DRAFT OPINION

of the Committee on Legal Affairs

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council Transparency and targeting of political advertising
(COM2021/0731 – C9-0433/2021 – 2021/0381(COD))

Rapporteur for opinion: Angelika Niebler
SHORT JUSTIFICATION

Democracy is our highest value in the EU. According to Article 10 of the Treaty of Lisbon, the functioning of the Union shall be founded on representative democracy. Article 11 specifically sets out that i.a. citizens and representative associations shall be given the opportunity to make known and publicly exchange their views in all areas of Union action. Moreover, the institutions shall maintain an open, transparent and regular dialogue with them.

According to Article 12 of the Charter of Fundamental Rights, political parties at European level contribute to expressing the political will of citizens in the EU. Democracy lives from the participation of citizens. Therefore, it is important to address voters and encourage them to be part of the political discussion. The conference on the future of Europe showed that the interest of citizens in political discourse is very high. The conference on the future of Europe inspired thousands of citizens to politically participate and to express their opinions in the political debate. This culture of political debate must be fostered.

Political advertising enables voters to identify differences in the political positions of political actors. It allows voters to be informed about the political actors’ political priorities. This informative function of political advertising is key to foster democratic debate and ultimately enhance democratic participation. Thereby, the transparency of political advertising is a crucial element for voters to identify which political actor disseminates the political advertisement and to understand the context of the advertisement.

It is harmful to democracy when political discourse is manipulated and information is being distorted. The cases of mass disinformation campaigns in the EU, such as the Cambridge Analytica scandal, demonstrate this vulnerability. The potential for manipulation is particularly large when artificial intelligence or other technologies are involved. Especially in the digital world, citizens are increasingly exposed to disinformation campaigns. This must be prevented so that citizens can form their opinions on the basis of sound information.

Freedom of the media and freedom of expression must be respected at all times so that an open exchange of opinions can take place. Journalists in the EU are reporting on political issues in online media, also and especially during election campaigns and thus providing information to citizens. It is important to separate editorial content from political advertising by definition, so that freedom of the media and freedom of expression are safeguarded.

As regards regional and local politics and political advertising, there is no clear impact on EU internal market rules. For this reason, this regulation should be applied only to EU and national elections.

The main addressees of this regulation are providers of digital political advertising services. The providers of these services prepare, place, promote, publish or disseminate digital political advertising in the EU. For that reason, this regulation should clearly define which obligations are imposed upon which addressee.
AMENDMENTS

The Committee on Legal Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1
Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Democracy is a core European value and it can only thrive in a climate where both freedom of information and freedom of expression are upheld, in accordance with the Charter of Fundamental Rights, resulting in everyone being able to express their views. An open culture of political debate where a plurality of views can be expressed is an integral part of democracy. A healthy democracy relies on the active participation of citizens and for this participation to be meaningful they must be able to form their own judgements in a public space where political actors are able to reach out to voters and to encourage them to be part of the political discussion.

Or. en

Amendment 2
Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) The conference on the future of Europe inspired thousands of citizens to participate politically and to express their opinions in the political debate. Fostering this culture of political debate is essential.

Or. en
Amendment 3
Proposal for a regulation
Recital 1 c (new)

Text proposed by the Commission

(1c) During European and national election periods, parties campaign in order to enable voters to make electoral choices on the basis of an open debate, in which their different political positions are expressed. Engaged, informed and empowered citizens are the best guarantee of the resilience of our democracies. Restrictions on political advertising risk harming democracy and should, therefore, always be strictly justified and proportionate.

Amendment

Or. en

Amendment 4
Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Political advertising can be disseminated or published through various means and media across borders. It can be disseminated or published via traditional offline media such as newspapers, television and radio, and also increasingly via online platforms, websites, mobile applications, computer games and other digital interfaces. The latter are not only particularly prone to be offered cross-border, but also raise novel and difficult regulatory and enforcement challenges. The use of online political advertising is strongly increasing, and certain linear offline forms of political advertising, such as radio and television, are also offered online as on-demand services. Political advertising campaigns tend to be organised to make use of a range of media and forms.
tend to be organised to make use of a range of media and forms.

Amendment 5
Proposal for a regulation
Recital 5

Text proposed by the Commission

(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.

Amendment

(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, when misused, 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.

Amendment 6
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

(5a) Recent disinformation campaigns in the wake of Russia's war of aggression against Ukraine, as well as the Cambridge Analytica scandal, have exposed how the digital political debate can be manipulated. Especially during election periods, disinformation campaigns are harmful to citizens since they deprive...
them of the opportunity to take a decision based on sound information. Disinformation campaigns are of great concern in the digital world and are often spread via social media and other online-platforms. For this reason, this Regulation should only apply to digital political advertising.

Amendment 7

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

(5b) Interference from third countries, especially during electoral periods, can be dangerous to the democratic process if it results in disinformation being disseminated. Therefore, political advertisement services should only be provided if a sponsor of the digital political advertising or the entity ultimately controlling the sponsor have a business seat within the EU.

Amendment 8

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 9
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) Protecting freedom of the press and freedom of expression is of greatest value to the European Union. It is essential that freedom of the press and freedom of expression be respected at all times so that an open exchange of opinions can take place. Editorial content that has been published without direct payment, or any other form of remuneration, to the service provider should not be considered political advertising and, therefore, should be excluded from the scope of this Regulation.

Amendment 10
Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) For the purpose of this Regulation, election should be understood as the elections to the European Parliament as well as all elections or referendums organised at national, regional and local level in the Member States and elections to establish political party leadership. It should not include other forms of elections such as privately organised ballots.

Amendment

(20) For the purpose of this Regulation, election should be understood as the elections to the European Parliament as well as all elections or referendums organised at national level in the Member States and elections to establish political party leadership. It should not include other forms of elections such as privately organised ballots.
Amendment 11
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 digital political advertising.

Amendment 12
Proposal for a regulation
Recital 23

**Text proposed by the Commission**

(23) The concept of political actors should also include unelected officials, elected officials, candidates and members of Government at European, national, regional or local level. Other political organisations should also be included in that definition.

**Amendment**

(23) The concept of political actors should also include unelected officials, elected officials, candidates and members of Government at European and national level. Other political organisations, for instance, non-governmental organisations (NGOs) which are supporting political parties in their campaigning, should also be included in that definition.

Amendment 13
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. In return for direct payment or equivalent remuneration.

Amendment 14

Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission

(28a) In view of the importance of guaranteeing, in particular, the effectiveness of the transparency requirements, sponsors and providers of political advertising services acting on behalf of sponsors should transmit in good faith relevant information in a timely, complete and accurate manner to enable the other providers of political advertising 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.

Amendment 15

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
Amendment 16

Proposal for a regulation
Recital 38

Text proposed by the Commission

(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.

Amendment

(38) Transparency of digital 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.
Amendment 17
Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) Transparency notices should be designed to raise user awareness and help the clear identification of the political advertisement as such. They should be designed to remain in place or remain accessible in the event a political advertisement is further disseminated for instance posted on another platform or forwarded between individuals. The information included in the transparency notice should be published when the publication of the political advertisements start and be retained for a period of one year after the last publication. The retained information should also include information about political advertising which was terminated or which was taken down by the publisher.

Amendment

(41) Transparency notices should be designed to raise user awareness and help the clear identification of the digital political advertisement as such. They should be designed to remain in place or remain accessible in the event a political advertisement is further disseminated for instance posted on another platform or forwarded between individuals. The information included in the transparency notice should be published when the publication of the political advertisements start and be retained for a period of one year after the last publication. The retained information should also include information about political advertising which was terminated or which was taken down by the publisher.

Amendment 18
Proposal for a regulation
Recital 48 a (new)

Text proposed by the Commission

(48a) Applying targeting and amplification techniques in the context of digital political advertising can help foster democratic participation, by bringing political topics to the attention of voters. Citizens who are voting for the first time need to be addressed in a different manner than other groups of voters. Reaching out to different groups of voters to address issues that are of interest to them, as female or male voters, or voters in certain geographic locations, can encourage voters to be part of the political debate. When using targeting and
amplification techniques in the context of digital political advertising, the rules on data privacy that are laid down in the Regulation (EU) 2016/679 are to be respected at all times.

Amendment 19

Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) Political advertising publishers making use of targeting or amplification techniques should include in their transparency notice information necessary to allow the concerned individual to understand the logic involved and main parameters of the technique used, and the use of third-party data and additional analytical techniques used and a link to the relevant policy of the controller. In case the controller is different from the advertising publisher the controller should transmit to political advertising publisher the internal policy or a reference to it. Providers of advertising services should, as necessary, transmit to the political advertising publisher the information necessary to comply with their obligations under this Regulation. The provision of such information could be automated and integrated in the ordinary business processes on the basis of standards.

Amendment

(50) Political advertising publishers making use of online targeting or amplification techniques should include in their transparency notice information necessary to allow the concerned individual to understand the logic involved and main parameters of the technique used, and the use of third-party data and additional analytical techniques used and a link to the relevant policy of the controller. In case the controller is different from the advertising publisher the controller should transmit to political advertising publisher the internal policy or a reference to it. Providers of advertising services should, as necessary, transmit to the political advertising publisher the information necessary to comply with their obligations under this Regulation. The provision of such information could be automated and integrated in the ordinary business processes on the basis of standards.

Amendment 20

Proposal for a regulation
Recital 66

Text proposed by the Commission

(66) In order to fulfil the objectives of this Regulation, the power to adopt acts in

Amendment

deleted
accordance with Article 290 of the Treaty should be delegated to the Commission in respect of Article 7(7) to further specify the form in which the requirements for the provision of information in the transparency notices according to that Article should be provided; and in respect of Article 12(8) to further specify the form in which the requirements of the provision of information about targeting should be provided. It is of particular importance that the Commission carries out appropriate consultations, including of experts designated by each Member State, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 21
Proposal for a regulation
Article 1 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

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

Amendment 22
Proposal for a regulation
Article 1 – paragraph 1 – point b
(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.

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 digital political advertising that involve the processing of personal data.

Or. en

Amendment 23

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 digital political advertising prepared, placed, promoted, published or disseminated in the Union in the context of election campaigns at European and national level, or directed to individuals in one or several Member States in the context of election campaigns at European and national level, irrespective of the place of establishment of the advertising services provider.

Or. en

Amendment 24

Proposal for a regulation
Article 1 – paragraph 3 – point b a (new)

Text proposed by the Commission

(ba) to strengthen democracy in Europe by making digital political advertising and online targeting more transparent;

Amendment

(ba) to strengthen democracy in Europe by making digital political advertising and online targeting more transparent;

Or. en
Amendment 25
Proposal for a regulation
Article 1 – paragraph 4 – point g a (new)

Text proposed by the Commission

Amendment

(ga) Regulation (EU) 2016/679
(GDPR);

Or. en

Amendment 26
Proposal for a regulation
Article 1 – paragraph 4 – point g b (new)

Text proposed by the Commission

Amendment

(gb) Regulation (EU) 2018/1725

Or. en

Amendment 27
Proposal for a regulation
Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The scope of this Regulation shall not cover political opinions prepared, placed, promoted, published or disseminated without any form of direct payment or equivalent remuneration and expressed under the editorial responsibility of a press publisher or a service provider in audiovisual, online or printed media.

Or. en

Amendment 28
Proposal for a regulation
Article 2 – paragraph 1 – point 2 – introductory part
‘political advertising’ means the preparation, placement, promotion, publication or dissemination, by any means, of a message:

Amendment

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;

Or. en

Amendment 29

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;

Or. en

Amendment 30

Proposal for a regulation
Article 2 – paragraph 1 – point 4 – point f

Text proposed by the Commission

(f) an unelected member of government at European, national, regional or local level;

Amendment

Or. en

(f) an unelected member of government at European or national level;

Amendment 31
Amendment 32

Proposal for a regulation
Article 2 – paragraph 1 – point 4 – point h

Text proposed by the Commission

(h) any natural or legal person representing or acting on behalf of any of the persons or organisations in points (a) to (g), promoting the political objectives of any of those.

Amendment

(h) any natural or legal person representing or acting on behalf or in the interests of any of the persons or organisations in points (a) to (g), promoting the political objectives of any of those.

Or. en

Amendment 33

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

6. ‘political advertising campaign’ means the preparation, placement, promotion, publication or dissemination of a series of linked advertisements in the course of a contract for political advertising, on the basis of common preparation, sponsorship or funding;

Amendment

6. ‘political advertising campaign’ means the preparation, placement, promotion, publication or dissemination of a series of linked digital political advertisements in the course of a contract for political advertising, on the basis of common preparation, sponsorship or funding;

Or. en

Amendment 34

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 digital political advertisement is prepared, placed, published or disseminated;

Or. en
Amendment 35
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 or amplification techniques’ means techniques that are used either to address a tailored digital political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a digital political advertisement;

Or. en

Amendment 36
Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

9. ‘electoral period’ means the period preceding or during or immediately after an election or referendum in a Member State and during which the campaign activities are subject to specific rules;

Amendment

9. ‘electoral period’ means the period preceding or during or immediately after a European or national election or referendum in a Member State and during which the campaign activities are subject to specific rules;

Or. en

Amendment 37
Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission

10. ‘relevant electorate’ means the body of individuals eligible to vote in the election or referendum being contested in the Member State in which a political advertisement circulates, which may be the entire electorate of a Member State;

Amendment

10. ‘relevant electorate’ means the body of individuals eligible to vote in the European or national election or referendum being contested in the Member State in which a digital political advertisement circulates, which may be the entire electorate of a Member State;

Or. en
Amendment 38

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 natural or legal person that makes available through an interface or otherwise brings to the public domain digital political advertising;

Or. en

Amendment 39

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

Text proposed by the Commission

1a. Political advertisement services shall only prepare, place, publish or disseminate a digital political advertisement if the sponsor of the digital political advertisement or the entity ultimately controlling the sponsor have a business seat within the EU.

Amendment

1a. 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

Or. en

Amendment 40

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

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 or in the interests
make such a declaration. of sponsors shall make such a declaration.

Or. en

Amendment 41
Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where a declaration or information is manifestly erroneous, providers of political advertising services shall request the sponsors or the providers of political advertising services acting on behalf of sponsors to correct their declaration. Sponsors or providers of political advertising services acting on behalf of sponsors shall make such a correction in a complete and accurate manner and without undue delay.

Or. en

Amendment 42
Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 43
Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of political advertising services shall ensure that the information referred to in paragraph 1 is communicated to the political advertising publisher which

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.

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

Amendment 44
Proposal for a regulation
Article 6 – paragraph 3 a (new)

Text proposed by the Commission

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

Amendment

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

Amendment 45
Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the context of the provision of political advertising services, each political advertisement shall be made available with the following information in a clear, salient and unambiguous way:

Amendment

1. The political advertising publisher shall make available in each political advertisement the following information in a clear, salient and unambiguous way:
Amendment 46

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 47

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

(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;

Amendment

(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, except where the source is a ‘political party’ as defined in Article 2(1) of Regulation (EU, Euratom) No 1141/2014;

Amendment 48

Proposal for a regulation
Article 7 – paragraph 8

Text proposed by the Commission

8. 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

Amendment

deleted
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.

Amendment 49

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 on the amounts or the value of other benefits received in part or full exchange for political advertising 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 50

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 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 within a reasonable period of time.
Amendment 51
Proposal for a regulation
Chapter III – title

   Text proposed by the Commission    Amendment

III TARGETING AND AMPLIFICATION OF DIGITAL POLITICAL ADVERTISING

Amendment 52
Proposal for a regulation
Article 12 – paragraph 8

   Text proposed by the Commission    Amendment

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.

8a. The goal of targeting and amplification techniques in the context of digital political advertising is to integrate voters in the democratic discourse and to bring political topics to their attention. Digital political advertising has the function of informing voters, and targeting and amplification techniques
can help fostering democratic participation, on condition that those techniques comply with all rules on data privacy laid down in Regulation (EU) 2016/679.

The following targeting and amplification methods shall be permitted:

(a) the processing of personal data in accordance with Regulation (EU) 2016/679 to identify and disseminate political advertising to primary voters;

(b) the processing of personal data in accordance with Regulation (EU) 2016/679 to identify and disseminate political advertising to socio-demographic cohorts;

(c) the processing of personal data in accordance with Regulation (EU) 2016/679 by a political party to enable it to identify and disseminate political advertising to its members, former members and affiliated persons;

(d) the processing of personal data on age, gender, language, profession, geographic location and interests in accordance with Regulation (EU) 2016/679 to enable the identification of groups of persons and the dissemination of political advertising to them;

Amendment 54
Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

1. This chapter refers to ‘obligations of controllers’ as defined in Article 2(12).

Or. en
Amendment 55
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 Article 7 shall be considered to be particularly serious where they concern digital 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.

Or. en

Amendment 56
Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

5. If a service provider intentionally or negligently infringes the provisions of this regulation, for the same or linked political advertising, the total amount of the administrative fine shall be sufficiently adjustable in order to take into account all the relevant factors; the fact that the Regulation has been violated in multiple respects shall be reflected in the amount of the total fine, in compliance with the principle of proportionality.

Amendment

5. If a service provider intentionally or negligently infringes continuously the provisions of this regulation, for the same or linked political advertising, the total amount of the administrative fine shall be sufficiently adjustable in order to take into account all the relevant factors; the fact that the Regulation has been violated in multiple respects shall be reflected in the amount of the total fine, in compliance with the principle of proportionality.

Or. en

Amendment 57
Proposal for a regulation
Article 19

Text proposed by the Commission

Article 19 deleted

Exercise of the delegation

1. The power to adopt delegated acts
is conferred on the Commission subject to the conditions laid down in this Article.

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].

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.

4. As soon as it adopts a delegated act, the Commission shall notify that act simultaneously to the European Parliament and to the Council.

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 58
Proposal for a regulation
Annex I – point a
(a) where the notice is not within the advertisement itself, an example/representation of the political advertisement or a link to it.

(a) where the notice is not within the advertisement itself, an example/representation of the digital political advertisement or a link to it.

Amendment 59
Proposal for a regulation
Annex I – point b

(b) the identity and place of establishment of the sponsor on behalf of whom the advertisement is disseminated including their name, address, telephone number and electronic mail address, and whether they are a natural or legal entity.

(b) the identity and place of establishment of the sponsor on behalf of whom the digital political advertisement is disseminated including their name, address, telephone number and electronic mail address, and whether they are a natural or legal entity.

Amendment 60
Proposal for a regulation
Annex I – point c

(c) the period during which the political advertisement is disseminated and, where applicable and known to the publisher, the fact that the same advertisement has been disseminated in the past.

(c) the period during which the digital political advertisement is disseminated and, where applicable and known to the publisher, the fact that the same advertisement has been disseminated in the past.

Amendment 61
Proposal for a regulation
Annex I – point d
(d) any election with which the advertising is linked, if applicable.

Amendment 62

Proposal for a regulation
Annex I – point e

Text proposed by the Commission

(e) the provisional aggregated amount spent on, and the value of other benefits received in part or full exchange for the specific advertisement, and on the specific advertising campaign where relevant, including on the preparation, placement, promotion, publication and dissemination of the political advertisements, as well as the aggregated actual amount spent and the value of other benefits received once known.

Amendment

(c) the provisional aggregated amount spent on, and the value of other benefits received in part or full exchange for the specific digital political advertisement, and on the specific digital advertising campaign where relevant, including on the preparation, placement, promotion, publication and dissemination of the digital political advertisements, as well as the aggregated actual amount spent and the value of other benefits received once known.

Amendment 63

Proposal for a regulation
Annex I – point f

Text proposed by the Commission

(f) the sources of the funds being used for the specific advertising campaign including for the preparation, placement, promotion, publication and dissemination of the political advertisements.

Amendment

(f) the sources of the funds being used for the specific advertising campaign including for the preparation, placement, promotion, publication and dissemination of the political advertisements, except where the source is a ‘political party’ as defined in Article 2(1) of Regulation (EU, Euratom) No 1141/2014.
Amendment 64

Proposal for a regulation
Annex I – point i

Text proposed by the Commission

(i) where the advertisement is linked to specific elections or referendums, links to official information about the modalities for participation in the election or referendum concerned.

Amendment

(i) where the digital political advertisement is linked to specific elections or referendums, links to official information about the modalities for participation in the election or referendum concerned.

Or. en