency of political advertisement. Information to be transmitted to competent authorities could concern an advertising campaign, be aggregated by years or concern specific advertisements. In order to ensure that the requests for such information can be

complied with in an effective and efficient manner, and at the same time that the providers of political advertising services are not subject to any disproportionate burdens, it is necessary to set certain conditions that those requests should meet. In the interest of the timely oversight of an election process in particular, providers of political advertising services should quickly respond to requests from competent authorities, and always within 10 working days upon receipt of the measure. In the interest of legal certainty and in compliance with the rights of defence, requests to provide information from a competent authority should contain an adequate statement of reasons and information about available redress. Providers of political advertising services should designate contact points for the interaction with the competent authorities. Such contact points could be electronic.

complied with in an effective and efficient manner, and at the same time that the providers of political advertising services are not subject to any disproportionate burdens, it is necessary to set certain conditions that those requests should meet. In the interest of the timely oversight of an election process in particular, providers of political advertising services should quickly respond to requests from competent authorities, and always within 10 working days upon receipt of the measure. In the ***last month preceding an election or a referendum, an infringement of this Regulation should be deemed to negatively and severely affect citizens' rights and therefore providers of political advertising services should provide the requested information without undue delay.*** In the interest of legal certainty and in compliance with the rights of defence, requests to provide information from a competent authority should contain an adequate statement of reasons and information about available redress. Providers of political advertising services should designate contact points for the interaction with the competent authorities. Such contact points could be electronic.

Or. en

Amendment 46

Proposal for a regulation Recital 66 a (new)

Text proposed by the Commission

Amendment

(66a) The Commission should encourage Member States' authorities, acting in context of the Network of National Contact Points, to prepare common codes of conduct, interpretative guidance and standards to support the sponsors, the service providers acting on behalf of sponsors and the providers of

political advertising services to comply with the obligations in this Regulation. Such codes of conduct, guidance and standards should be prepared in cooperation with other relevant coordination bodies at European level and with representatives of civil society and industry, taking due account of technological and scientific developments and of the work of relevant international standard-setting bodies.

Or. en

Amendment 47

Proposal for a regulation Recital 67

Text proposed by the Commission

(67) Within two years after each election to the European Parliament, the Commission should submit a public report on the evaluation and review of this Regulation. In preparing that report the Commission should ***also*** take into account the implementation of this Regulation in the context of other elections and referendums taking place in the Union. The report should review inter alia the continued suitability of the provisions of this ***Regulation's*** annexes and consider the need for their revision.

Amendment

(67) Within two years after each election to the European Parliament, the Commission should submit a public report on the evaluation and review of this Regulation. In preparing that report the Commission should take into account the implementation of this Regulation in the context of other elections and referendums taking place in the Union. The report should review inter alia the continued suitability of the provisions of this ***Regulation and its*** annexes and consider the need for their revision. ***In particular, the Commission should assess the appropriateness of the scope and definitions and the effectiveness of the obligations, the governance and enforcement provisions, including in the light of technological progress and new scientific evidence.***

Or. en

Amendment 48

Proposal for a regulation Recital 68 a (new)

Text proposed by the Commission

Amendment

(68a) Member States should lay down rules on penalties, including administrative fines and financial penalties, applicable to infringements of this Regulation and should ensure that those rules are effectively enforced. The fines and penalties provided for should be effective, proportionate and dissuasive. Member States may also impose periodic penalty payments for serious and repeated violation of this Regulation.

Or. en

Amendment 49

Proposal for a regulation Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

(a) harmonised transparency ***and due diligence*** obligations for ***sponsors and*** providers of political advertising services, ***including political advertising publishers to provide, collect,*** retain, disclose and publish information connected to the provision of such services ***in the internal market;***

Or. en

Amendment 50

Proposal for a regulation Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) 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.

Amendment

(b) 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 **processing** of personal data.

Or. en

Amendment 51

**Proposal for a regulation
Article 1 – paragraph 2**

Text proposed by the Commission

2. This Regulation shall apply to political advertising prepared, placed, promoted, published or disseminated in the Union, or directed to individuals in one or several Member States, irrespective of the place of establishment of the advertising services provider, and irrespective of the means used.

Amendment

2. This Regulation shall apply to political advertising **sponsored**, prepared, placed, promoted, published or disseminated in the Union, or directed to individuals in one or several Member States, irrespective of the place of establishment of the **sponsor or the** advertising services provider, and irrespective of the means used.

Or. en

Amendment 52

**Proposal for a regulation
Article 1 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Political opinions expressed under the editorial responsibility of a service provider, in the programmes of audiovisual media, published in printed or in online media shall not be considered political advertising when they are prepared, placed, promoted, published or

disseminated without any form of payment or equivalent remuneration from a third party.

Or. en

Amendment 53

Proposal for a regulation

Article 1 – paragraph 3 – point a

Text proposed by the Commission

(a) to contribute to the ***proper functioning*** of the internal market for political advertising and related services;

Amendment

(a) to contribute to the ***harmonisation*** of the internal market for political advertising and related services ***and its transparent, safe, and effective functioning***;

Or. en

Amendment 54

Proposal for a regulation

Article 1 – paragraph 3 – point b

Text proposed by the Commission

(b) to protect natural persons with regard to the processing of personal data.

Amendment

(b) ***to protect the fundamental rights and freedoms enshrined in the Union and national law, including the Charter of Fundamental Rights, and*** to protect natural persons with regard to the processing of personal data.

Or. en

Amendment 55

Proposal for a regulation

Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Regulation shall not affect the content of political advertising or Union or Member States rules regulating the content of political advertising, electoral periods and the organisation and conduct of political campaigning.

Or. en

Amendment 56

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – introductory part

Text proposed by the Commission

Amendment

2. ‘political advertising’ means the preparation, placement, promotion, publication or dissemination, by any means, of a message:

2. ‘political advertising’ means the preparation, placement, promotion, publication or dissemination, by any means, of a message, ***unless the message is of a purely private or purely commercial nature***:

Or. en

Amendment 57

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point a

Text proposed by the Commission

Amendment

(a) by, for or on behalf of a political actor, ***unless it is of a purely private or a purely commercial nature***; or

(a) by, for or on behalf of a political actor; or

Or. en

Amendment 58

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) which is liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.

Amendment

(b) which is ***designed and*** liable to influence, the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.

Or. en

Amendment 59

Proposal for a regulation

Article 2 – paragraph 1 – point 4 – point d

Text proposed by the Commission

(d) a candidate for any elected office at ***European***, national, regional and local level, or for one of the leadership positions within a political party;

Amendment

(d) a candidate for ***or holder of*** any elected office at ***Union***, national, regional and local level, or for one of the leadership positions within a political party;

Or. en

Amendment 60

Proposal for a regulation

Article 2 – paragraph 1 – point 4 – point e

Text proposed by the Commission

(e) ***an elected official within a public institution at European, national, regional or local level;***

Amendment

deleted

Or. en

Amendment 61

Proposal for a regulation

Article 2 – paragraph 1 – point 4 – point h a (new)

Text proposed by the Commission

Amendment

(ha) state-run, state-funded or state-owned content producers;

Or. en

Amendment 62

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

5. ‘political advertising service’ means a service consisting of political advertising with the exception of an online intermediary service within the meaning of Article 2(f) of Regulation (EU) 2021/XXX [Digital Services Act] that is provided without consideration for the placement, publication or dissemination for the specific message;

5. ‘political advertising service’ means a service consisting of political advertising with the exception of an online intermediary service within the meaning of Article 2(f) of Regulation (EU) 2021/XXX [Digital Services Act] that is provided without consideration for the placement, **promotion**, publication or dissemination for the specific message;

Or. en

Amendment 63

Proposal for a regulation

Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

5a. ‘provider of political advertising services’ means a natural or legal person engaged in the provision of political advertising services, with the exception of purely ancillary services;

Or. en

Amendment 64

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

7. ‘sponsor’ means the natural or legal person on whose behalf a political advertisement is prepared, placed, published or disseminated;

Amendment

7. ‘sponsor’ means the natural or legal person on whose behalf a political advertisement is prepared, placed, ***promoted***, published or disseminated;

Or. en

Amendment 65

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

8. ‘targeting ***or amplification*** techniques’ means techniques that are used ***either*** to address a tailored political advertisement only to a specific person or group of persons ***or to increase the circulation, reach or visibility of a political advertisement***;

Amendment

8. ‘targeting techniques’ means techniques that are used to address a tailored political advertisement only to a specific person or group of persons;

Or. en

Amendment 66

Proposal for a regulation

Article 2 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

8a. ‘amplification or ad delivery techniques’ means techniques that are used to increase the circulation, reach or visibility of a political advertisement, such as automated techniques of processing of personal data that typically rely on

algorithms or automated processing of data and that are employed by political advertising publisher or providers of political advertising services involved in the promotion, publication and dissemination of ads to determine a specific audience within the potential audience defined by the sponsors and providers of advertising services, acting on behalf of sponsors;

Or. en

Amendment 67

Proposal for a regulation

Article 2 – paragraph 1 – point 11

Text proposed by the Commission

11. ‘political advertising publisher’ means a *natural or legal person that broadcasts, makes available through an interface or otherwise brings to the public domain* political advertising through any medium;

Amendment

11. ‘political advertising publisher’ means a *provider of political advertising service that promote, publish or disseminate* political advertising through any medium;

Or. en

Amendment 68

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

For the purposes of the first paragraph, point (2) messages from official sources *regarding* the organisation and modalities for participation in elections or referendums or for promoting participation in elections or referendums shall not constitute political advertising.

Amendment

For the purposes of point (2) of the first paragraph, messages from official sources *strictly limited to* the organisation and modalities for participation in elections or referendums or for promoting participation in elections or referendums shall not constitute ‘political advertising’.

Or. en

Amendment 69

Proposal for a regulation Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

Identification of a political advertisement

For the purpose of determining whether a message constitutes a political advertisement all its features should be taken into consideration, and in particular the following:

- (a) the content of the message;***
- (b) the sponsor of the message;***
- (c) the language used to convey the message, the means by which the message is promoted, published or disseminated, and the targeted audience;***
- (d) the context in which the message is conveyed, including the period of dissemination such as election or referendum periods and legislative or regulatory process;***
- (e) the objective of the message;***
- (f) clear and substantial link between the message and its design and liability to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.***

The Commission shall encourage Member States, including competent authorities to prepare common guidance, codes of conduct and standards intended to contribute to the correct application of this Article in accordance with Article 18a.

Or. en

Amendment 70

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall not maintain or introduce, on grounds related to transparency, provisions or measures diverging from those laid down in this Regulation.

Amendment

1. Member States shall not maintain or introduce, on grounds related to the transparency ***of political advertising***, provisions or measures diverging from those laid down in this Regulation.

Or. en

Amendment 71

Proposal for a regulation Chapter II – title

Text proposed by the Commission

TRANSPARENCY OBLIGATIONS FOR
POLITICAL ADVERTISING SERVICES

Amendment

TRANSPARENCY ***AND DUE DILIGENCE*** OBLIGATIONS FOR
POLITICAL ADVERTISING SERVICES

Or. en

Amendment 72

Proposal for a regulation Article 4 – title

Text proposed by the Commission

Transparency

Amendment

Transparency ***and due diligence obligations for political advertising services***

Or. en

Amendment 73

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

Political advertising services shall be provided in a transparent manner in accordance with the obligations laid down in Articles 5 to 11 and 14 of this Regulation.

Amendment

Political advertising services shall be provided in a transparent **and diligent** manner in accordance with the obligations laid down in Articles 5 to 11 and 14 of this Regulation.

Or. en

Amendment 74

Proposal for a regulation Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising services specify how the relevant provisions of this Regulation are to be complied with.

Or. en

Amendment 75

Proposal for a regulation Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Political advertising services shall be provided only to a sponsor or a service provider acting on behalf of a sponsor who is a citizen of the Union, or to a natural or legal person residing or established in the Union.

Amendment 76

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. Providers of advertising services shall request sponsors and providers of advertising services acting on behalf of sponsors to declare whether the advertising service they request the service provider to perform constitutes a political advertising service within the meaning of Article 2(5). Sponsors and providers of advertising services acting on behalf of sponsors shall make such a declaration.

Amendment

1. Providers of advertising services shall request sponsors and providers of advertising services acting on behalf of sponsors to declare whether the advertising service they request the service provider to perform constitutes a political advertising service within the meaning of Article 2(5). Sponsors and providers of advertising services acting on behalf of sponsors shall make such a declaration ***in good faith and in clear terms.***

Amendment 77

Proposal for a regulation Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Providers of advertising services, which receive a declaration from a sponsor or a service provider acting on behalf of a sponsor to the effect that advertising constitutes political advertising shall make best efforts to ensure that such declarations are made in accordance with paragraph 1.

Amendment 78

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. Providers of political advertising services shall 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.***

Amendment

2. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service ***require the sponsor or providers of advertising services acting on behalf of sponsors to provide the information necessary to comply with Article 6(1), points (a), (d) and (e). Sponsors and providers of advertising services acting on behalf of sponsors shall provide the information necessary to comply with Article 6(1) in a timely, complete and accurate manner.***

Or. en

Amendment 79

Proposal for a regulation Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Providers of advertising services shall request that the sponsors or providers of advertising services acting on behalf of sponsors who submit a declaration or information in accordance with this Article that is manifestly erroneous correct their declaration and that information. Sponsors or providers of advertising services acting on behalf of sponsors shall act on that request without undue delay.

Or. en

Amendment 80

Proposal for a regulation

Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Political advertising publishers that are also Very Large Online Platforms (VLOPs) within the meaning of Article 25 of Regulation xxx [the Digital Services Act] and Very Large Online Search Engines (VLOSEs) as defined in Article 2 of Regulation xxx [the Digital Services Act] shall identify and assess the systemic risks that their political advertising services pose in the context of their risk assessments under Article 26 of Regulation (EU) 2021/xxx [the Digital Services Act] and put in place reasonable, proportionate and effective mitigation measures to address these risks.

Or. en

Amendment 81

Proposal for a regulation

Article 5 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission shall encourage Member States, including competent authorities, to prepare common guidance, codes of conduct and standards intended to contribute to the proper application of this Article in accordance with Article 18a.

Or. en

Amendment 82

Proposal for a regulation Article 6 – title

Text proposed by the Commission

Record-keeping and **information**
transmission

Amendment

Record-keeping and transmission **of
information to the political advertising
publisher**

Or. en

Amendment 83

Proposal for a regulation Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) the specific service or services
provided in connection **to** the political
advertising;

Amendment

(b) the specific service or services that
they provided in connection with the
political advertising;

Or. en

Amendment 84

Proposal for a regulation Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) the amounts they invoiced for the
service or services provided, and the value
of other benefits received in part or full
exchange for the service or services
provided; and

Amendment

(c) the amounts they invoiced for the
service or services provided, and the value
of other benefits received in part or full
exchange for the service or services
provided and **the sources of those amounts
and other benefits;**

Or. en

Amendment 85

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

(d) **where applicable**, the identity of the sponsor **and its** contact details.

Amendment

(d) the identity of the sponsor **of the political advertisement and where applicable the entity ultimately controlling the sponsor and their** contact details **and for legal persons, their place of establishment; and**

Or. en

Amendment 86

Proposal for a regulation

Article 6 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) where applicable, an indication of elections or referendums to which the political advertisement is linked.

Or. en

Amendment 87

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The information referred to in paragraph 1 shall be in writing **and may be** in electronic form. Such information shall be retained for a period of five years from the date of the last preparation, placement, publication or dissemination, as the case may be.

2. The information referred to in paragraph 1 shall be in writing **or** in electronic form. Such information shall be retained for a period of five years from the date of the last preparation, placement, **promotion**, publication or dissemination, as the case may be.

Or. en

Amendment 88

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. Providers of political advertising services shall ensure that the information referred to in paragraph 1 is communicated to the political advertising publisher which will disseminate the political advertisement to enable political advertising publishers to comply with their obligations under this Regulation. ***That information shall be transmitted, in a timely and accurate manner in accordance with best practice and industry standards, by means of a standardised automated process where technically possible.***

Amendment

3. Providers of political advertising services shall ensure that the information referred to in paragraph 1 is communicated ***in a timely and accurate manner*** to the political advertising publisher which will ***promote, publish or*** disseminate the political advertisement, ***so as*** to enable political advertising publishers to comply with their obligations under this Regulation. ***Providers of political advertising services shall make best efforts to ensure that the information retained pursuant to paragraph 1 is complete*** and accurate.

When the political advertising publisher is the only provider of political advertising services, the sponsor shall communicate the relevant information to the political advertising publisher.

Or. en

Amendment 89

Proposal for a regulation Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. At the same time that providers of political advertising services provide the relevant service, they shall also transmit to the relevant political advertising publisher the information retained pursuant to paragraph 1 in accordance with best practice and industry standards, where technically possible by means of a

standardised automated process,.

Or. en

Amendment 90

Proposal for a regulation

Article 6 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. When providers of political advertising services become aware that information which they have transmitted to the relevant political advertising publisher has been updated, they shall ensure that the updated information is communicated to them.

Or. en

Amendment 91

Proposal for a regulation

Article 7 – title

Text proposed by the Commission

Amendment

Transparency requirements for *each* political **advertisement**

Labelling requirements for political **advertisements**

Or. en

Amendment 92

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***In the context of the provision of*** political advertising ***services***, each political advertisement ***shall be made available***

1. ***The*** political advertising ***publishers*** ***shall make available in*** each political advertisement the following information in

with the following information in a clear, salient and unambiguous way:

a clear, salient and unambiguous way:

Or. en

Amendment 93

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) a statement to the effect that it is a political advertisement;

(a) a **clear** statement to the effect that it is a political advertisement;

Or. en

Amendment 94

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the identity of the sponsor of the political advertisement and the entity ultimately controlling the sponsor;

(b) the identity of the sponsor of the political advertisement and **where applicable** the entity ultimately controlling the sponsor;

Or. en

Amendment 95

Proposal for a regulation

Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a transparency notice **to enable** the wider context of the political advertisement and **its aims to be understood, or a clear** indication of **where it** can be easily retrieved.

(c) **a clear indication of where** a transparency notice **describing** the wider context of the political advertisement, along with an indication of **its political nature** that can be easily retrieved.

Amendment 96

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By ... [date 6 months after the entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 19, supplementing this Article by establishing harmonised and prominent labels for political advertising. Those labels should:

(a) enable citizens to understand that they are confronted with a political advertisement;

(b) remain in place in the event that a political advertisement is further disseminated;

(c) contain all the information referred to in paragraph 1.

When adopting those delegated Acts, the Commission shall ensure that labels are consistent with latest technological developments.

Or. en

Amendment 97

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. The transparency notice shall be included in each political advertisement or be easily retrievable from it, and shall include the following information:

(a) the identity of the sponsor and

deleted

contact details;

(b) the period during which the political advertisement is intended to be published and disseminated;

(c) based among others on information received in line with Article 6(3), information on the aggregated amounts spent or other benefits received in part or full exchange for the preparation, placement, promotion, publication and dissemination of the relevant advertisement, and of the political advertising campaign where relevant, and their sources;

(d) where applicable, an indication of elections or referendums with which the advertisement is linked;

(e) where applicable, links to online repositories of advertisements;

(f) information on how to use the mechanisms provided for in Article 9(1).

(g) The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex I.

Or. en

Amendment 98

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Political advertising publishers shall make reasonable efforts to ensure that the information referred to in paragraph 1 and 2 is complete, and where they find this is not the case, they shall not make available the political advertisement. *deleted*

Or. en

Amendment 99

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Transparency notices shall be kept up to date and presented in a format which is easily accessible and, where technically possible, machine readable, clearly visible and user friendly, including through the use of plain language. The information shall be published by the political advertising publisher with the political advertisement from its first publication until one year after its last publication. *deleted*

Or. en

Amendment 100

Proposal for a regulation Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. Political advertising publishers shall retain their transparency notices together with any modifications for a period of five years after the end of the period referred to in paragraph 4. *deleted*

Or. en

Amendment 101

Proposal for a regulation Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. Political advertising publishers which are very large online platforms within the meaning of Article 25 of Regulation (EU) 2021/xxx [the DSA] shall ensure that the repositories that they make available pursuant to Article 30 of that regulation [Digital Services Act] make available for each political advertisement in the repository the information referred to in paragraph 2. *deleted*

Or. en

Amendment 102

Proposal for a regulation Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. Member States, including competent authorities, and the Commission shall encourage the drawing up of codes of conduct intended to contribute to the proper application of this Article, taking into account the specific characteristics of the relevant service providers involved and the specific needs of micro, small and medium-sized enterprises, within the meaning of Article 3 of Directive 2013/34/EU. *deleted*

Or. en

Amendment 103

Proposal for a regulation Article 7 – paragraph 8

Text proposed by the Commission

Amendment

8. The Commission is empowered to *deleted*

adopt delegated acts in accordance with Article 19 to amend Annex I by adding, modifying or removing elements from the list of information to be provided pursuant to paragraph 2 where, in the light of technological developments, such an amendment is necessary for the wider context of the political advertisement and its aims to be understood.

Or. en

Amendment 104

Proposal for a regulation Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Transparency notices and libraries for political advertisements

1. The transparency notice referred to in Article 7(1) shall include the following information:

(a) the identity and the place of establishment of the sponsor and where applicable the entity ultimately controlling the sponsor and their contact details;

(b) the period during which the political advertisement is intended to be published and disseminated and, where applicable, the fact that the same advertisement has been disseminated in the past by the political advertising publisher;

(c) information on the aggregated amounts spent or other benefits received by the providers of political advertising services including those received by the publisher in part or full exchange for the preparation, placement, promotion, publication and dissemination of the relevant advertisement, and of the political advertising campaign where

relevant, and their sources;

(d) where applicable, an indication of elections or referendums with which the advertisement is linked;

(e) links to online advertisements libraries;

(f) information on how to use the mechanisms provided for in Article 9(1);

(g) information on whether the advertisement has been previously suspended or discontinued due to violation of this Regulation;

(h) information on whether the advertisement was funded by someone who is in repeated breach of this Regulation.

The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex I.

2. Political advertising publishers shall make best efforts to ensure that the information referred to in paragraphs 1 and 2 is complete and accurate.

Where the political advertising publisher becomes aware that the information referred to in paragraphs 1 and 2 is incomplete or inaccurate, it shall make best efforts, including by contacting the sponsor or the providers of political advertising services concerned to complete or correct the information.

Where the information cannot be completed or corrected, the political advertising publisher shall not make available or shall discontinue without undue delay the promotion, publication or dissemination of the political advertisement.

Political advertising publisher shall inform without undue delay sponsors or providers of political advertising services concerned about any decisions taken in connection with this paragraph.

3. Transparency notices shall be easily retrievable at all times from their first publication until their withdrawal.

Transparency notices shall be kept up to date and presented in a format which is easily accessible, including for persons with disabilities, and machine readable.

Transparency notices shall be available online, clearly visible and user friendly, including through the use of plain language.

4. Political advertising publishers shall retain their transparency notices together with any modifications for a period of five years after the last publication.

5. Member States, including competent authorities, and the Commission shall encourage the drawing up of codes of conduct intended to contribute to the proper application of this Article, taking into account the specific characteristics of the relevant service providers involved and the specific needs of micro, small and medium-sized enterprises, within the meaning of Article 3 of Directive 2013/34/EU.

6. The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend Annex I by adding, modifying or removing elements from the list of information to be provided pursuant to paragraph 2 where, in the light of technological developments, relevant scientific research, supervisory practices of competent authorities and relevant guidance issued by competent bodies, such an amendment is necessary for the wider context of the political advertisement and its aims to be understood.

7. Political advertising publishers which are also VLOPs within the meaning of Article 25 of the Regulation xxx [Digital Services Act] and VLOSEs as defined in Article 2 of Regulation xxx

[Digital Services Act] shall make this information available and updated in real time.

8. The Commission shall ensure the provision of a service, namely a European library for political advertisements, including enabling the hosting of the information required under paragraph 1 and its provision in a machine readable format in accordance with the common data structure and standards and accessible via a common application programming interface, in order to facilitate political advertising publishers that are not VLOPs within the meaning of Article 25 of the Regulation xxx [Digital Services Act] and VLOSEs as defined in Article 2 of Regulation xxx [Digital Services Act] to comply with this Article.

9. Political advertising publishers which are not VLOPs within the meaning of Article 25 of the Regulation xxx [Digital Services Act] and VLOSEs as defined in Article 2 of Regulation xxx [Digital Services Act] shall ensure that the information contained in the transparency notice is made available to the European library for political advertisements without delay and no later than 24 hours after its first publication.

10. Information made available on the interface of political advertising publishers shall be provided in a machine readable format according to common data structure and standards and shall be accessible via a common application programming interface.

11. By ... [6 months after entry into force of this Regulation], the Commission, in consultation with relevant stakeholders and in light of technological and scientific developments, shall adopt an implementing act setting out detailed arrangements for the provision of online transparency notices, a common data structure and standards, and a common application programming interface, which

should:

(a) enable the information provided by political advertising publishers according to this Article to be accessed together as a single European library for political advertisements;

(b) enable the sponsor or providers of advertising services acting on behalf of sponsors to provide the relevant information necessary to comply with Article 6;

(c) enable providers of political advertising services to communicate by automated means the information referred to in Article 6 to the political advertising publisher which will publish or disseminate the political advertisement;

(d) enable the political advertising publishers to make available online, and according to a common data structure and standards, the information required in Article 7 (2) as a transparency notice;

(e) permit easy public access to online transparency notices, through the use of a common application programming interface that would allow the notices to be accessed and the relevant databases to be queried;

(f) support third party and public access to transparency notices, including by enabling the aggregation of online transparency notices and their presentation through user-friendly portals and search services.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19a.

Or. en

Amendment 105

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. ***Where they provide*** political ***advertising services***, advertising publishers shall include information on the amounts or the value of other benefits received in part or full exchange for those services, including on the use of targeting and amplification techniques, aggregated by campaign, as part of their management report within the meaning of Article 19 of Directive 2013/34/EU in their annual financial statements.

Amendment

1. Political advertising publishers shall include information ***provided to them directly by sponsors or by providers of political advertising services*** on the amounts or the value of other benefits received in part or full exchange for those services, including on the use of targeting and amplification techniques, aggregated by campaign, as part of their management report within the meaning of Article 19 of Directive 2013/34/EU in their annual financial statements.

Or. en

Amendment 106

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall not apply to undertakings qualifying under Article **3(3)** of Directive 2013/34/EU.

Amendment

2. Paragraph 1 shall not apply to undertakings qualifying under Article **3, paragraphs 1 to 3** of Directive 2013/34/EU.

Or. en

Amendment 107

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where they provide political advertising services, advertising publishers shall put in place mechanisms to enable ***individuals*** to notify them, free of charge, that a particular advertisement which they have published does not comply with this

Amendment

1. Where they provide political advertising services, advertising publishers shall put in place mechanisms to enable ***natural or legal persons*** to notify them, free of charge, that a particular advertisement which they have published

Regulation.

does not comply with this Regulation.

Or. en

Amendment 108

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Information on how to notify political advertisements as referred to in paragraph 1 shall be user friendly and easy to access, including from the transparency notice.

Amendment

2. Information on how to notify political advertisements as referred to in paragraph 1 shall be user friendly and easy to access, including from the transparency notice. ***Political advertising publishers shall allow the submission of the notification referred to in paragraph 1 by simple and effective electronic means of reporting.***

Or. en

Amendment 109

Proposal for a regulation Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Political advertising publishers shall take the necessary technical and organisational measures to ensure that notices submitted through the mechanism referred to in paragraph 1 by trusted flaggers, as defined by Article 19 of Regulation xxx [the Digital Services Act], are processed and decided upon with priority and without undue delay.

Or. en

Amendment 110

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. Political advertising publishers shall ***allow for the submission of the information referred to in paragraph 1 by electronic means. The political advertising publisher shall inform individuals of the follow up given to the notification as referred to in*** paragraph 1.

Amendment

3. Political advertising publishers shall ***make best efforts to examine and address in a timely, diligent and objective manner the notifications received pursuant to*** paragraph 1.

Or. en

Amendment 111

Proposal for a regulation Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Political advertising publishers shall inform without undue delay the persons who made the notification and the sponsors or providers of political advertising services concerned of the effect given to the notification referred to in paragraph 1. Political advertising publishers shall provide information on the redress possibilities in respect of the advertisement to which the notification relates.

Or. en

Amendment 112

Proposal for a regulation Article 9 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. In the month preceeding an election or a referendum, political advertising publishers shall process and address any notice they receive about advertisement linked to that election or referendum within 48 hours. Political advertising publishers qualifying under Article 3(1) to (3) of Directive 2013/34/EU shall make reasonable efforts to address any notification that they receive about advertisement linked to that election or referendum without undue delay.

Or. en

Amendment 113

Proposal for a regulation

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Competent national authorities shall have the power to request that a provider of political advertising services transmits the information referred to in Articles 6, 7 and 8. The transmitted information **must** be complete, accurate and trustworthy, and provided in a clear, coherent, consolidated and intelligible format. Where technically possible, the information shall be transmitted in a machine readable format.

1. Competent national authorities shall have the power to request that a provider of political advertising services transmits the information referred to in Articles 6, 7 and 8. The transmitted information **shall** be complete, accurate and trustworthy, and provided in a clear, coherent, consolidated and intelligible format. Where technically possible, the information shall be transmitted in a machine readable format.

Or. en

Amendment 114

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the month preceding an election or a referendum, providers of political advertising services shall provide the requested information referred to in Articles 6, 7 and 8 within 48 hours. Providers of political advertising services qualifying under Article 3(1) to (3) of Directive 2013/34/EU shall make reasonable efforts to provide the requested information without undue delay.

Or. en

Amendment 115

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of political advertising services shall **take the appropriate measures to** transmit the information referred to in Article 6 to interested entities upon request and without costs.

1. Providers of political advertising services shall transmit the information referred to in **Articles 6 and 7** to interested entities upon request and without costs.

Or. en

Amendment 116

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Where the provider of political advertising services is a political advertising publisher, it shall also take the appropriate measures to transmit the information referred to in Article 7 to interested entities upon request and without costs.

deleted

Amendment 117

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Such interested entities shall also include journalists accredited in a Member State by national, European or international bodies.

deleted

Or. en

Amendment 118

Proposal for a regulation

Article 11 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) journalists

Or. en

Amendment 119

Proposal for a regulation

Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. Where requests pursuant to paragraph 1 are manifestly unfounded, unclear or excessive, in particular because of their lack of clarity, the service provider may refuse to respond. In this case, the relevant service provider shall send a reasoned response to the interested entity making the request.

5. Where requests pursuant to paragraph 1 are manifestly unfounded, unclear or excessive, in particular because of their lack of clarity, the service provider may refuse to respond. In this case, the relevant service provider shall send a reasoned response ***and information on redress possibility, including under Directive (EU) 2020/1828*** to the interested

entity making the request.

Or. en

Amendment 120

Proposal for a regulation

Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) adopt **and** implement an internal policy describing clearly and in plain language, in particular, the use of such techniques to target individuals or amplify the content, and retain such policy for a period of five years;

Amendment

(a) adopt, implement **and make publicly available** an internal policy describing clearly and in plain language, in particular, the use of such techniques to target individuals or amplify the content, and retain such policy for a period of five years;

Or. en

Amendment 121

Proposal for a regulation

Article 12 – paragraph 3 – point c

Text proposed by the Commission

(c) provide, together with the political advertisement, additional information necessary to allow the individual concerned to understand the logic involved and the main parameters of the technique used, and the use of third-party data and additional analytical techniques. This information shall comprise the elements set out in Annex II.

Amendment

(c) provide, together with the **indication that it is** political advertisement, additional information necessary to allow the individual concerned to understand the logic involved and the main parameters of the technique used, and the use of third-party data and additional analytical techniques. This information shall comprise the elements set out in Annex II.

Or. en

Amendment 122

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

4. Political advertising publishers making use of targeting or amplification techniques shall include in the transparency notice required under Article 7 ***the information specified in paragraph 3(c) and a link to the policy referred to in paragraph 3(a). In case the controller is different from the advertising publisher, the controller shall transmit the internal policy or a reference to it to the political advertising publisher.***

Amendment

4. Political advertising publishers making use of targeting or amplification techniques ***involving the processing of personal data*** shall include in the transparency notice required under Article 7, ***additional information necessary to enable the individual concerned to understand the logic involved and the main parameters of the technique used, and the use of third-party data and additional analytical techniques.***

It shall include, in particular, the following information:

(a) the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is disseminated;

(b) the categories and the sources of personal data used for the targeting and amplification;

(c) the targeting and amplification goals, mechanisms and logic including the inclusion and exclusion parameters;

(d) the period of dissemination, the number of individuals to whom the advertisement is disseminated;

(e) a link to or a clear indication of where the policy referred to in paragraph 3(a) can be easily retrieved.

The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex II.

Or. en

Amendment 123

Proposal for a regulation

Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where the controller is different from the advertising publisher, the controller shall transmit the internal policy referred to in point (a) of paragraph 3 to the political advertising publisher and ensure that the information referred to in this paragraph or a reference to it is communicated to the political advertising publisher to enable the political advertising publisher to comply with its obligation under this Regulation. Information shall be transmitted in a timely and accurate manner, in accordance with best practice and industry standards, by means of a standardised automated process, where technically possible.

Or. en

Amendment 124

Proposal for a regulation

Article 12 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Providers of advertising services shall transmit to the controllers the information necessary to comply with paragraphs 3, 4 and 4a.

Or. en

Amendment 125

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

5. Political advertising publishers making use of targeting or amplification techniques referred to in paragraph 3 shall include in or together with the advertisement and in the transparency notice required under Article 7 a reference to effective means to support individuals exercise their rights under Regulation (EU) 2016/679.

Amendment

5. Political advertising publishers making use of targeting or amplification techniques referred to in paragraph 3 shall include in or together with the advertisement and in the transparency notice required under Article 7 a reference to effective means to support individuals exercise their rights under Regulation (EU) 2016/679, ***in particular, a reference to individuals' right to give or refuse consent in the context of political advertising and targeting or amplification techniques involving the processing of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725, with a link to an interface enabling them to exercise of that right.***

Or. en

Amendment 126

**Proposal for a regulation
Article 12 – paragraph 8**

Text proposed by the Commission

8. The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend Annex II by modifying or removing elements of the list of information to be provided pursuant to paragraph 3(c) of this Article in light of technological developments in relevant scientific research, and developments in supervision by competent authorities and relevant guidance issued by competent bodies.

Amendment

8. The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend Annex II by ***adding***, modifying or removing elements of the list of information to be provided pursuant to paragraph 3(c) of this Article in light of technological developments in relevant scientific research, and developments in supervision by competent authorities and relevant guidance issued by competent bodies.

Or. en

Amendment 127

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. Service providers that provide political advertising services in the Union but do not have an establishment in the Union shall designate, in writing, a natural or legal person as their legal representative in one of the Member States where the provider offers its services.

Amendment

1. Service providers that provide political advertising services in the Union but do not have an establishment in the Union shall designate, in writing, **and register with the national single points of contact**, a natural or legal person as their legal representative in one of the Member States where the provider offers its services. **Member States shall keep publicly available registers of all legal representatives registered on their territory under this Regulation.**

Or. en

Amendment 128

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

3. Each Member State shall designate one or more competent authorities to be responsible for the application and enforcement of the aspects of this Regulation not referred to in paragraphs 1 and 2. Each competent authority designated under this paragraph shall structurally enjoy full independence both from the sector and from any external intervention or political pressure. It shall in full independence effectively monitor and take the measures necessary and proportionate to ensure compliance with this Regulation.

Amendment

3. Each Member State shall designate one or more competent authorities to be responsible for the **consistent** application and enforcement of the aspects of this Regulation not referred to in paragraphs 1 and 2. Each competent authority designated under this paragraph shall structurally enjoy full independence both from the sector and from any external intervention or political pressure. It shall in full independence effectively monitor and take the measures necessary and proportionate to ensure compliance with this Regulation.

Or. en

Amendment 129

Proposal for a regulation Article 15 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure cooperation among competent authorities in particular in the framework of national elections networks, to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise, and liaising on the application and enforcement of relevant rules.

Amendment

6. Member States shall ensure ***effective and structured*** cooperation among ***all relevant*** competent authorities ***designated under paragraph 2 and 3*** in particular in the framework of national elections networks, to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise, and liaising on the application and enforcement of relevant rules.

Or. en

Amendment 130

Proposal for a regulation Article 15 – paragraph 7

Text proposed by the Commission

7. Each Member State shall designate one competent authority as a contact point at Union level for the purposes of this Regulation.

Amendment

7. Each Member State shall designate one competent authority as a contact point at Union level for the purposes of ***all aspects of*** this Regulation.

Or. en

Amendment 131

Proposal for a regulation Article 15 – paragraph 9

9. ***Contact points shall meet periodically at Union level in the framework of the European Cooperation Network on Elections to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks pursuant to this Regulation.***

9. ***Within the framework of the European Cooperation Network on Elections, a permanent Network of National Contact Points shall be established. The purpose of the Network of National Contact Points shall be to 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.***

In particular, the Network of National Contact Points shall facilitate:

(a) the swift and secured exchange of information and best practices among national contact points and other relevant authorities;

(b) the preparation, in cooperation with relevant stakeholders, of common lines of action, including common interpretative guidance, codes of conduct and standards in accordance with Article 18a (2) to support the sponsors and providers of political advertising services, to comply with the requirements of this Regulation in harmonised way;

(c) the development of harmonised approach on sanctions applicable at national level for infringements of this Regulation, including by determining a common range for minimum and maximum penalties;

(d) the cooperation at Union level to guarantee harmonised enforcement of this Regulation.

The Network of National Contact Points shall meet at regular intervals and, where necessary, upon duly justified request of the Commission or a Member State.

The Commission shall take part in the meetings of the Network of National Contact Points and provide administrative

support.

Or. en

Amendment 132

Proposal for a regulation Article 16 – paragraph 4

Text proposed by the Commission

4. Infringements of Article 7 shall be considered to be particularly serious where they concern political advertising published or disseminated during an electoral period and directed to citizens in the Member State in which the relevant election is being organised.

Amendment

4. Infringements of **Articles 5 and 7** shall be considered to be particularly serious where they concern political advertising published or disseminated during an electoral period and directed to citizens in the Member State in which the relevant election is being organised.

Member States may also impose periodic penalty payments to compel sponsors, providers of political advertising services and publishers to put to an end to a serious and repeated violation of the provisions of this Regulation. Member States shall notify the Commission of the type and the amount of the penalties imposed under this subparagraph.

Member States shall report annually on the type and amount of penalties imposed to enforce the provisions of this Regulation. The Commission shall summarise and evaluate these reports annually and also as part of the review process provided for in Article 18.

Or. en

Amendment 133

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

Within two years after each election to the European Parliament and for the first time by 31 December 2026 at the latest, the Commission shall submit a report on the evaluation and review of this Regulation. This report shall assess the need for amendment to this Regulation. The report shall be made public.

Amendment

Within two years after each election to the European Parliament and for the first time by 31 December 2026 at the latest, the Commission shall submit a report on the evaluation and review of this Regulation. This report shall assess the need for amendment to this Regulation, ***in particular with regard to:***

(a) the scope of the Regulation and definition of political advertising in Article 2 (2);

(b) the effectiveness of declaration and mechanisms to identify the political nature of an advertisement in Articles 2a and 5;

(c) the effectiveness of the Codes of conduct adopted under Article 18a;

(d) the effectiveness of governance and the possibility for the Commission to introduce minimum sanctions across the Union for infringements of the obligations laid down in Articles 5 to 14;

(e) effectiveness of provisions of this Regulation in view of technological, scientific and other developments.

The report shall be made public.

Or. en

Amendment 134

**Proposal for a regulation
Article 18 a (new)**

Text proposed by the Commission

Amendment

Article 18a

Codes of conduct, interpretative guidance and standards

1. The Commission shall encourage Member States authorities to prepare common interpretative guidance, codes of conduct and standards to support the sponsors, service providers acting on the behalf of sponsors, and providers of political advertising services in the application of the provisions laid down in this Regulation, in particular in Articles 2, 2a, 4, 5, 6, 7, 9, 10, 11, 15 and 16.

In the preparation of these common interpretative guidance, codes of conduct and standards, the specific characteristics of the relevant service providers involved and the specific needs of micro, small and medium-sized enterprises within the meaning of Article 3 of Directive 2013/34/EU shall be taken into account.

2. The Codes of conduct referred to in the first paragraph shall be prepared within the framework of the work of the Network of National Contact Points as referred to in Article 15 of this Regulation. They shall be developed in cooperation with other relevant coordination bodies at European level, such as ERGA, with the support of relevant expertise from Member State authorities, civil society and industry, and shall take into account the work of relevant international and European standard setting bodies.

3. The Codes of conduct referred to in the first paragraph shall in particular support the sponsors, service providers acting on the behalf of sponsors, and providers of political advertising services as regards the following:

(a) The determination of advertising liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour according to Article 2.2;

(b) The identification and declaration of the political nature of the advertisement under Article 2a and 5 and whether advertising services requested by

sponsors constitute a political advertising service;

(c) The transmission of information required under Articles 6 and 12, in a timely and accurate manner in accordance with best practice and industry standards, by means of a standardised automated process, where technically possible;

(d) Practical arrangements, allowing individuals to notify, free of charge, the publishers that a particular advertisement which they have published does not comply with this Regulation, including:

-information on how to notify potentially unlawful political advertisements;

- information needed to submit as part of a notification;

- information to individuals of the follow up to their notification; and

- providing collective response including by announcement on the website of the political advertising publisher;

(e) Compliance with requests under articles 10 and 11;

4. The Codes of conduct referred to in paragraph 1 of this Article shall contain practical arrangements that facilitate the monitoring by a relevant competent authority or authorities referred to in Article 15 of the compliance of service providers with the provisions of the Codes;

5. The Commission shall assess the application, including the reception by the relevant market operators and the consumers, of the common interpretative guidance, codes of conduct and standards referred to in paragraph 1, by one year after their adoption.

Where, on the basis of the assessment referred to in the first subparagraph, it finds that the common interpretative guidance, codes of conduct or standards

referred to in paragraph 1 do not adequately support sponsors, service providers acting on behalf of sponsors, and providers of political advertising services in the application of the provisions laid down in this Regulation, and in particular in Articles 2, 2a, 4, 5, 6, 7, 9, 10, 11, 15 and 16, the Commission shall adopt delegated acts in accordance with Article 19 supplementing this Regulation by establishing the elements listed in points (a) to (e) of paragraph 3.

Where the common interpretative guidance, codes of conduct or standards referred to in paragraph 1 have not been adopted by one year, the Commission shall adopt delegated acts in accordance with Article 19 supplementing this regulation by establishing the elements listed in points (a) to (e) of paragraph 3.

Or. en

Amendment 135

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(8) and Article 12(8) shall be conferred on the Commission for a period of [until the application of this regulation is evaluated, two years after the next European Parliamentary elections].

Amendment

2. The power to adopt delegated acts referred to in Article 7(1a), **Article 7a(6)** and Article 12(8) shall be conferred on the Commission for a period of [until the applic**Where, on the basis of the assessment referred to in the first subparagraph, it finds that the common interpretative guidance, codes of conduct or standards referred to in paragraph 1 do not adequately support sponsors, service providers acting on behalf of sponsors, and providers of political advertising services in the application of the provisions laid down in this Regulation, and in particular in Articles 2, 2a, 4, 5, 6, 7, 9, 10, 11, 15 and 16, the Commission shall adopt delegated acts in accordance with Article 19 supplementing this**

Regulation by establishing the elements listed in points (a) to (e) of paragraph 3.

ation of this regulation is evaluated, two years after the next European Parliamentary elections].

Or. en

Amendment 136

Proposal for a regulation Article 19 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 7(8) and Article 12(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 7 **(1a)**, **Article 7a(6)** and Article 12(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 137

Proposal for a regulation Article 19 – paragraph 3a (new)

Text proposed by the Commission

Amendment

3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 138

Proposal for a regulation Article 19 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 7(8) or Article 12(8) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Article 7 (1a), **Article 7a(6)** or Article 12(8) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 139

Proposal for a regulation Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Committee procedure

1. ***The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***
2. ***Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.***

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

Or. en

EXPLANATORY STATEMENT

On 25 November 2021, the Commission put forward its much-anticipated proposal for a Regulation on the transparency and targeting of political advertising, which is part of the Commission's European Democracy Action Plan. The Regulation should enter into force and be fully implemented by April 2023, a year before the 2024 elections to the European Parliament.

The main purpose of the Regulation is to lay down harmonised transparency obligations for providers of political advertising, and to introduce harmonised rules on the use of targeting and amplification techniques for political advertising, where personal data is used. This legislative proposal complements the Digital Services Act Regulation (DSA) as it establishes specific rules that build on the horizontal rules for platforms addressed thereby.

The political advertising services in the EU are evolving, showing particular increase in online services, which are often provided cross border. The digital transition and technological changes have enabled a proliferation of different new media and methods of funding, preparation, placement, promotion, publication and dissemination of political advertising. These developments, against the background of fragmented and unevenly enforced national regulation, clearly demonstrate, that the internal market rules should be adapted so that to ensure adequate level of transparency for political advertising, necessary for a fair and open electoral process in all Member States.

The Rapporteur welcomes the Commission proposal for a Regulation on the transparency and targeting of political advertising and fully supports its aim to contribute to the proper functioning of the internal market, as it seeks to eliminate the current fragmentation of requirements and ensure the free movement of political advertising services across the Union.

When evaluating possible modifications to the Commission proposal, the Rapporteur took into account - inter alia - the new legislative framework provided by the Digital Services Act, the current legislative framework on European Political parties, including the recent Commission proposal to amend Regulation 1141/2014 and finally the European Parliament resolution of 9 March 2022 on foreign interference in all democratic processes in the European Union, including disinformation.

Following a broad consultation with various stakeholders, the Rapporteur proposes the following modifications to the Commission proposal.

1. Subject matter, scope and definitions

The Rapporteur proposes to clarify the scope, in particular by adding due diligence obligations to those relating to transparency, which should be applicable to sponsors, in addition to providers of political advertising services and publishers. Furthermore, the Regulation should protect fundamental rights and freedoms as enshrined in the Union and national law, including the Charter on Fundamental Rights and should not affect the content of political advertising or national rules on electoral periods and political campaigns. Furthermore, political opinions under the editorial responsibility of a service provider should not be considered political advertising when expressed without any form of payment from a third party.

The Rapporteur also proposes clarifications of several definitions, in particular of 'political advertising' 'political actor' and 'political advertising publisher', 'targeting and amplification techniques' and suggests new definition of 'providers of political advertising services' in order

to contribute to the clearer understanding of the enacting provisions.

The Rapporteur finds it important to spell out clearly the criteria for identifying an advertisement as political advertisement. Such criteria should include the content and objective of the message, its sponsor, the language used to convey the message, as well as the context and the means by which the message is conveyed. There should be a clear link between the message and its design and liability to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour. The Rapporteur considers it appropriate to encourage Member States to elaborate guidance, codes of conducts and standards needed to achieve effective application of these criteria.

2. Transparency and due diligence obligations for political advertising services

The Rapporteur considers it crucial to clarify and enhance the obligations of the different actors within the entire chain of political advertising and recommends for them to respect certain due diligence obligations when requesting or providing political advertising services. Furthermore, 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 Rapporteur proposes provision clarifying that political advertising in the EU may be provided only to a sponsor who is a citizen of the Union or to a natural or legal person, established or residing in the EU.

With regards to transparency obligations for political advertising services, the Rapporteur proposes the following clarifications:

- The declaration made by the sponsors or the providers of 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. Furthermore, in this context, additional risk management obligations should apply to service providers who are Very large online platforms in the meaning of the Digital Services Act. Member States should be encouraged to put in place tools that would facilitate the proper application of these obligations;
- 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 Commission should put forward common standards to establish harmonised, efficient and prominent labels for political advertisements;
- Clarifications with regards to 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;
- Clarifications with regards to libraries for political advertisements: political advertising publishers need to make information from transparency notices available in online libraries for political advertisements: this should happen in real time for publishers which are Very large online platforms (VLOPs) or Very large online search engines (VLOSEs) and no later than 24 hours for smaller publishers. To help smaller economic

players, an EU library for hosting political advertisements shall be developed. Finally, the Commission would be required to adopt common standards to establish common data structure and standards, and a common application programming interface;

- Clarifications with regards to the foreseen procedures for natural and legal persons to easily flag up possibly unlawful political advertisements, and enhanced obligations for publishers and other providers of political advertising services to ensure that such advertisements are properly dealt with.

3. Targeting and amplification of political advertising

When it comes to the obligations concerning targeting and amplification of political advertising involving the processing of personal data, the main focus of the Rapporteur goes to ensuring that political advertising publishers include in the transparency notice all information necessary to allow the individual concerned to understand the logic involved and the main parameters of the technique used. The publisher should also include a reference to effective means to support individuals exercise their data protection rights, in particular a reference to the right to give or refuse consent, with a link to an interface allowing for easily exercise such right.

4. Supervision, enforcement and sanctions

In respect of supervision and enforcement, the Rapporteur proposes to ensure a much closer cooperation at European level between the competent national authorities, while preserving the national competences in this field. As Member States will be required to designate one competent authority as a contact point, the Rapporteur proposes that those authorities work together within the Network of national contact points, in the framework of the already existing European Cooperation Network on Elections. The Rapporteur also elaborates the main tasks of this Network such as the exchange of information and best practices; the preparation of guidance, codes of conducts and standards to support actors involved to comply with main requirements of this Regulation; the development of an harmonised approach on sanctions.

As for the provisions requiring Member States to lay down rules on sanctions, including administrative fines and financial penalties for infringements of the Regulation, the Rapporteur suggests that Member States should also have possibility to impose periodic penalty payments in case of a serious and repeated violations.

5. Review, codes of conduct, interpretative guidance and standards

The Rapporteur suggests clarifying better the review clause, according to which the Commission should regularly evaluate the implementation of the Regulation and report on that. While assessing the effectiveness of this new instrument, the Rapporteur considers that the Commission should pay particular attention to several key elements such as the scope, the definition of political advertising, the effectiveness of codes of conducts, of its governance and the possibility to introduce harmonised sanctions.

Finally, the Rapporteur considers that it would be important to elaborate codes of conduct, interpretative guidance and standards to support the sponsors, service providers acting on the behalf of sponsors, and providers of political advertising services in complying with the key requirements of this Regulation.