



**2021/0381(COD)**

4.7.2022

## **DRAFT OPINION**

of the Committee on Civil Liberties, Justice and Home 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  
on the transparency and targeting of political advertising  
(COM(2021)0731 – C9-0433/2021 – 2021/0381(COD))

Rapporteur for opinion: Anna Júlia Donáth

PA\_Legam

## AMENDMENTS

The Committee on Civil Liberties, Justice and Home 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

#### 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 ***ad delivery*** techniques in the context of the publication, dissemination or promotion of political advertising that involve the ***processing*** of personal data.

Or. en

### Amendment 2

#### 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 3

#### Proposal for a regulation

#### Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Political content 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 to be political advertising when it is prepared, placed, promoted, published or disseminated without any form of remuneration from a third party;**

Or. en

#### **Amendment 4**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) to set out rules for a safe, predictable and trusted market of online political advertising, where fundamental rights and freedoms enshrined in the Charter of Fundamental Rights are effectively protected and promoted;**

Or. en

#### **Amendment 5**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 3 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

**(bb) to uphold the values on which the Union is founded provided for in Article 2 of the Treaty on European Union, in particular respect for freedom, democracy and the rule of law and, by guaranteeing that Union citizens can exercise their basic democratic rights, in particular the right to form an opinion and the right to**

*vote in a transparent environment.*

Or. en

## **Amendment 6**

### **Proposal for a regulation**

#### **Article 1 – paragraph 4**

##### *Text proposed by the Commission*

4. This Regulation is without prejudice to the rules laid down in the following:
- (a) Directive 2000/31/EC;
  - (b) Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation];
  - (c) Directive 2005/29/EC;
  - (d) Directive 2006/114/EC;
  - (e) Directive 2006/123/EC;
  - (f) Directive (EU) 2010/13;
  - (g) Directive 2011/83/EU;
  - (h) Regulation (EU) 2019/1150;
  - (i) Regulation (EU) 2021/xxx [the Digital Services Act].

##### *Amendment*

4. This Regulation is without prejudice to the rules laid down in the following:
- (a) Directive 2000/31/EC;
  - (b) Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation];
  - (c) Directive 2005/29/EC;
  - (d) Directive 2006/114/EC;
  - (e) Directive 2006/123/EC;
  - (f) Directive (EU) 2010/13;
  - (g) Directive 2011/83/EU;
  - (h) Regulation (EU) 2019/1150;
  - (i) Regulation (EU) 2021/xxx [the Digital Services Act/];
  - (j) Regulation (EU) 2016/679;**
  - (k) Regulation (EU) 2018/1725.**

Or. en

## **Amendment 7**

### **Proposal for a regulation**

#### **Article 1 – paragraph 4 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

**4a. None of the provisions in this Regulation can be applied or interpreted in such way as to diminish or limit the level of protection offered by the fundamental right to private life and data**

*protection as protected in the Charter of Fundamental Rights and in the Union law on data protection and privacy.*

Or. en

## Amendment 8

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 1

*Text proposed by the Commission*

1. ‘service’ means any self-employed economic activity, normally provided for remuneration, as referred to in Article 57 TFEU;

*Amendment*

1. service’ means any self-employed economic activity, normally ***but not exclusively*** provided for remuneration, as referred to in Article 57 TFEU;

Or. en

## Amendment 9

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 2 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 10

### 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

*Amendment*

(b) which ***aims and is designed to directly*** influence the outcome of an election or referendum, or voting

behaviour.

behaviour.

Or. en

## Amendment 11

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 3

*Text proposed by the Commission*

3. ‘political advertisement’ means an instance of political advertising;

*Amendment*

3. ‘political advertisement’ means an instance of political advertising ***prepared, placed, promoted, published or disseminated, by any means, of a message;***

Or. en

## Amendment 12

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 4 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(b a) a government, bodies of governments with or without legal personality, a local government, bodies of local governments with or without legal personality and public foundations thereof,***

Or. en

## Amendment 13

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 4 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(c a) a Union institution and its bodies with or without legal personality,***

## Amendment 14

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 4 – point g

##### *Text proposed by the Commission*

(g) a political campaign organisation with or without legal personality, established to ***achieve*** a specific outcome in an election or referendum;

##### *Amendment*

(g) a political campaign organisation with or without legal personality, established to ***influence*** a specific outcome in an election or referendum;

Or. en

## Amendment 15

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 5

##### *Text proposed by the Commission*

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;

##### *Amendment*

5. ‘political advertising service’ means a service consisting of political advertising that is provided ***normally but not exclusively for remuneration*** without consideration for the placement, publication or dissemination for the specific message ***with the exception of an online intermediary service within the meaning of Article 2(f) of Regulation (EU) 2021/XXX [Digital Services Act];***

Or. en

## Amendment 16

### 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

##### *Amendment*

7. ‘sponsor’ means the natural or legal person on whose behalf a political



advertisement is prepared, placed,  
published or disseminated;

advertisement is prepared, placed,  
published or disseminated ***and who is  
ultimately responsible for the content of  
the advertising;***

Or. en

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7 a. ‘provided data’ means personal  
data actively provided by the data subject  
to a data processor for the purpose of  
delivering political advertisements;***

Or. en

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***7 b. ‘observed data’ means personal  
data provided by the data subject by virtue  
of using a service or device;***

Or. en

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7 c (new)**

*Text proposed by the Commission*

*Amendment*

***7 c. ‘inferred data’ means personal  
data created by the controller or the data  
processor on the basis of the data***

*provided by the data subject or as  
observed by the controller;*

Or. en

## Amendment 20

### 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 tailor a* political advertisement to a specific person or group of persons or to *exclude them by processing personal data*;

Or. en

## Amendment 21

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

**8 a. ‘ad delivery techniques’ means automated techniques of processing of personal data that typically rely on algorithms or the automated processing of data and that are employed by political advertising publishers or providers of political advertising services involved in the promotion, publication and dissemination of political advertisements 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 22

### 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 an election or referendum in a Member State and during which the campaign activities are subject to specific rules, ***regulated at national level;***

Or. en

## Amendment 23

### 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 ***delivers*** political advertising ***to the relevant electorate in any manner;***

Or. en

## Amendment 24

### Proposal for a regulation

#### Article 2 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 2a***

***Identification of a political advertisement***  
***For the purpose of determining whether a message constitutes political advertisement within the meaning of Article 2(2)(b), account shall be taken of all its features, and in particular of the***

*following relevant factors:*

- (a) the content of the message;*
- (b) the sponsor of the message;*
- (c) the language used to convey the message;*
- (d) the means by which the message is promoted, published or disseminated;*
- (e) the audience targeted;*
- (f) the context in which the message is conveyed, including the period of dissemination such as electoral or referendum periods;*
- (g) whether the message is intended to influence the relevant electorate;*
- (h) the objective of the message.*

Or. en

## **Amendment 25**

### **Proposal for a regulation Article 4 – title**

*Text proposed by the Commission*

Transparency

*Amendment*

Transparency ***and due diligence***

Or. en

## **Amendment 26**

### **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.

## **Amendment 27**

### **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 service specify how the relevant provisions of this Regulation are complied with.***

Or. en

## **Amendment 28**

### **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 provider of advertising services acting on behalf of a sponsor who is a Union citizen or a natural or legal person residing or established in the Union.***

Or. en

## **Amendment 29**

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

*Text proposed by the Commission*

*Amendment*

***The Commission shall prepare guidance to contribute to the proper application of this Article.***

## Amendment 30

### Proposal for a regulation Article 5 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**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.**

**deleted**

Or. en

## Amendment 31

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

*Text proposed by the Commission*

*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

(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 ***their sources***;

Or. en

## Amendment 32

### Proposal for a regulation Article 6 – paragraph 1 – point d

*Text proposed by the Commission*

*Amendment*

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

(d) the identity of the sponsor ***of the political advertisement and, where applicable, the entity or person ultimately controlling the sponsor, their*** contact details ***and place of establishment or***

*residence;*

Or. en

### Amendment 33

#### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***(d a) where applicable, an indication of the relevant election or referendum with which the political advertisement is linked.***

Or. en

### Amendment 34

#### 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 and may be in electronic form. Such information shall be retained for a period of ***15*** years from the date of the last preparation, placement, ***promotion***, publication or dissemination, as the case may be.

Or. en

### Amendment 35

#### 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

1. ***The*** political advertising ***publisher shall make available in real-time***

advertisement ***shall be made available with*** the following information in a clear, salient and unambiguous way:

***simultaneously with delivering*** each political advertisement, the following information in a clear, salient and unambiguous way:

Or. en

## Amendment 36

### Proposal for a regulation

#### Article 7 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 37

### 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 the entity ***or person*** ultimately controlling the sponsor;

Or. en

## Amendment 38

### Proposal for a regulation

#### Article 7 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(c a) a statement on the targeted nature of the advertisement, the data used for targeting and the type of personal information used if personal data is processed to determine the audience to***



*which the advertisement is presented;*

Or. en

#### **Amendment 39**

##### **Proposal for a regulation**

##### **Article 7 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Sponsors of political advertisements shall have joint liability with the political advertising publishers to carry out the obligations according to paragraph 1.***

Or. en

#### **Amendment 40**

##### **Proposal for a regulation**

##### **Article 7 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the identity ***of*** the sponsor and contact details;

(a) the identity ***and the place of establishment of the sponsor, the entity or person ultimately controlling*** the sponsor and ***their*** contact details;

Or. en

#### **Amendment 41**

##### **Proposal for a regulation**

##### **Article 7 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(a a) a statement on the targeted nature of the advertisement, the data used for targeting and the type of personal information used if personal data is processed to determine the audience to***

*which the advertisement is presented;*

Or. en

## **Amendment 42**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

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

*Amendment*

(b) the period during which the political advertisement is intended to be published and disseminated, ***including the start and end date of the political campaign;***

Or. en

## **Amendment 43**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 44**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point e**

*Text proposed by the Commission*

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

*Amendment*

(e) where applicable, links to online repositories of advertisements ***and their location in the European library for political advertisements;***

## **Amendment 45**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(f a) any advertisement that was delivered throughout the campaign.***

Or. en

## **Amendment 46**

### **Proposal for a regulation**

#### **Article 7 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. Where the political advertising publisher becomes aware that the information referred to in paragraphs 1 and 2 is incomplete or inaccurate, the publisher shall make reasonable efforts including by contacting the sponsor or the relevant service providers, to complete or correct that information. Until such information is corrected, the political advertising publisher shall not make the political advertisement available or shall discontinue it, and shall inform the relevant service provider and the sponsor accordingly.***

Or. en

## **Amendment 47**

### **Proposal for a regulation**

#### **Article 7 – paragraph 3 b (new)**

**3b. Where the sponsor or the providers of political advertising services become aware that the information transmitted to or published by the political advertising publisher is incomplete or inaccurate, they shall contact the publisher concerned without undue delay and, as relevant, transmit complete or accurate information to the political advertising publisher.**

Or. en

#### **Amendment 48**

##### **Proposal for a regulation Article 7 – paragraph 4**

*Text proposed by the Commission*

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.

*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 **language of the transparency notice shall be the language of the political advertising or the language of the user.** 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.

Or. en

#### **Amendment 49**

##### **Proposal for a regulation Article 7 – paragraph 5**

*Text proposed by the Commission*

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.***

*Amendment*

5. Political advertising publishers shall retain their transparency notices together with any modifications for a period of **15** years after the ***last publication.***

Or. en

**Amendment 50**

**Proposal for a regulation  
Article 7 – paragraph 6**

*Text proposed by the Commission*

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.

*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, ***without undue delay. The repository shall contain all versions of the advertisement.***

Or. en

**Amendment 51**

**Proposal for a regulation  
Article 7 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6 a. Political advertising publishers which are not very large online platforms within the meaning of Article 25 of Regulation (EU) 2022/xxx [Digital Services Act] and very large online search engines as defined in Article 2 of***

*Regulation (EU) 2022/xxx [Digital Services Act] shall ensure that the information contained in the transparency notice is shared with the European library for political advertisements without undue delay. The library shall contain all versions of the advertisement. 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 accessible using a common application programming interface, developed by the Commission in consultation with relevant stakeholders.*

Or. en

## Amendment 52

### 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 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*

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 pursuant to paragraph 2 where, in the light of technological developments, ***scientific research, developments reached by the competent authorities at Union or national level***, such an amendment is necessary for the wider context of the political advertisement and its aims to be understood.

Or. en

## Amendment 53

### Proposal for a regulation Article 7 a (new)

*Text proposed by the Commission*

*Amendment*

**Article 7a**

***European library for political advertisements***

***The Commission shall establish and manage a European library for political advertisements to host, archive and make publicly available the information specified in Annex II of political advertisements that are published over online platforms that are not very large online platforms within the meaning of Article 25 of Regulation xxx [Digital Services Act] and very large online search engines) as defined in Article 2 of Regulation xxx [Digital Services Act].***

Or. en

**Amendment 54**

**Proposal for a regulation  
Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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.

1. Political 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 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 55

### 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 **notification** 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.

Or. en

## Amendment 56

### Proposal for a regulation

#### Article 9 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3 a. The political advertising publishers shall examine and address the notification referred to in paragraph 1 accordingly, in a diligent, objective and non-discriminatory manner and without undue delay, within 5 days at the latest. 30 days prior to an election or a referendum, political advertising publishers shall examine and address the notification within 24 hours.**

Or. en

## Amendment 57

### Proposal for a regulation

#### Article 9 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

**3 b. The political advertising publishers shall inform the interested**



*parties of their observations and decisions related to the notification referred to in paragraph 1. The relevant publishers shall inform the interested parties on the redress mechanism related to the notification.*

Or. en

## **Amendment 58**

### **Proposal for a regulation Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 9a**

##### ***Trusted flaggers of unlawful political advertisements***

***1. Political advertising publishers that allow sponsors to publish political advertisements as defined in Article 2(2) online shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers of unlawful political advertisements through the mechanism referred to in Article 9 are processed and decided upon with priority and without undue delay. Those political advertising publishers shall take the necessary technical and organisational measures to ensure that digital services coordinators of the Member States where the advertisement is being presented to electorates receive real-time notices submitted by trusted flaggers of unlawful political advertisements to the online platforms to allow the digital service coordinator to best enforce the obligations provided for in this Regulation.***

***2. The status of trusted flaggers of unlawful political advertisements shall be awarded by the European Electoral Authority, upon application by any entity, where the applicants have demonstrated***

*to meet all of the following conditions:*

*(a) they have particular expertise and competence for the purposes of detecting, identifying and notifying political advertisements which have not been declared as political by their sponsor or that do not comply with the obligations concerning the processing of personal data or transparency established in this Regulation;*

*(b) they represent collective interests and are independent from any political advertising publishers, sponsors or any political actors;*

*(c) they carry out their activities for the purposes of submitting notices in a timely, diligent and objective manner.*

*3. The European Electoral Authority shall communicate to the Commission and the European Board for Digital Services the names, addresses and electronic mail addresses of the entities to which the status of the trusted flagger has been awarded.*

*4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.*

*5. Where an online platform has information indicating that a trusted flagger of unlawful political advertisements submitted a significant number of insufficiently precise, inaccurate or inadequately substantiated notices through the mechanisms referred to in Article 9, it shall communicate that information to the European Electoral Authority and provide it with the necessary explanations and supporting documents.*

*6. The European Electoral Authority that awarded the status of the trusted flagger to an entity shall revoke that status where it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including information*

*provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the digital services coordinator or the European Electoral Authority shall afford the entity an opportunity to react to the findings of the investigation and the intention to revoke the entity's status as trusted flagger.*

*7. The Commission, after consulting the European Board for Digital Services, may issue guidance to assist online platforms and the European Electoral Authority in the application of paragraphs 5 and 6.*

Or. en

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

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.

##### *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. The information shall be transmitted in a machine readable format.

Or. en

## **Amendment 60**

### **Proposal for a regulation**

#### **Article 11 – paragraph 1 – subparagraph 2**

*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***

Or. en

#### **Amendment 61**

##### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(d a) journalists.***

Or. en

#### **Amendment 62**

##### **Proposal for a regulation**

##### **Article 11 – paragraph 2 – subparagraph 2**

*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 63**

##### **Proposal for a regulation**

##### **Article 11 – paragraph 5**

*Text proposed by the Commission*

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.

*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 ***the request***. In this case, the relevant service provider shall send a reasoned response ***and information on the redress possibilities*** to the interested entity making the request.

Or. en

**Amendment 64**

**Proposal for a regulation  
Article 12 – title**

*Text proposed by the Commission*

Specific requirements related to targeting and ***amplification***

*Amendment*

Specific requirements related to targeting and ***ad delivery techniques***

Or. en

**Amendment 65**

**Proposal for a regulation  
Article 12 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. Ad delivery techniques that involve the processing of provided, observed or inferred personal data in the context of political advertising shall be prohibited.***

Or. en

## Amendment 66

### Proposal for a regulation Article 12 – paragraph 1

*Text proposed by the Commission*

1. Targeting ***or amplification*** techniques that involve 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*** in the context of political advertising are prohibited.

*Amendment*

1. Targeting techniques that involve the processing of ***observed or inferred*** personal data in the context of political advertising are prohibited.

Or. en

## Amendment 67

### Proposal for a regulation Article 12 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1 a. Targeting techniques that involve the processing of provided personal data shall be restricted to the personal data expressly provided by the data subject solely for the purposes of political advertising and shall include only the information specified in Annex IIa.***

Or. en

## Amendment 68

### Proposal for a regulation Article 12 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***2. The prohibition laid down in the first sentence shall not apply to the situations referred to in Article 9(2)(a) and (d) of Regulation (EU) 2016/679 and Article 10(2)(a) and (d) of Regulation***

***deleted***

## Amendment 69

### Proposal for a regulation

#### Article 12 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2 a. Targeting techniques that involve the processing of provided personal data of minors shall be prohibited. Content for minors shall be prohibited to be the subject of targeting techniques.**

Or. en

## Amendment 70

### Proposal for a regulation

#### Article 12 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. When using targeting **or amplification** techniques in the context of political advertising involving the processing of personal data, controllers shall, in addition to the requirements laid down in Regulation (EU) 2016/679 and Regulation (EU) 2018/1725, as applicable, comply with the following requirements:

3. When using targeting techniques in the context of political advertising involving the processing of personal data, controllers shall, in addition to the requirements laid down in Regulation (EU) 2016/679 and Regulation (EU) 2018/1725, as applicable, comply with the following requirements:

Or. en

## Amendment 71

### 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 and implement an internal policy describing clearly and in plain language, in particular, the use of such techniques to target individuals and retain such policy for a period of ***15*** years;

Or. en

**Amendment 72**

**Proposal for a regulation**

**Article 12 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) keep records on the use of targeting ***or amplification, the relevant mechanisms***, techniques and parameters used, and the source(s) of personal data used.

*Amendment*

(b) keep records on the use of targeting techniques and parameters used, and the source(s) of personal data used.

Or. en

**Amendment 73**

**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*

***deleted***

Or. en



## Amendment 74

### Proposal for a regulation Article 12 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**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.**

**deleted**

Or. en

## Amendment 75

### Proposal for a regulation Article 12 – paragraph 5

*Text proposed by the Commission*

*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.**

**5. Political advertising publishers making use of targeting 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.**

Or. en

## Amendment 76

### 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.**

**deleted**

Or. en

#### **Amendment 77**

##### **Proposal for a regulation Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1 a. Member States shall keep publicly available registers of legal representatives registered at national level under this Regulation. The Commission shall keep a publicly available register of legal representatives registered on Union level under this Regulation.**

Or. en

#### **Amendment 78**

##### **Proposal for a regulation Article 15 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**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**

**3. Each Member State shall designate one or more competent authorities to be responsible for the *diligent, objective, consistent and uniform* application and enforcement of the aspects of this**

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.

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 the government of each Member State or any other public or private body**, 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 79

### Proposal for a regulation Article 15 – paragraph 9 a (new)

*Text proposed by the Commission*

*Amendment*

**9 a. Without prejudice to this Regulation, the independent supervisory authorities responsible for monitoring the application of Regulation (EU) 2016/679 shall be responsible for monitoring the application of this Regulation insofar as the protection of personal data is concerned. Chapters VI and VII of Regulation (EU) 2016/679 shall apply mutatis mutandis. The tasks and powers of the supervisory authorities shall be exercised with regard to the processing of personal data.**

Or. en

## Amendment 80

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. In relation to Articles 5 to 11, 13

1. In relation to Articles 5 to 11, 13

and 14 Member States shall lay down rules on sanctions including administrative fines and financial penalties applicable to providers of political advertising services under their jurisdiction for infringements of the present Regulation, which shall in each individual case be effective, proportionate and dissuasive.

and 14 Member States shall lay down rules on sanctions including administrative fines and financial penalties **and rectifications** applicable to providers of political advertising services under their jurisdiction for infringements of the present Regulation, which shall in each individual case be effective, proportionate and dissuasive.

Or. en

## Amendment 81

### 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 **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.

Or. en

## Amendment 82

### Proposal for a regulation Article 16 – paragraph 6

#### *Text proposed by the Commission*

6. For infringements of the obligations laid down in Article 12, the supervisory authorities referred to in Article 51 of the Regulation (EU) 2016/679 may within their scope of competence impose administrative fines in line with Article 83 of Regulation (EU) 2016/679 and up to the amount referred to in Article 83(5) of that Regulation.

#### *Amendment*

6. For infringements of the obligations laid down in Article 12, the supervisory authorities referred to in Article 51 of the Regulation (EU) 2016/679 may **use their corrective powers laid down in Article 58(2) of that Regulation and** within their scope of competence impose administrative fines in line with Article 83 of Regulation (EU) 2016/679 and up to the amount referred to in Article 83(5) of that

Regulation.

Or. en

## Amendment 83

### Proposal for a regulation

#### Article 16 – paragraph 7

##### *Text proposed by the Commission*

7. For infringements of the obligations laid down in Article 12, the supervisory authority referred to in Article 52 of Regulation (EU) 2018/1725 may impose within its scope of competence administrative fines in line with Article 66 of Regulation (EU) 2018/1725 up to the amount referred to in Article 66 (3) of that Regulation.

##### *Amendment*

7. For infringements of the obligations laid down in Article 12, the supervisory authority referred to in Article 52 of Regulation (EU) 2018/1725 may ***use its corrective powers laid down in Article 58(2) of that Regulation and*** impose within its scope of competence administrative fines in line with Article 66 of Regulation (EU) 2018/1725 up to the amount referred to in Article 66 (3) of that Regulation.

Or. en

## Amendment 84

### Proposal for a regulation

#### Article 16 – paragraph 7 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***7 a. Member States shall report annually on the sanctions imposed to enforce the provisions of this Regulation. The Commission shall summarise and evaluate those reports annually and also as part of the review process provided for in Article 18.***

Or. en

## Amendment 85

### Proposal for a regulation

#### Article 16 – paragraph 7 b (new)

*Text proposed by the Commission*

*Amendment*

**7 b. The Commission is empowered to adopt delegated acts in accordance with Article 19 to introduce minimum sanctions across the Union for infringements of the obligations laid down in Articles 12 and 13 after having consulted competent authorities and other relevant stakeholders;**

Or. en

## Amendment 86

### Proposal for a regulation

#### Article 17 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall publish the dates of their national electoral periods in an easily accessible place, with an appropriate reference to this Regulation.

Member States shall publish the dates of their national electoral periods **and the periods for referendums** in an easily accessible place, with an appropriate reference to this Regulation.

Or. en

## Amendment 87

### Proposal for a regulation

#### Article 19 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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].

2. The power to adopt delegated acts referred to in Article 7(8), **12(8) and 16(7b)** 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 88****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(8), Article 12(8) **and 16(7b)** 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 later **dates specified** therein. It shall not affect the validity of any delegated acts already in force.

Or. en

**Amendment 89****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(8), or Article 12(8) **or Article 16(7b)** 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 90**

**Proposal for a regulation**  
**Annex II a (new)**

*Text proposed by the Commission*

*Amendment*

***ANNEX II a***

***Personal data or any relevant information on data subjects that might be used when the data subject provides data to the data processor or an intermediary is restricted to:***

***(a) the gender of the data subject;***

***(b) the age of the data subject\*;***

***(c) the location of the data subject at the level of the local administrative units or larger administrative units.;***

***(d) the languages spoken by the data subject.***

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***\*The publisher of political advertisements might allow the sponsor to target users based on age using only four brackets of ages to be established by the publisher.***