

Thursday 2 February 2023

P9_TA(2023)0027

Transparency and targeting of political advertising

Amendments adopted by the European Parliament on 2 February 2023 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))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2023/C 267/10)

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

- (1) The supply of and demand for political advertising are growing and increasingly cross-border in nature. A large, diversified and increasing number of services are associated with that activity, such as political consultancies, advertising agencies, 'ad-tech' platforms, public relations firms, influencers and various data analytics and brokerage operators. Political advertising can take many forms including paid content, sponsored search results, paid targeted messages, promotion in rankings, promotion of something or someone integrated into content such as product placement, influencers and other endorsements. Related activities can involve for instance the dissemination of political advertising upon request of a sponsor or the publication of content against payment.

Amendment

- (1) The supply of and demand for political advertising are growing and increasingly cross-border in nature. A large, diversified and increasing number of services are associated with that activity, such as political consultancies, advertising agencies, 'ad-tech' platforms, public relations firms, influencers and various data analytics and brokerage operators. Political advertising can take many forms including paid content, sponsored search results, paid targeted messages, promotion in rankings, promotion of something or someone integrated into content such as product placement, influencers and other endorsements. Related activities can involve for instance the dissemination of political advertising upon request of a sponsor or the publication of content against payment **or other forms of remuneration, including benefits in kind.**

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0009/2023).

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Amendment 2
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.

Amendment

- (2) Political advertising can be disseminated or published through various means and media across borders **both online and offline. It is rapidly increasing as** 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.

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Amendment 3
Proposal for a regulation

Recital 4

Text proposed by the Commission

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

Amendment

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

Amendment 4
Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) **Providers of advertising services which are intermediary service providers within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) involved in the presentation of political advertising on their interface or the interface of another service provider should be encouraged to establish, implement and publish tailored policies and measures to prevent the placement of political advertising together with disinformation, including by participation in wider disinformation demonetisation initiatives such as the Code of practice on disinformation.**

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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 **and ad delivery** techniques are frequently used. Targeting techniques should be understood as techniques that are used **to tailor** political advertisement only to a specific person or group of persons or to **exclude them by processing personal data**. **Ad delivery techniques should be understood as automated techniques of processing of personal data that are used to determine a specific audience, as a specific person or group of persons within the potential audience, for the dissemination of political advertisements. Such techniques are used by political advertising publishers and especially by very large online platforms within the meaning of Regulation (EU) 2022/2065 (Digital Services Act), to deliver political advertisements to a targeted audience based on personal data and on the content of advertisements. Delivering advertisements using such techniques involves the use of opaque algorithms and can differ from what the sponsors and providers of advertising services, acting on behalf of sponsors, intended, making some users less likely than others to see particular political advertisements.** Given the power and the potential for the misuse of personal data of targeting, including through microtargeting and other advanced techniques, such techniques may present particular threats to legitimate public interests, such as fairness, **freedom of expression**, equal opportunities and transparency in the electoral process and the fundamental **rights** to be informed in an objective, transparent and pluralistic way, **to privacy and the protection of personal data and equality and non-discrimination**.

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Amendment 6
Proposal for a regulation

Recital 6

Text proposed by the Commission

- (6) Political advertising is currently regulated heterogeneously in the Member States, which in many cases tends to focus on traditional media forms. Specific restrictions exist including on cross-border provisions of political advertising services. Some Member States prohibit EU service providers established in other Member States from providing services of a political nature or with a political purpose during electoral periods. At the same time, gaps and loopholes **in national legislation** are likely to exist in some Member States resulting in political advertising sometimes being disseminated without regard to relevant national rules and thus risking undermining the objective of transparency regulation for political advertising.

Amendment

- (6) Political advertising is currently regulated heterogeneously in the Member States, which in many cases tends to focus on traditional media forms. Specific restrictions exist including on cross-border provisions of political advertising services, **which directly affect the capacity to conduct cross-border and pan-European political campaigns**. Some Member States prohibit EU service providers established in other Member States from providing services of a political nature or with a political purpose during electoral periods. At the same time, gaps and loopholes are likely to exist in **the national legislation of** some Member States, **as well as in Union legislation**, resulting in political advertising sometimes being disseminated without regard to relevant national rules and thus risking undermining the objective of transparency regulation for political advertising.

Amendment 7
Proposal for a regulation

Recital 8

Text proposed by the Commission

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

Amendment

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

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Amendment 8
Proposal for a regulation

Recital 9

Text proposed by the Commission

- (9) In this context, providers of political advertising services are likely to be discouraged from providing their political advertising services in cross-border situations. This is particularly true for microenterprises and SMEs, which often do not have the resources to absorb or pass on the high compliance costs connected to the preparation, placement, publication or dissemination of political advertising in more than one Member State. This limits the availability of services and negatively impacts the possibility for service providers to innovate and offer multi-medium and multi-national campaigns within the internal market.

Amendment

- (9) In this context, providers of political advertising services are likely to be discouraged from providing their political advertising services in cross-border situations. This is particularly true for microenterprises and SMEs, which often do not have the resources to absorb or pass on the high compliance costs connected to the preparation, placement, **promotion**, publication or dissemination of political advertising in more than one Member State. This limits the availability of services and negatively impacts the possibility for service providers to innovate and offer multi-medium and multi-national campaigns within the internal market.

Amendment 9
Proposal for a regulation

Recital 10

Text proposed by the Commission

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

Amendment

- (10) A consistent and high level of transparency of political advertising throughout the Union should therefore be ensured when political advertising services are provided, while divergences hampering the free circulation of related services within the internal market should be prevented, by laying down **harmonised rules on provision of political advertising services, and on transparency and due diligence for sponsors and** 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.

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Amendment 10
Proposal for a regulation

Recital 11

Text proposed by the Commission

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

Amendment

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

Amendment 11
Proposal for a regulation

Recital 13

Text proposed by the Commission

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

Amendment

- (13) This Regulation should **neither** affect the content of political advertising nor **Union or Member States** rules regulating the **content** of political advertising, **presentation of political advertisements, electoral periods and the conduct of political campaigning** including **advertising bans**. **Furthermore, this Regulation should not affect, in particular, the fundamental right to freedom of opinion and freedom of speech.**

Amendment 12
Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

- (13a) **The specific needs of micro, small and medium-size enterprises should be taken into account in the application and enforcement of this Regulation, in line with the principle of proportionality. The notion of micro, small and medium-sized enterprises should be understood within the meaning of Directive 2013/34/EU.**

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Amendment 13
Proposal for a regulation
Recital 14

Text proposed by the Commission

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

Amendment

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

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Amendment 14
Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

- (14a) *The specificities of the medium of publication or dissemination of the political advertisement should be taken into account in the application and enforcement of this Regulation.***

Amendment 15
Proposal for a regulation
Recital 14 b (new)

Text proposed by the Commission

Amendment

- (14b) *This Regulation should recall the importance of the principle of non-discrimination in the cross-border provision of political advertising services in the Union. Providers of political advertising services should not discriminate against sponsors legally established in the Union, including in the case of cross-border services to European political parties, as it would harm the possibility for the conduction of cross-border political campaigns, essential to foster a European public sphere. However, refusal to provide services in a Member State where providers of political advertising services do not conduct business does not constitute discrimination as such service providers should not be compelled to conduct business in a Member State in which they are not economically active.***

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Amendment 16
Proposal for a regulation
Recital 14 c (new)

Text proposed by the Commission

Amendment

- (14c) *A solid body of evidence shows that foreign actors have been actively interfering in the democratic functioning of the Union and its Member States, particularly during election and referendum periods. Considering that foreign interferences constitute a serious violation of values and principles on which the Union is founded and moreover, foreign interferences, information manipulation and disinformation are an abuse of the fundamental freedoms of expression and information as laid down in Article 11 of the Charter and threaten these freedoms, as well as undermining democratic processes in the EU and its Member States, such as the holding of free and fair elections, it is necessary to take appropriate measures to combat disinformation and prevent such interferences by means of advertisements sponsored by actors coming from outside the Union. To support the enforcement of national rules concerning external interference in elections, it is necessary to ensure that political advertising sponsored, prepared, placed, promoted, published, delivered or disseminated in the Union, or directed to individuals in one or more Member States, regardless of the place of establishment of service providers, can be supplied only to sponsors who are citizens of the Union, and to service providers acting on behalf of such sponsors, in addition to natural or legal persons residing or established in the Union. For the purposes of determining the place of establishment of a sponsor, the place of establishment of entities ultimately controlling the sponsor should be taken into account.*

Amendment 17
Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

- (15) There is no existing definition of political advertising or political advertisement at Union level. A common definition is needed to establish the scope of application of the harmonised transparency obligations and rules on targeting and **amplification**. This definition should cover the many forms that political advertising can take and any means and mode of publication or dissemination within the Union, regardless of whether the source is located within the Union or in a third country.
- (15) There is no existing definition of political advertising or political advertisement at Union level. A common definition is needed to establish the scope of application of the harmonised transparency obligations and rules on targeting and **ad delivery**. This definition should cover the many forms that political advertising can take and any means and mode of publication or dissemination within the Union, regardless of whether the source is located within the Union or in a third country.

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Amendment 18
Proposal for a regulation
Recital 16

Text proposed by the Commission

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

Amendment

- (16) The definition of political advertising should include advertising **prepared, placed, promoted**, published, **delivered** or disseminated directly or indirectly by or **prepared, placed, promoted**, published, **delivered** or disseminated **by any means** directly or indirectly for or on behalf of a political actor. Since advertisements by, for or on behalf of a political actor cannot be detached from their activity in their role as political actor, they can be presumed to be liable to influence the political debate, **or the outcome of an election or referendum**, except for messages of purely private or purely commercial nature. **In order to determine that a message is of a purely private or purely commercial nature, account should be taken of all relevant factors, such as its content, the language used to convey it, the context in which it is conveyed, its objective and the means by which it is promoted, published or disseminated. Messages concerning a political actor's family status or business activities can be purely private or purely commercial. In addition, the definition of political advertising should include prepared, placed, promoted, published, delivered or disseminated messages which are liable to influence the outcome of an election or referendum or a legislative or regulatory process or voting behaviour. Those messages cannot be considered as purely private or purely commercial. Those messages can originate from any natural or legal person, including from official sources, such as governments, public authorities, institutions or bodies. However, if their messages are strictly limited to the announcement of elections or referendums or of the modalities for participation into elections or referendums, they shall be excluded from the scope.**

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Amendment 19
Proposal for a regulation

Recital 17

Text proposed by the Commission

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

Amendment

- (17) The **promotion**, publication, **delivery** or dissemination by other actors of a message that is liable to influence, the outcome of an election or referendum, legislative or regulatory process or voting behaviour **or the public opinion on societal or controversial issues at Union, national, regional, local or at a political party level** should also constitute political advertising. **A legislative or regulatory process should include decision making having binding effects of general application at the local, regional, national or European level.** In order to determine whether the publication, **promotion** or dissemination of a message is liable to influence, the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, account should be taken of all **factors** relevant **at the time the message was promoted, published, delivered or disseminated**, such as **the identity of the sponsor of the message, the form and** the content of the message, the **spoken or written** language used to convey the message, the context in which the message is conveyed, the objective of the message and the means by which the message is **promoted**, published, **delivered** or disseminated, **the audience targeted and the objective of the message.**

Amendment 20
Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17a) **Communication of a political party with its current or former members is an inherent part of the membership in a political party and should not constitute political advertising.**

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Amendment 21
Proposal for a regulation
Recital 17 b (new)

Text proposed by the Commission

Amendment

- (17b) *Commercial advertising and marketing practices can legitimately affect consumers' perceptions of products and services or their buying behaviour, including through brand differentiation based on company actions in the field of corporate social responsibility, delivering social impact, or any other types of purpose-driven engagement. Commercial advertising in some cases may be liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, in which case this Regulation should apply.*

Amendment 22
Proposal for a regulation
Recital 17 c (new)

Text proposed by the Commission

Amendment

- (17c) *For the effective implementation of the requirements of this Regulation, and in particular to support the sponsors of advertising and service providers acting on behalf of the sponsors in declaring political advertising, and to support providers of political advertising services in facilitating and appropriately administrating such declarations, it is necessary for the Commission to draw up common guidance.*

Amendment 23
Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

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

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

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Amendment 24
Proposal for a regulation
Recital 19

Text proposed by the Commission

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

Amendment

- (19) ***The media contribute to the well-functioning of democratic processes and play an essential role in the freedom of expression and right to information, particularly during election periods. They provide a space for public debate and contribute to public opinion-forming. This Regulation should not affect the editorial freedom of the media. Political views and opinions or other editorial content expressed or disseminated for journalistic purposes or under the editorial responsibility of a media service provider should not be considered political advertising and should not be covered by this Regulation, if no payment or other remuneration is provided by third parties specifically for the expression of the views or opinions. Such political views and opinions which are additionally promoted, published or disseminated by service provider should in any case be considered to be political advertising. Journalistic practices established either in national law or by media and press councils in accordance with Union law, including the Charter of Fundamental Rights, should apply. Any form of surreptitious advertising should be prohibited.***

Amendment 25
Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

- (19a) ***Media literacy is central to allow individuals to use media effectively and safely. It is also an essential skill for the public to benefit from the access to information on political advertisement provided by this Regulation. Therefore, it is important to promote the development of media literacy in Member States and at Union level, in all sections of the society, for individuals of all ages.***

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Amendment 26
Proposal for a regulation

Recital 21

Text proposed by the Commission

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

Amendment

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

Amendment 27
Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) An advertising campaign should refer to the preparation, publication and dissemination of a series of linked advertisements in the course of a contract for political advertising, on the basis of common preparation, sponsorship and funding. It should include the preparation, placement, promotion, publication and dissemination of an advertisement or versions of an advertisement on different media and at different times within the same electoral cycle.

Amendment

(24) An advertising campaign should refer to the preparation, **placement, promotion, publication, delivery** and dissemination of a series of linked advertisements in the course of a contract for political advertising **services**, on the basis of common preparation, sponsorship and funding. It should include the preparation, placement, promotion, publication, **delivery** and dissemination of an advertisement or versions of an advertisement on different media and at different times within the same electoral cycle **or legislative process**.

Amendment 28
Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) The definition of political advertising should not affect national definitions of political party, political aims or campaign periods at national level.

Amendment

(25) The definition of political advertising should not affect national definitions of political party, political aims or **political** campaign periods at national level.

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Amendment 29
Proposal for a regulation
Recital 26

Text proposed by the Commission

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

Amendment

- (26) In order to cover the broad range of relevant service providers connected to political advertising services, providers of political advertising services should be understood as comprising providers involved in the preparation **such as the design and planning of an advertisement or campaign, or in the** placement, promotion, publication, **delivery** and dissemination of political advertising. **For example, providers of political advertising services may initiate political advertising services on behalf of sponsors. The provision of targeting and ad delivery techniques in the context of political advertising should be understood to be a political advertising service.**

Amendment 30
Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

Amendment

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

Amendment 31
Proposal for a regulation
Recital 26 b (new)

Text proposed by the Commission

Amendment

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

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Amendment 32
Proposal for a regulation
Recital 26 c (new)

Text proposed by the Commission

Amendment

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

Amendment 33
Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

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

- (27) The notion of political advertising should not include messages that are shared by individuals in their purely personal capacity. Individuals should not be considered as acting in their personal capacity if they are publishing messages the dissemination or publication of which ***involves remuneration or benefits in kind from third parties***.

Amendment 34
Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

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

- (28) Once ***the sponsor declares*** an advertisement to ***be*** political, this should be clearly ***and without delay*** indicated to other service providers involved in the political advertising services. In addition, once an advertisement has been identified as political, its further dissemination should still comply with transparency ***and due diligence*** requirements. For instance, when ***a political advertisement*** is shared organically, the ***it*** should still be labelled as political.

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Amendment 35
Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission

Amendment

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

Amendment 36
Proposal for a regulation
Recital 28 b (new)

Text proposed by the Commission

Amendment

- (28b) *Where providers of political advertising services become aware of a manifest error, inaccuracy or incompleteness in the declaration that advertising is or is not political, or in the information communicated, providers of political advertising services should require the sponsors to ensure that such manifest error, inaccuracy or incompleteness is corrected.*

Amendment 37
Proposal for a regulation
Recital 28 c (new)

Text proposed by the Commission

Amendment

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

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Amendment 38
Proposal for a regulation
Recital 28 d (new)

Text proposed by the Commission

Amendment

- (28d) *Reasonable efforts should include diligent and objective measures, such as contacting the sponsor or the service providers concerned to complete or correct the information. Account should be taken of the nature and importance of the erroneous or missing information in relation to the requirements laid down by this Regulation. Reasonable efforts should also be reflected in the contractual arrangements among service providers and with the sponsor, where relevant. The provider of political advertising services should not be required to engage in excessive or costly fact-finding exercises or complex contact with the sponsor or the providers of political advertising services concerned.*

Amendment 39
Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

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

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

Amendment 40
Proposal for a regulation
Recital 30

Text proposed by the Commission

Amendment

- (30) The transparency requirements should also not apply to the sharing of information through electronic communication services such as electronic message services or telephone calls, as long as no political advertising service is involved.

- (30) The transparency requirements should also not apply to the sharing of information through electronic **interpersonal** communication services such as electronic message services or telephone calls, as long as no political advertising service is involved.

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Amendment 41
Proposal for a regulation

Recital 31

Text proposed by the Commission

- (31) Freedom of expression as protected by Article 11 of the Charter of Fundamental Rights covers an individual's right to hold political opinions, receive and impart political information and share political ideas. Every limitation to it has to comply with Article 52 of the Charter of Fundamental Rights and that freedom can be subject to modulations and restrictions where they are justified by the pursuit of a legitimate public interest and comply with the general principles of EU law, such as proportionality and legal certainty. That is inter alia the case where the political ideas are communicated through advertising service providers.

Amendment

- (31) Freedom of expression as protected by Article 11 of the Charter of Fundamental Rights covers an individual's right to hold political opinions, receive and impart political information and share political ideas. Every limitation to it has to comply with Article 52 of the Charter of Fundamental Rights and that freedom can be subject to modulations and restrictions where they are **necessary and** justified by the pursuit of a legitimate public interest and comply with the general principles of EU law, such as proportionality and legal certainty. That is inter alia the case where the political ideas are communicated through advertising service providers. ***Freedom of expression is one of the cornerstones of a lively democratic debate.***

Amendment 42
Proposal for a regulation

Recital 31 a (new)

Text proposed by the Commission

Amendment

- (31a) ***Given the importance of political advertising, it is essential that this Regulation ensures a regulatory framework which ensures full, equal and unrestricted access to political advertising services and their required transparency information for all recipients, including persons with disabilities. Therefore, it is important that accessibility requirements for providers of political advertising services are consistent with existing Union law, such as the European Accessibility Act and the Web Accessibility Directive and that Union law is further developed, so that no one is left behind as result of digital innovation.***

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Amendment 43
Proposal for a regulation
Recital 32

Text proposed by the Commission

- (32) As regards online intermediaries, Regulation (EU) **2021/XX** [Digital Services Act] applies to political advertisements published or disseminated by online intermediaries through horizontal rules applicable to all types of online advertising, including commercial and political advertisements. Based on the definition of political advertising established in this Regulation, it is appropriate to provide additional granularity of the transparency requirements laid out for advertising publishers falling under the scope of Regulation (EU) **2021/XX** [Digital Services Act], notably very large platforms. This concerns in particular information related to the funding of political advertisements. The requirements of this Regulation leave unaffected the provisions of the Digital Services Act, **including as regards** risk assessment and mitigation obligations for very large online platforms as regards their advertising systems.

Amendment

- (32) As regards online intermediaries, Regulation (EU) **2022/2065** (Digital Services Act) applies to political advertisements published or disseminated by online intermediaries through horizontal rules applicable to all types of online advertising, including commercial and political advertisements. Based on the definition of political advertising established in this Regulation, it is appropriate to provide additional granularity of the transparency requirements laid out for advertising publishers falling under the scope of Regulation (EU) **2022/2065** (Digital Services Act), notably very large **online** platforms. This concerns in particular information related to the funding of political advertisements. The requirements of this Regulation leave unaffected the provisions of the Digital Services Act, **but should inform the** risk assessment and mitigation obligations for very large online platforms as regards their advertising systems **including the targeting and ad delivery techniques of political advertising services employed. To assist Member States and service providers, the Commission should provide guidelines on the interaction between and complementary nature of different Union legal acts and this Regulation and on the interpretation of any similar requirements therein.**

Amendment 44
Proposal for a regulation
Recital 33

Text proposed by the Commission

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

Amendment

- (33) The preparation, placement, promotion, publication, **delivery** and dissemination of political advertising can involve a complex chain of service providers. This is the case in particular where the selection of advertising content, the selection of targeting **and ad delivery** criteria, the provision of data used for the targeting **and delivery** of an advertisement, the provisions of targeting **and ad delivery** techniques, the delivery of an advertisement and its dissemination may be controlled by different service providers.

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Amendment 45
Proposal for a regulation
Recital 34

Text proposed by the Commission

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

Amendment

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

Amendment 46
Proposal for a regulation
Recital 36

Text proposed by the Commission

- (36) Steps could also include providing an efficient mechanism for individuals to indicate that **a political** advertisement is political, and taking effective action in response to such indications.

Amendment

- (36) Steps could also include **advertising publishers** providing an efficient mechanism for individuals to indicate that **an** advertisement is political, and taking effective action in response to such indications.

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Amendment 47
Proposal for a regulation
Recital 37

Text proposed by the Commission

- (37) While providing for specific requirements, none of the obligations laid down in this Regulation should be understood as imposing a general monitoring obligation on intermediary service providers for political content shared by natural or legal persons, nor should they be understood as imposing a general obligation on intermediary service providers to take proactive measures in relation to illegal content or activities which those providers transmit or store.

Amendment

- (37) While providing for specific requirements, none of the obligations laid down in this Regulation should be understood as imposing a general monitoring obligation on intermediary service providers for political content **organically** shared by natural or legal persons, nor should they be understood as imposing a general obligation on intermediary service providers to take proactive measures in relation to illegal content or activities which those providers transmit or store.

Amendment 48
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 political advertising should enable **individuals** to understand that they are confronted with a political advertisement. Political advertising publishers should ensure the publication in each political advertisement of a clear statement that it is a political advertisement, of the identity of its sponsor **and of the political campaign it is part of**. Where appropriate, the name of the sponsor could include a political logo. Political advertising publishers should **ensure that advertisements that are political should be correctly labelled as such and to** make use of labelling which is effective, taking into account developments in relevant scientific research and best practice on the provision of transparency through the labelling of advertising. **In light of technological and other developments in relevant scientific research and market practices, the Commission should adopt a delegated act establishing harmonised and efficient labelling techniques for political advertisement.**

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Amendment 49
Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) This information should be provided in a transparency notice which should also include the identity of the sponsor, in order to support accountability in the political process. The place of establishment of the sponsor and whether the sponsor is a natural or legal person should be clearly indicated. Personal data concerning individuals involved in political advertising, unrelated to the sponsor or other involved political actor should not be provided in the transparency notice. The transparency notice should also contain information on the dissemination period, any linked election, the amount spent for and the value of other benefits received in part or full exchange for the specific advertisement as well for the entire advertising campaign, the source of the funds used and other information to ensure the fairness of the dissemination of the political advertisement. Information on the source of the funds used concerns for instance its public or private origin, the fact that it originates from inside or outside the European Union. Information concerning linked elections or referendums should include, when possible, a link to information from official sources regarding the organisation and modalities for participation or for promoting participation in those elections or referendums. The transparency notice should further include information on how to flag political advertisements in accordance with the procedure established in this Regulation. This requirement should be without prejudice to provisions on notification according to Article **14, 15 and 19** of Regulation (EU) **2021/XXX** [Digital Services Act].

Amendment

(39) This information should be provided in a transparency notice which should also include the identity of **the sponsor and where applicable, the entity ultimately controlling** the sponsor, in order to support accountability in the political process. The place of establishment of the sponsor and whether the sponsor is a natural or legal person should be clearly indicated. Personal data concerning individuals involved in political advertising, unrelated to the sponsor or other involved political actor should not be provided in the transparency notice. The transparency notice should also contain information on the dissemination period, any linked election, the amount spent for and the value of other benefits received in part or full exchange for the specific advertisement as well for the entire advertising campaign, the source of the funds used and other information to ensure the fairness of the dissemination of the political advertisement. Information on the source of the funds used concerns for instance its public or private origin, the fact that it originates from inside or outside the European Union. Information concerning linked elections or referendums should include, when possible, a link to information from official sources regarding the organisation and modalities for participation or for promoting participation in those elections or referendums. The transparency notice should **be available at the moment the advertising is published or disseminated, and the information it contains should be kept up to date. The transparency notice should** further include information on how to flag political advertisements in accordance with the procedure established in this Regulation. This requirement should be without prejudice to provisions on notification according to Article **16 and 17** of Regulation (EU) **2022/2065** (Digital Services Act).

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Amendment 50
Proposal for a regulation
Recital 40

Text proposed by the Commission

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

Amendment

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

Amendment 51
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 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 **ten years** 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 **and the reason for the removal.**

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Amendment 52
Proposal for a regulation
Recital 42

Text proposed by the Commission

- (42) Since political advertising publishers make political advertisements available to the public, they should publish or disseminate that information to the public together with the publication or dissemination of the political advertisement. Political advertising publishers should not make available to the public **those** political advertisements not fulfilling the transparency requirements under this Regulation. In **addition**, political advertising publishers **which are very large online platforms within the meaning of Regulation (EU) 2021/XXX [Digital Services Act] should make the information contained in the transparency notice available through the repositories of advertisements published pursuant to Article 30 Regulation [Digital Services Act]. This will facilitate the work of interested actors including researchers in their specific role to support free and fair elections or referendums and fair electoral campaigns including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape.**

Amendment

- (42) Since political advertising publishers make political advertisements available to the public, they should publish or disseminate that information to the public together with the publication or dissemination of the political advertisement. **Where political advertising publishers become aware that a political advertisement does not fulfil the transparency requirements under this Regulation, they should make best efforts to fulfil the requirements under this Regulation. When the information cannot be completed or corrected without undue delay**, political advertising publishers should not make available **or should discontinue the placement, promotion, publication, delivery or dissemination** to the public **of the** political advertisements not fulfilling the transparency requirements under this Regulation. In **such situation**, political advertising publishers **should inform the provider of services concerned and, where relevant the sponsor, of the reasonable steps taken to fulfil the requirements under this Regulation.**

Amendment 53
Proposal for a regulation
Recital 42 a (new)

Text proposed by the Commission

Amendment

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

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Amendment 54
Proposal for a regulation
Recital 42 b (new)

Text proposed by the Commission

Amendment

- (42b) *This Regulation should facilitate the work of interested actors, including researchers, in their specific role to support free and fair elections or referendums and fair electoral campaigns, including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape. Therefore, political advertising publishers which are Very Large Online Platforms (VLOPs) within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) and Very Large Online Search Engines (VLOSEs) as defined in Regulation (EU) 2022/2065 (Digital Services Act) should make the information contained in the transparency notice available and update it, in real time, through the repositories of advertisements published pursuant to Regulation (EU) 2022/2065 (Digital Services Act).*

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Amendment 55
Proposal for a regulation
Recital 42 c (new)

Text proposed by the Commission

Amendment

- (42c) *The Commission should establish a European repository for online political advertisements to support political advertising publishers that are not VLOPs within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) and VLOSEs as defined in Regulation (EU) 2022/2065 (Digital Services Act) to comply with the provisions of this Regulation. Political advertising publishers which are not VLOPs within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) and VLOSEs as defined in Regulation (EU) 2022/2065 (Digital Services Act) should ensure that the information contained in the transparency notice is made available in the European repository for online political advertisements without undue delay, and no later than 24 hours. Information made available on the interface of political advertising publishers should be provided in a machine readable format according to common data structure and standards, developed by the Commission in consultation with relevant stakeholders. Information in the repositories of VLOPs and VLOSEs and information in the European repository for online political advertisements should be connected via a common application programming interface and be publicly accessible via a single portal.*

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Amendment 56
Proposal for a regulation
Recital 44

Text proposed by the Commission

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

Amendment

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

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Amendment 57
Proposal for a regulation

Recital 45

Text proposed by the Commission

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

Amendment

- (45) Political advertising publishers providing political advertising services should put in place mechanisms to enable individuals to report to them that a particular political advertisement which they have published does not comply with this Regulation. The mechanisms to report such advertisement should be easy to access and use, and should be adapted to the form of advertising distributed by the advertising publisher. As far as possible, these mechanisms should be accessible from the advertisement itself, for instance on the advertising publisher's website. Political advertising publishers should be able to rely on existing mechanisms where appropriate. Where political advertising publishers are online hosting services providers within the meaning of the Digital Services Act, with regards to the political advertisements hosted at the request of the recipients of their services, the provisions of Article 16 of the Digital Services Act continue to apply for notifications concerning non-compliance of such advertisements with this Regulation. **Where political advertising publishers are online hosting services providers within the meaning of Regulation (EU) 2022/2065 (Digital Services Act), with regard to the political advertisements hosted at the request of the recipients of their services, political advertising publishers should be able to rely on the notice mechanism pursuant to Regulation (EU) 2022/2065 (Digital Services Act) for notifications concerning non-compliance of such advertisements with this Regulation.**

Amendment 58
Proposal for a regulation
Recital 45 a (new)

Text proposed by the Commission

Amendment

- (45a) **Where a particular advertisement does not comply with this Regulation, mechanisms provided by the publisher should enable individuals to flag the advertisement concerned. Where those mechanisms are not available, individuals should be able to report such political advertisement directly to the competent authorities.**

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Amendment 59
Proposal for a regulation
Recital 45 b (new)

Text proposed by the Commission

Amendment

(45b) *The political advertising publishers should make reasonable efforts to address in a timely, diligent and objective manner the notifications received pursuant to this Regulation, by contacting the relevant service providers and, as relevant, the sponsor. The political advertising publisher should inform the author of the notification and the service providers concerned of the follow up given to the notification and provides information on redress possibilities, including under Directive (EU) 2020/1828 of the European Parliament and of the Council ^(1a), in respect of the advertisement to which the notification relates. Where a notification contains sufficient information to enable a diligent provider of political advertising services to identify, without a detailed examination and complex contact process, that it is clear that information is missing or incomplete, the political advertising publisher should act without undue delay.*

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

Amendment 60
Proposal for a regulation
Recital 45 c (new)

Text proposed by the Commission

Amendment

(45c) *In order to ensure the effectiveness of the transparency and due diligence requirements during an election or a referendum, political advertising publishers should process, within the last month preceding the election or the referendum, any notification that they receive about an advertisement linked to this vote without undue delay and no later than 48 hours, by contacting the services providers concerned and, where relevant, the sponsor. Political advertising publishers that are micro and small enterprises should process any such notification without undue delay.*

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Amendment 61
Proposal for a regulation
Recital 45 d (new)

Text proposed by the Commission

Amendment

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

Amendment 62
Proposal for a regulation
Recital 46

Text proposed by the Commission

Amendment

- (46) In order to allow specific entities to play their role in democracies, it is appropriate to lay down rules on the transmission of information published with the political advertisement or contained in the transparency notice to interested actors such as vetted researchers, journalists, civil society organisations and accredited election observers, in order to support the performance of their respective roles in the democratic process. Providers of political advertising services should not be required to respond to requests which are manifestly **unfounded or** excessive. Further, the relevant service provider should be allowed to charge a reasonable fee in case of repetitive and costly requests, taking into account the administrative costs of providing the information.

- (46) In order to allow specific entities to play their role in democracies, it is appropriate to lay down rules on the transmission of information published with the political advertisement or contained in the transparency notice to interested actors such as vetted researchers, journalists, civil society organisations and accredited election observers, in order to support the performance of their respective roles in the democratic process. Providers of political advertising services should not be required to respond to requests which are manifestly **unclear, excessive or concern information not within control of the service provider**. Further, the relevant service provider should be allowed to charge a reasonable fee in case of repetitive and costly requests, taking into account the administrative costs of providing the information.

Amendment 63
Proposal for a regulation
Recital 47

Text proposed by the Commission

Amendment

- (47) Personal data collected directly from individuals, or indirectly such as inferred data, when grouping individuals according to their assumed interests or derived through their online activity, behavioural profiling and other analysis techniques, is increasingly used to target political messages to groups or individual voters or individuals, and to amplify their impact. On the basis of

- (47) Personal data collected directly from individuals, or indirectly such as **observed or** inferred data, when grouping individuals according to their assumed interests or derived through their online activity, behavioural profiling and other analysis techniques, is increasingly used to target political messages to groups or individual voters or individuals, and to amplify their impact. On the

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Text proposed by the Commission

the processing of personal data, in particular data considered sensitive under Regulation (EU) 2016/679 of the European Parliament and of the Council⁽¹¹⁾ and Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽¹²⁾, different groups of voters or individuals can be segmented and their characteristics or vulnerabilities exploited for instance by disseminating the advertisements at specific moments and in specific places designed to take advantage of the instances where they would be sensitive to a certain kind of information/message. That has specific and detrimental effects on citizens' fundamental rights and freedoms with regard to the processing of their personal data and their freedom to receive objective information, to form their opinion, to make political decisions and exercise their voting rights. This negatively impacts the democratic process. **Additional restrictions and conditions compared to Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 should be provided.** The conditions set out in this Regulation on the use of targeting and **amplification** techniques involving the processing of personal data in the context of political advertising should be based on Article 16 TFEU.

- ⁽¹¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).
- ⁽¹²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Amendment

basis of the processing of personal data, in particular data considered sensitive under Regulation (EU) 2016/679 of the European Parliament and of the Council⁽¹¹⁾ and Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽¹²⁾, different groups of voters or individuals can be segmented and their characteristics or vulnerabilities exploited for instance by disseminating the advertisements at specific moments and in specific places designed to take advantage of the instances where they would be sensitive to a certain kind of information/message. That has specific and detrimental effects on citizens' fundamental rights and freedoms with regard to the processing of their personal data and their freedom to **be treated fairly and equally, not to be manipulated, to receive objective information, to form their opinion, to make political decisions and exercise their voting rights.** This **furthermore** negatively impacts the democratic process **as it enables a fragmentation of the public debate about important societal issues, predatory voter analysis, selective outreach and, ultimately, the manipulation of the electorate. It also increases the risk of the spreading of disinformation, and has been used for foreign electoral interference especially by non-democratic foreign entities. Misleading or obscure advertising for political purposes is a risk because it influences the core mechanisms that enable the functioning of our democratic society. All this takes place despite already existing conditions for the processing of personal data, including for targeting and ad delivery, provided for in Regulations (EU) 2016/679 and (EU) 2018/1725.** The conditions set out in this Regulation on the use of targeting and **ad delivery** techniques involving the processing of personal data in the context of political advertising should be based on Article 16 TFEU.

- ⁽¹¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).
- ⁽¹²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

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Amendment 64
Proposal for a regulation
Recital 47 a (new)

Text proposed by the Commission

Amendment

- (47a) *The existing avenues under Regulation (EU) 2016/679 for lawfully tailoring and addressing advertising to individuals are subject to systemic abuse, especially with regard to collecting the free and informed consent of individuals, which cannot be solved under the current regulatory framework.*

Amendment 65
Proposal for a regulation
Recital 47 b (new)

Text proposed by the Commission

Amendment

- (47b) *Dark patterns on online interfaces of online platforms are practices that materially distort or impair, either on purpose or in effect, the ability of users of the service to make autonomous and informed choices or decisions concerning the personal data they provide for the purpose of political advertising. Providers of online platforms should therefore be prohibited from nudging users of the service and from distorting or impairing the autonomy, decision-making, or choice of the users.*

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Amendment 66
Proposal for a regulation
Recital 47 c (new)

Text proposed by the Commission

Amendment

- (47c) *This should also include repeatedly requesting a user of the service to make a choice where such a choice has already been made, making the procedure of cancelling a service significantly more cumbersome than signing up to it, or making certain choices more difficult or time-consuming than others or by default settings that are very difficult to change, and so unreasonably bias the decision making of the user of the service, in a way that distorts and impairs their autonomy, decision-making and choice. However, rules preventing dark patterns should not be understood as preventing providers to interact directly with users of the service and to offer new or additional services to them. The systematic use of dark patterns, unclear consent agreements, misleading information, and insufficient time to read terms and conditions are common practices to make it difficult for users of the service to have clear information and control in the context of the surveillance-based online advertising industry.*

Amendment 67
Proposal for a regulation
Recital 47 d (new)

Text proposed by the Commission

Amendment

- (47d) *In order to protect individuals with regards to the way and purposes for which their personal data is processed, and in particular in contexts relevant for influencing their democratic choices and their involvement in the public debate, as well as to protect democracy and the integrity of elections, it is necessary to complement Regulations (EU) 2016/679 and (EU) 2018/1725 by adding further restrictions, which should take the form of strict limitations on the processing of personal data for targeting and ad delivery of online political advertising, based on Article 16 of the TFEU.*

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Amendment 68
Proposal for a regulation
Recital 47 e (new)

Text proposed by the Commission

Amendment

- (47e) *Targeting and ad delivery techniques based on certain conditions and on strictly limited amount of provided personal data that are not special categories of personal data within the meaning of Article 9 of Regulation (EU) 2016/679 or of Article 10 of Regulation (EU) 2018/1725 can be useful in disseminating political advertising and information and in reaching out and informing citizens.*

Amendment 69
Proposal for a regulation
Recital 47 f (new)

Text proposed by the Commission

Amendment

- (47f) *Targeting and ad delivery techniques that involve the processing of personal data should only be allowed based on personal data which are explicitly provided by the data subject to the advertising publisher for the specific and sole purpose of receiving targeted political advertisement. Providers should not request consent where the data subject exercises his or her right to object by automated means using technical specifications, in line with Article 21(5) of Regulation (EU) 2016/679. In the event that the data subjects refuses to consent, or has withdrawn consent, he or she should be given other fair and reasonable options to access information society services. Refusing consent should not be more difficult or time consuming to the data subject than its giving. The processing of observed or inferred personal data, in line with the European Data Protection Board Guidelines 8/2020 on the targeting of social media users, should not be allowed. Without such restriction imposed on targeting and ad delivery techniques, the targeting and ad delivery of political advertising based on personal data would be likely to result in a high risk to the rights and freedoms of natural persons.*

Thursday 2 February 2023

Amendment 70
Proposal for a regulation
Recital 47 g (new)

Text proposed by the Commission

Amendment

- (47g) *Provided personal data should only include categories of personal data explicitly and actively provided by the data subject for the specific and sole purpose of being targeted with political advertisement by the data controller to whom it has been provided. Data subjects should not be targeted with political advertisements by data controllers to whom they have not provided their personal data. When providing the data to the publisher, it should be entered into the publisher's interface or settings. The processing of any data concerning the data subjects which would otherwise be processed in the course of the normal use of the service, such as metadata, traffic and location data or the content of communications, whether personal or public, should therefore be excluded.*

Amendment 71
Proposal for a regulation
Recital 47 h (new)

Text proposed by the Commission

Amendment

- (47h) *Some well-resourced political candidates or parties might circumvent the restrictions on targeting techniques with in-house services that conduct large-scale political marketing. Therefore, when sponsors process personal data for direct targeted political marketing, such as sending targeted electronic mail or text messages, at a large-scale and on a systematic basis, the restrictions on targeting techniques should apply, regardless of whether a service is involved or not. This does not affect the fact that the restrictions on targeting and ad delivery techniques should not apply to merely direct communication, including personalized electronic mails or text messages that are not targeted direct marketing at a large scale, and organic content published by using online intermediary services without consideration for the placement, publication or dissemination for the specific message.*

Thursday 2 February 2023

Amendment 72
Proposal for a regulation
Recital 47 i (new)

Text proposed by the Commission

Amendment

- (47i) *In order to protect elections and referendums and prevent any undue interference, manipulation and disinformation, it is necessary to add further restrictions regarding targeting and ad delivery in the period immediately preceding the election or referendum. In the 60 days preceding any election or referendum, targeting and ad delivery techniques in the context of political advertising that involve provided personal data should be strictly limited to using location and the languages spoken by the data subject. The fact that a person is a first time voter could also be used as it is important to reach out to such persons and provide them with information regarding the election or referendum. The location of the data subject used to deliver targeted political advertisement should be understood being at the level of the constituency which is applicable in the relevant election or referendum. However, in the Member States which have only one national level constituency for European Parliament elections, the location of the data subject could be understood being at regional or equivalent level in accordance with national law, for political advertising related to those elections.*

Thursday 2 February 2023

Amendment 73
Proposal for a regulation
Recital 47 j (new)

Text proposed by the Commission

Amendment

- (47j) *The prohibition and restrictions regarding the processing of personal data for political advertising should not prevent sponsors, political advertising publishers or providers of advertising services, including online platforms, from displaying online political advertising based on contextual information, including keywords. This limitation is proportionate in light of the fact that sponsors have access to other avenues for their political advertising, notably through contextual targeting online and through alternative media offline. This limitation complies with the right to impart information and ideas of general interest which the public is entitled to receive because this right may be circumscribed in some circumstances, if the circumscription is carried out reasonably, carefully and in good faith, and if it is proportionate and justified by relevant and sufficient reasons, in particular, for the protection of the rights of others.*

Amendment 74
Proposal for a regulation
Recital 47 k (new)

Text proposed by the Commission

Amendment

- (47k) *When selecting targeting parameters, sponsors delineate a potential audience for their political advertising. However, depending on the budget they dedicate to their advertising campaign, their political advertisement will not necessarily reach such entire potential audience. The publisher will have to select whom, from that potential audience, will actually receive the political advertisement. In order to prevent the creation of echo chambers and filter bubbles and to prevent demographic skews along race or gender, resulting in forms of discrimination, online platforms should not be allowed to selectively deliver political advertisement within the targeted potential audiences based on further processing of personal data. The actual recipients of the political advertisement should therefore only be randomly selected by the publisher, without any further processing of personal data.*

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Amendment 75
Proposal for a regulation
Recital 47 1 (new)

Text proposed by the Commission

Amendment

- (47l) *The extensive transparency obligations provided for in this Regulation will also be helping to make it impossible to proclaim, unnoticed, opposing and polarizing messages to specific parts of the electorate, because watchdogs, civil society, journalists and other parts of the electorate will be able to perform their scrutiny.*

Amendment 76
Proposal for a regulation
Recital 48

Text proposed by the Commission

Amendment

- (48) *Targeting and amplification techniques in the context of political advertising involving the processing of data referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 should therefore be prohibited. The use of such techniques should only be allowed when carried out by the controller, or someone acting on its behalf, on the basis of the explicit consent of the data subject or in the course of their legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical or religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects. This should be accompanied by specific safeguards. Consent should be understood as consent within the meaning of Regulation (EU) 2016/679 and Regulation (EU) 2018/1725. Therefore, it should not be possible to rely on the exceptions as laid down in Article 9(2), points(b), (c), (e), (f), (g), (h), (i) and (j) of Regulation (EU) 2016/679 and Article 10(2), points(b), (c), (e), (f), (g), (h), (i) and (j) of Regulation (EU) 2018/1725 respectively for using techniques targeting and amplification techniques to publish, promote or disseminate political advertising involving the processing of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and 10(1) of Regulation (EU) 2018/1725.*

deleted

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Amendment 77
Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to ensure enhanced transparency and accountability, when making use of targeting and **amplification** techniques in the context of political advertising involving the processing of personal data, controllers should implement additional safeguards. They should adopt and implement a policy describing the use of such techniques to target individuals or **amplify their** content and keep record of their relevant activities. When publishing, promoting or disseminating a political advertisement making use of targeting **and amplification** techniques, controllers should provide, together with the political advertisement, meaningful information to allow the concerned individual to understand the logic involved and main parameters of the targeting used, and the use of third-party data and additional analytical techniques, including whether the targeting of the advertisement was further optimised during delivery.

Amendment

(49) In order to ensure enhanced transparency and accountability, when making use of targeting and **ad delivery** techniques in the context of political advertising involving the processing of personal data, controllers should implement additional safeguards. They should adopt and implement a policy describing the use of such techniques to target individuals or **deliver the content of their ad, make annual risk assessments of the use of those techniques on the fundamental rights and freedoms of individuals and the society as a whole** and keep record of their relevant activities. When publishing, promoting, **delivering** or disseminating a political advertisement making use of targeting techniques, controllers should provide, together with the political advertisement, meaningful information to allow the concerned individual to understand the logic involved and main parameters of the targeting used, and the use of third-party data and additional analytical techniques, including whether the targeting of the advertisement was further optimised during delivery.

Amendment 78
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 targeting or **ad delivery** 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 **political advertising service provider**. In case the **political advertising service provider** is different from the advertising publisher the **service provider** should transmit to **the** 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.

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Amendment 79
Proposal for a regulation

Recital 51

Text proposed by the Commission

- (51) In order to further empower individuals to exercise their data protection rights, political advertising publishers should provide additional information and effective tools to the concerned data subject to support the exercise of their rights under the EU data protection legal framework including to **object or** withdraw their consent when targeted with a political advertisement. This information should also be easily accessible directly from the transparency notice. The tools made available to the individuals to support the exercise of their rights should be effective to prevent an individual from being targeted with political advertisements, as well as to prevent targeting on the basis of specific criteria and by one or several specific controllers.

Amendment

- (51) In order to further empower individuals to exercise their data protection rights, political advertising publishers should provide additional information and effective tools to the concerned data subject to support the exercise of their rights under the EU data protection legal framework including to withdraw their consent when targeted with a political advertisement. This information should also be easily accessible directly from the transparency notice. The tools made available to the individuals to support the exercise of their rights should be effective to prevent an individual from being targeted with political advertisements, as well as to prevent targeting on the basis of specific criteria and by one or several specific controllers.

Amendment 80
Proposal for a regulation

Recital 52

Text proposed by the Commission

- (52) The Commission should **encourage the drawing up of codes of conduct as referred to in Article 40 of Regulation (EU) 2016/679** to support the exercise of data subjects' rights in this context.

Amendment

- (52) The Commission should **draw up guidelines** to support the exercise of data subjects' rights in this context.

Amendment 81
Proposal for a regulation

Recital 53

Text proposed by the Commission

- (53) Information to be provided in accordance with all requirements applicable to the use of targeting and **amplification** techniques under this Regulation should be presented in a format which is easily accessible, clearly visible and user-friendly, including through the use of plain language.

Amendment

- (53) Information to be provided in accordance with all requirements applicable to the use of targeting and **ad delivery** techniques under this Regulation should be presented in a format which is easily accessible, **complete**, clearly visible and user-friendly, including through the use of plain language **and suitable for persons with disabilities**.

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Amendment 82
Proposal for a regulation
Recital 54

Text proposed by the Commission

(54) It is appropriate to lay down rules on the transmission of information on targeting to other interested entities. The applicable regime should be consistent with the regime for the transmission of information linked to the transparency requirements.

Amendment

(54) It is appropriate to lay down rules on the transmission of information on targeting **and ad delivery** to other interested entities. The applicable regime should be consistent with the regime for the transmission of information linked to the transparency requirements.

Amendment 83
Proposal for a regulation
Recital 55

Text proposed by the Commission

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

Amendment

(55) Providers of political advertising services established in a third country that offer services in the Union should designate a mandated legal representative in the Union **that is registered with the national single contact point**, to allow for effective oversight of this Regulation in relation to those providers. The legal representative could be the one designated on the basis of Article 27 of Regulation (EU) **2016/679** or the representative designated on the basis of Article **13** of Regulation (EU) **2022/2065 (Digital Services Act)**. **Member States should keep a publicly available register of all legal representatives registered on their territory under this Regulation, and the Commission should keep a publicly available and easily accessible database of legal representatives registered within the Union.**

Amendment 84
Proposal for a regulation
Recital 56

Text proposed by the Commission

(56) In the interest of the effective supervision of this Regulation, it is necessary to entrust oversight authorities with the competence to monitor and enforce the relevant rules. Depending on the legal system of each Member State and in line with existing Union law including Regulation (EU) 2016/679 and Regulation (EU) **2021/xxx [Digital Services Act]**, different national judicial or administrative authorities may be designated to that effect.

Amendment

(56) In the interest of the effective supervision of this Regulation, it is necessary to entrust oversight authorities with the competence to monitor and enforce the relevant rules **and endow them with resources commensurate with such additional competences**. Depending on the legal system of each Member State and in line with existing Union law including Regulation (EU) 2016/679 and Regulation (EU) **2022/2065 (Digital Services Act)**, different national judicial or administrative authorities may be designated to that effect.

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Amendment 85
Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) As regards the supervision of online intermediary services under this Regulation, Member States should designate competent authorities and ensure that such supervision is coherent with the competent authorities designated pursuant to Article 38 of Regulation (EU) [Digital Services Act]. Digital Services Coordinators, pursuant to Regulation (EU) Digital Services Act, in each Member State should in any event be responsible for ensuring coordination at national level in respect to those matters and engage, where necessary, cross-border cooperation with other Digital Services Coordinators following the mechanisms laid down in Regulation (EU) [Digital Services Act]. In the framework of application of this Regulation, this mechanism should be limited to the national cooperation across Digital Services Coordinators [and should not include the escalation to the Union level as provided by the Regulation (EU) [Digital Services Act].

Amendment

(57) As regards the supervision of online intermediary services under this Regulation, Member States should designate competent authorities and ensure that such supervision is coherent with the competent authorities designated pursuant to Article 38 of Regulation (EU) **2022/2065** (Digital Services Act). Digital Services Coordinators, pursuant to Regulation (EU) **2022/2065** (Digital Services Act), in each Member State should in any event be responsible for ensuring coordination at national level in respect to those matters and engage, where necessary, cross-border cooperation with other Digital Services Coordinators following the mechanisms laid down in Regulation (EU) **2022/2065** (Digital Services Act). In the framework of application of this Regulation, this mechanism should be limited to the national cooperation across Digital Services Coordinators [and should not include the escalation to the Union level as provided by the Regulation (EU) **2022/2065** (Digital Services Act)].

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Amendment 86
Proposal for a regulation
Recital 58

Text proposed by the Commission

(58) For the oversight of those aspects of this Regulation that do not fall within the competence of the supervisory authorities under Regulation (EU) 2016/679, Regulation (EU) 2018/725 Member States should designate competent authorities. To support the upholding of fundamental rights and freedoms, the rule of law, democratic principles and public confidence in the oversight of political advertising it is necessary that such authorities are structurally independent from external intervention or political pressure and are appropriately empowered effectively monitor and take the measures necessary to ensure compliance with this Regulation, in particular the obligations laid down in Article 7. Member States may designate, in particular, the national regulatory authorities or bodies under Article 30 of Directive 2010/13/EU of the European Parliament and of the Council ⁽¹³⁾.

⁽¹³⁾ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

Amendment

(58) For the oversight of those aspects of this Regulation that do not fall within the competence of the supervisory authorities under Regulation (EU) 2016/679, Regulation (EU) 2018/725 **and Regulation (EU) 2022/2065 (Digital Services Act)**, Member States should designate competent authorities **to monitor and enforce relevant rules**. To support the upholding of fundamental rights and freedoms, the rule of law, democratic principles and public confidence in the oversight of political advertising it is necessary that such authorities are structurally independent from external intervention or political pressure and are appropriately empowered effectively monitor and take the measures necessary to ensure compliance with this Regulation, in particular the obligations laid down in Article 7. Member States may designate, in particular, the national regulatory authorities or bodies under Article 30 of Directive 2010/13/EU of the European Parliament and of the Council ⁽¹³⁾.

⁽¹³⁾ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

Amendment 87
Proposal for a regulation
Recital 58 a (new)

Text proposed by the Commission

Amendment

(58a) **For the purpose of the exercise of their powers under this Regulation, the competent authorities referred to in Article 15 and the European Data Protection Board should be provided with sufficient resources.**

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Amendment 88
Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) Where rules already exist under Union law regarding the provision of information to competent authorities and cooperation with and between those authorities such as Article 9 of Regulation (EU) **2021/xxx** [Digital Services Act], or those contained in Regulation (EU) 2016/679, those rules should apply mutatis mutandis to the relevant provisions of this Regulation.

Amendment

(59) Where rules already exist under Union law regarding the provision of information to competent authorities and cooperation with and between those authorities such as Article 9 of Regulation (EU) **2022/2065** (Digital Services Act), or those contained in Regulation (EU) 2016/679, those rules should apply mutatis mutandis to the relevant provisions of this Regulation.

Amendment 89
Proposal for a regulation
Recital 60

Text proposed by the Commission

(60) Authorities competent for the oversight of this Regulation should cooperate with each other both at national and at EU level making best use of existing structures including national cooperation networks, the European Cooperation Network on Elections as referred to in Recommendation C(2018) 5949 final, and the European Regulators Group for Audiovisual Media Services established under Directive 2010/13/EU. Such cooperation should facilitate the swift, secured exchange of information on issues connected to the exercise of their supervisory and **enforcements** tasks pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise, and liaising on the application and enforcement of relevant rules.

Amendment

(60) Authorities competent for the oversight of this Regulation should cooperate with each other both at national and at EU level making best use of existing structures including national cooperation networks, the European Cooperation Network on Elections as referred to in Recommendation C(2018) 5949 final, **the European Board for Digital Services as referred to in Regulation (EU) 2022/2065 (Digital Services Act)** and the European Regulators Group for Audiovisual Media Services established under Directive 2010/13/EU. Such cooperation should facilitate the swift, secured exchange of information on issues connected to the exercise of their supervisory and **enforcement** tasks pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise, and liaising on the application and enforcement of relevant rules.

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Amendment 90
Proposal for a regulation
Recital 60 a (new)

Text proposed by the Commission

Amendment

- (60a) ***Within the framework of the European Cooperation Network on Elections, a permanent Network of National Contact Points should be established to serve as platform for the regular exchange of information, and for structured cooperation, between national contact points and the Commission concerning all aspects of this Regulation. It should work in close cooperation with the European Regulators Group for Audiovisual Media Services and other relevant authorities and networks.***

Amendment 91
Proposal for a regulation
Recital 61

Text proposed by the Commission

Amendment

- (61) With a view to facilitating the effective application of the obligations set out in the regulation, it is necessary to empower national authorities to request from the services providers the relevant information on the transparency of political advertisement. Information to be transmitted to competent authorities could concern an advertising campaign, be aggregated by years or concern specific advertisements. In order to ensure that the requests for such information can be complied with in an effective and efficient manner, and at the same time that the providers of political advertising services are not subject to any disproportionate burdens, it is necessary to set certain conditions that those requests should meet. In the interest of the timely oversight of an election process in particular, providers of political advertising services should quickly respond to requests from competent authorities, and always within 10 working days upon receipt of the measure. In the interest of legal certainty and in compliance with the rights of defence, requests to provide information from a competent authority should contain an adequate statement of reasons and information about available redress. Providers of political advertising services should designate contact points for the interaction with the competent authorities. Such contact points could be electronic.

- (61) With a view to facilitating the effective application of the obligations set out in the regulation, it is necessary to empower national authorities to request from the services providers the relevant information on the transparency of political advertisement. Information to be transmitted to competent authorities could concern an advertising campaign, be aggregated by years or concern specific advertisements. In order to ensure that the requests for such information can be complied with in an effective and efficient manner, and at the same time that the providers of political advertising services are not subject to any disproportionate burdens, it is necessary to set certain conditions that those requests should meet. In the interest of the timely oversight of an election process in particular, providers of political advertising services should quickly respond to requests from competent authorities, and always within 10 working days upon receipt of the measure. ***In the last month preceding an election or a referendum, an infringement of this Regulation should be deemed to negatively and severely affect individuals' rights and therefore providers of political advertising services should provide the requested information without undue delay and, in case they are not micro or small enterprises, no later than 48 hours.*** In the interest of legal certainty and in compliance with the rights of defence, requests to provide information from a competent authority should contain an adequate statement of reasons and information about available redress. Providers of political advertising services should designate contact points for the interaction with the competent authorities. Such contact points could be electronic.

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Amendment 92
Proposal for a regulation
Recital 62

Text proposed by the Commission

- (62) Member States should designate a contact point at Union level for the purpose of this Regulation. The contact point should, if possible, be a member of the European Cooperation Network on Elections. The contact point should facilitate cooperation among competent authorities between Member States in their supervision and enforcement tasks, in particular by intermediating with the contact points in other Member States and with **other** competent authorities in their own.

Amendment

- (62) Member States should designate a **national** contact point at Union level for the purpose of this Regulation. The contact point should, if possible, be a member of the European Cooperation Network on Elections. The contact point should facilitate cooperation among competent authorities between Member States in their supervision and enforcement tasks, in particular by intermediating with the contact points in other Member States and with **other** competent authorities in their own.

Amendment 93
Proposal for a regulation
Recital 63

Text proposed by the Commission

- (63) Member States authorities should ensure that infringements of the obligations laid down in this Regulation are sanctioned by administrative fines or financial penalties. When doing so, they should take into account the nature, gravity, recurrence and duration of the infringement in view of the public interest at stake, the scope and kind of activities carried out, as well as the economic capacity of the infringer. In that context, the crucial role played by the obligations laid down in **Article 7** for the effective pursuit of the objectives of the present Regulation should be taken into account. Furthermore, they should take into account whether the service provider concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, including by delaying the provision of information to interested entities, as well as, where relevant, whether the provider of political advertising services is active in several Member States. Financial penalties and administrative fines shall in each individual case be effective, proportionate and dissuasive, with due regard to the provision of sufficient and accessible procedural safeguards, and in particular to ensure that the political debate remains open and accessible.

Amendment

- (63) Member States authorities should ensure that infringements of the obligations laid down in this Regulation are sanctioned by administrative fines or financial penalties. When doing so, they should take into account the nature, gravity, recurrence and duration of the infringement in view of the public interest at stake, the scope and kind of activities carried out, as well as the **size and** economic capacity of the infringer. In that context, the crucial role played by the obligations laid down in **Articles 3a, 5, 7, 7a, 7b and 12** for the effective pursuit of the objectives of the present Regulation should be taken into account **and infringements of those Articles should be regarded as particularly serious**. Furthermore, they should take into account whether the service provider concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, including by delaying the provision of information to interested entities, as well as, where relevant, whether the provider of political advertising services is active in several Member States. Financial penalties and administrative fines shall in each individual case be effective, proportionate and dissuasive, with due regard to the provision of sufficient and accessible procedural safeguards, and in particular to ensure that the political debate remains open and accessible.

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Amendment 94
Proposal for a regulation
Recital 63 a (new)

Text proposed by the Commission

Amendment

- (63a) *Member States should lay down rules on penalties, including administrative fines and financial penalties, applicable to infringements of this Regulation and should ensure that those rules are effectively enforced. The fines and penalties provided for should be effective, proportionate and dissuasive. Member States may also impose periodic penalty payments for serious and repeated violation of this Regulation. At Union level, the Network of National Contact Points should facilitate the development of a harmonised approach on sanctions applicable at national level.*

Amendment 95
Proposal for a regulation
Recital 65

Text proposed by the Commission

Amendment

- (65) Member States should publish the exact duration of their electoral periods, established according to their electoral traditions, sufficiently in advance of the beginning of the electoral calendar.
- (65) Member States should publish the exact duration of their electoral periods, established according to their **legislation and** electoral traditions, sufficiently in advance of the beginning of the electoral calendar.

Amendment 96
Proposal for a regulation
Recital 67

Text proposed by the Commission

Amendment

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

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Amendment 97
Proposal for a regulation
Recital 68 a (new)

Text proposed by the Commission

Amendment

- (68a) *In the interest of ensuring that a high level of transparency and strengthened individual personal data protections are provided for political advertising in the context of the European Parliament elections 2024, political advertising service providers should ensure that the labelling and transparency notice requirements are complied with immediately, notwithstanding the availability of supplementary elements to be provided by the Commission. Political advertising publishers should make best efforts to ensure the availability of transparency notices notwithstanding the availability of a European repository for online political advertising.*

Amendment 98
Proposal for a regulation
Recital 70

Text proposed by the Commission

Amendment

- (70) This Regulation is without prejudice to the rules laid down in particular by Directive 2000/31/EC, including the liability rules for intermediary service providers in Articles 12 to 15 of that Directive as modified by Regulation (EU) 2021/xxx [the Digital Services Act], Regulation (EU) 2021/xxx [the Digital Markets Act], Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation], as well as Directive (EU) 2010/13, Directive 2000/31/EC, Directive 2002/58/EC, Directive 2005/29/EC, Directive 2011/83/EU, Directive 2006/114/EC, Directive 2006/123/EC and Regulation (EU) 2019/1150.

- (70) This Regulation is without prejudice to the rules laid down in particular by Directive 2000/31/EC, including the liability rules for intermediary service providers in Articles 12 to 15 of that Directive as modified by Regulation (EU) 2022/2065 (Digital services Act), Regulation (EU) 2022/1925 (Digital Markets Act), Directive 2002/58/EC, as well as Directive 2010/13/EU, Directive 2000/31/EC, Directive 2005/29/EC, Directive 2011/83/EU, Directive 2006/114/EC, Directive 2006/123/EC and Regulation (EU) 2019/1150. **This Regulation should complement the Union data protection acquis, in particular Regulations (EU) 2016/679 and (EU) 2018/1725 and Directive 2002/58/EC and provide for specific data protection rules thereto. This Regulation does not provide for a legal ground that satisfies the requirements of Article 6 of Regulation (EU) 2016/679 or Article 5 of Regulation (EU) 2018/1725 for the processing of personal data for the purpose of political advertising.**

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Amendment 99
Proposal for a regulation
Recital 71

Text proposed by the Commission

(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on **XX XX** 2022.

Amendment

(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on **20 January** 2022.

Amendment 100
Proposal for a regulation
Article 1 — paragraph 1 — introductory part

Text proposed by the Commission

1. This Regulation lays down:

Amendment

1. This Regulation lays down **harmonised rules on**:

Amendment 101
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) **the provision of political advertising services, and on** transparency **and due diligence for sponsors and** providers of political advertising services, **that require them to provide, collect,** retain, disclose and publish information connected to the provision **in the internal market** of such services;

Amendment 102
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) the use of targeting and **ad delivery** techniques **in connection with the preparation, placement, promotion, publication, delivery or dissemination of political advertising,** in the context of the **provision** of political advertising **services, that involves the processing** of personal data;

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Amendment 103**Proposal for a regulation****Article 1 — paragraph 1 — point b a (new)***Text proposed by the Commission**Amendment*

(ba) the supervision and enforcement of this Regulation, including as regards the cooperation and coordination between the competent authorities.

Amendment 104**Proposal for a regulation****Article 1 — paragraph 2***Text proposed by the Commission**Amendment*

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.

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

Amendment 105**Proposal for a regulation****Article 1 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. Political views and opinions and other editorial content expressed under the editorial responsibility of a media service provider shall not be considered political advertising unless specific payment or other remuneration is provided for their preparation, placement, promotion, publication, delivery or dissemination by third parties.

Amendment 106**Proposal for a regulation****Article 1 — paragraph 3 — point a***Text proposed by the Commission**Amendment*

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

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

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Amendment 107**Proposal for a regulation****Article 1 — paragraph 3 — point b**

Text proposed by the Commission

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

Amendment

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

Amendment 108**Proposal for a regulation****Article 1 — paragraph 4 — point b**

Text proposed by the Commission

(b) Directive 2002/58/EC **and Regulation (EU) XXX [ePrivacy Regulation];**

Amendment

(b) Directive 2002/58/EC;

Amendment 109**Proposal for a regulation****Article 1 — paragraph 4 — point f**

Text proposed by the Commission

(f) Directive (EU) **2010/13;**

Amendment

(f) Directive **2010/13/EU;**

Amendment 110**Proposal for a regulation****Article 1 — paragraph 4 — point i**

1

Text proposed by the Commission

(i) Regulation (EU) **2021/xxx [the Digital Services Act].**

Amendment

(i) Regulation (EU) **2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27.10.2022, p. 1;**

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Amendment 111**Proposal for a regulation****Article 1 — paragraph 4 — point i a (new)**

Text proposed by the Commission

Amendment

(ia) Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), OJ L 265, 12.10.2022, p. 1.

Amendment 112**Proposal for a regulation****Article 1 — paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. The data protection rules on processing of personal data provided for in this Regulation shall be considered as specific data protection rules to the general rules laid down in the Regulations (EU) 2016/679 and (EU) 2018/1725. None of the provisions in this Regulation can be applied or interpreted in such way as to diminish or limit level of protection offered by the right to respect for private life and protection of personal data and by the right of freedom of expression as protected in the Charter of Fundamental Rights and in the Union law on data protection and privacy, in particular by Regulations (EU) 2016/679 and (EU) 2018/1725.

Amendment 113**Proposal for a regulation****Article 1 — paragraph 4 b (new)**

Text proposed by the Commission

Amendment

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

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Amendment 114**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 preparation, placement, promotion, publication, **delivery** or dissemination, by any means, of a message:

Amendment 115**Proposal for a regulation****Article 2 — paragraph 1 — point 2 — point b***Text proposed by the Commission*

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

Amendment

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

Amendment 116**Proposal for a regulation****Article 2 — paragraph 1 — point 4 — point d***Text proposed by the Commission*

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

Amendment

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

Amendment 117**Proposal for a regulation****Article 2 — paragraph 1 — point 4 — point e***Text proposed by the Commission*

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

*Amendment***deleted****Amendment 118****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

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

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Amendment 119**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 **for the purpose of influencing the** outcome **of** an election, referendum **or a legislative or regulatory process**;

Amendment 120**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 of any of the persons or organisations **referred to** in points (a) to (g), promoting the political objectives of any of those.

Amendment 121**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 with the exception of an online intermediary service within the meaning of Article **3, point (g)** of Regulation (EU) **2022/2065** (Digital Services Act) that is provided without consideration for the **preparation**, placement, **promotion**, publication, **delivery** or dissemination **of** the specific message;

Amendment 122**Proposal for a regulation****Article 2 — paragraph 1 — point 5 a (new)***Text proposed by the Commission**Amendment*

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

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Amendment 123**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, **delivery** 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 124**Proposal for a regulation****Article 2 — paragraph 1 — point 6 a (new)***Text proposed by the Commission**Amendment*

6a. 'very large online platform' means an online platform designated as a very large online platform pursuant to Article 33(4) of Regulation (EU) 2022/2065 (Digital Services Act);

Amendment 125**Proposal for a regulation****Article 2 — paragraph 1 — point 6 b (new)***Text proposed by the Commission**Amendment*

6b. 'very large online search engine' means an online search engine designated as a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065 (Digital Services Act);

Amendment 126**Proposal for a regulation****Article 2 — paragraph 1 — point 7***Text proposed by the Commission**Amendment*

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

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

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Amendment 127

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 **by sponsors, political advertising publishers or providers of advertising services to tailor a** political advertisement only to a specific person or group of persons or to **exclude them by processing personal data, in particular through the collection of their data**;

Amendment 128

Proposal for a regulation

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

*Text proposed by the Commission**Amendment*

8a. '**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**;

Amendment 129

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, **in accordance with national legislation**, and during which the campaign activities are subject to specific rules;

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Amendment 130**Proposal for a regulation****Article 2 — paragraph 1 — point 11***Text proposed by the Commission*

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

Amendment

11. ‘political advertising publisher’ means a **provider of political advertising service that places, promotes, publishes, delivers or disseminates** political advertising through any medium;

Amendment 131**Proposal for a regulation****Article 2 — paragraph 2***Text proposed by the Commission*

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

Amendment

For the purposes of the first paragraph, point (2) messages from official sources **shall not constitute political advertising if they are strictly limited to the announcement of elections or referendums or of the** modalities for participation in elections or referendums.

Amendment 132**Proposal for a regulation****Article 3 — paragraph 1***Text proposed by the Commission*

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

Amendment

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

Amendment 133**Proposal for a regulation****Article 3 — paragraph 2***Text proposed by the Commission*

2. The provisions of political advertising services shall not be prohibited nor restricted on grounds related to transparency when the requirements of this Regulation are complied with.

Amendment

2. The provisions of political advertising services shall not be prohibited nor restricted, **including geographically**, on grounds related to transparency when the requirements of this Regulation are complied with.

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Amendment 134
Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Provision of political advertising services in the Union

1. Providers of political advertising services shall not discriminate against sponsors on grounds of their place of residence or, where applicable, establishment, when those sponsors request, conclude or hold a contract for political advertising services.

2. By way of exception from paragraph 1, political advertising services shall be provided only to a sponsor or a service provider acting on behalf of a sponsor who is a citizen of the Union, or a natural or legal person residing or established in the Union.

3. The provision of cross border political advertising services to European Political Parties within the meaning of Regulation [Regulation on Political Parties] shall not be subject to restrictions other than those provided for by this Regulation or other acts of Union or national law, where applicable.

Amendment 135
Proposal for a regulation
Chapter II — title

Text proposed by the Commission

Amendment

TRANSPARENCY OBLIGATIONS FOR POLITICAL ADVERTISING SERVICES

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

Amendment 136
Proposal for a regulation
Article 4 — title

Text proposed by the Commission

Amendment

Transparency

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

Amendment 137
Proposal for a regulation
Article 4 — paragraph 1

Text proposed by the Commission

Amendment

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.

Political advertising services shall be provided in a transparent manner in accordance with the obligations laid down in Articles 4 to 11 and **Article** 14 of this Regulation.

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Amendment 138**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 contracts concluded for the provision of political advertising services clearly set out how the relevant provisions of this Regulation, including regarding due diligence and allocation of responsibility for provision, as well as completeness and accuracy of information, are to be effectively complied with.

Amendment 139**Proposal for a regulation****Article 5 — paragraph 1**

Text proposed by the Commission

Amendment

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

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

Amendment 140**Proposal for a regulation****Article 5 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

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

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Amendment 141

Proposal for a regulation

Article 5 — paragraph 2

Text proposed by the Commission

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

Amendment

2. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service ***require the sponsor and where applicable providers of advertising services acting on behalf of the sponsor to provide the information necessary to comply with Articles 6(1), 7(1) and 7a(1), as appropriate.***

Sponsors shall ensure the accuracy of, and provide the information necessary to comply with Article 6(1), points (ca) and (d), Article 7(1), points (a), (b) and (ba), and Article 7a(1), points (a) and (b).

Sponsors, or where applicable providers of advertising services acting on behalf of sponsors shall ensure the accuracy of, and provide the information necessary to comply with Article 6(1), points (a), (b), (ba), (c) and (da) and Article 7a(1), points (c), (d) and (e).

Sponsors and providers of advertising services acting on behalf of sponsors shall provide that information in a timely, complete and accurate manner.

Amendment 142

Proposal for a regulation

Article 5 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

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Amendment 143**Proposal for a regulation****Article 5 — paragraph 2 b (new)**

Text proposed by the Commission

Amendment

2b. *Where applicable, providers of advertising services shall design and organise their online interface in a way that enables sponsors, and providers of advertising services acting on behalf of sponsors, to comply with their obligations as referred to in paragraph 1 of this Article and Article 6(1).*

Amendment 144**Proposal for a regulation****Article 5 — paragraph 2 c (new)**

Text proposed by the Commission

Amendment

2c. *Political advertising publishers that are also Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) shall diligently identify, analyse and assess any systemic risks that their political advertising services pose in the context of their risk assessments according to Article 34 of Regulation (EU) 2022/2065 (Digital Services Act) and put in place reasonable, proportionate and effective mitigation measures in accordance with Article 35 of Regulation (EU) 2022/2065 (Digital Services Act) to address these risks.*

Amendment 145**Proposal for a regulation****Article 5 a (new)**

Text proposed by the Commission

*Amendment***Article 5a****Identification of a political advertisement**

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

- (a) the content of the message;*
- (b) the sponsor of the message;*

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Text proposed by the Commission

Amendment

- (c) *the spoken or written language used to convey the message;*
- (d) *the form of the message or the means by which the message is prepared, placed, promoted, published, delivered or disseminated;*
- (e) *the targeted audience;*
- (f) *the context in which the message is conveyed, including the period of dissemination such as election or referendum periods, or dissemination of the message during and a legislative or regulatory process;*
- (g) *the objective of the message.*

The Commission shall draw up common guidance intended to contribute to the proper application of this Article.

Amendment 146

Proposal for a regulation

Article 6 — title

Text proposed by the Commission

Amendment

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

Amendment 147

Proposal for a regulation

Article 6 — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

1. Providers of political advertising services shall retain information they collect in the provision of their services, on the following:

1. Providers of political advertising services shall retain information they collect in the provision of their services, **to the extent necessary to comply with this Regulation**, on the following:

Amendment 148

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 **with** the political advertising;

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Amendment 149**Proposal for a regulation****Article 6 — paragraph 1 — point b a (new)***Text proposed by the Commission**Amendment*

(ba) the starting date and, where available, the period during which the service or services were provided;

Amendment 150**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;

Amendment 151**Proposal for a regulation****Article 6 — paragraph 1 — point c a (new)***Text proposed by the Commission**Amendment*

(ca) information on the public or private origin of those amounts and other benefits, as well as whether they originate from inside or outside of the Union;

Amendment 152**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 its contact details and, where applicable, the identity and the contact details of the legal or natural person who ultimately controls the sponsor, and for legal persons, the place of establishment; and

Amendment 153**Proposal for a regulation****Article 6 — paragraph 1 — point d a (new)***Text proposed by the Commission**Amendment*

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

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Amendment 154
Proposal for a regulation
Article 6 — paragraph 2

Text proposed by the Commission

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.

Amendment

2. The information referred to in paragraph 1 shall be **both in written and** in electronic form. Such information shall be retained **in a machine-readable format** for a period of **ten** years from the date of the last preparation, placement, **promotion**, publication, **delivery** or dissemination, as the case may be.

Amendment 155
Proposal for a regulation
Article 6 — paragraph 3

Text proposed by the Commission

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

Amendment

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

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

Amendment 156
Proposal for a regulation
Article 6 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When a provider of political advertising services provides a service, it shall also transmit to the relevant political advertising publisher the information retained pursuant to paragraph 1 in accordance with best practice and industry standards, where technically possible, by means of a standardised automated process.

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Amendment 157

Proposal for a regulation

Article 6 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

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

Amendment 158

Proposal for a regulation

Article 7 — title

Text proposed by the Commission

Amendment

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

Labelling requirements for political **advertisements**

Amendment 159

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission

Amendment

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

1. Political advertising **publishers shall ensure that every** political advertisement **contains** the following information:

Amendment 160

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — point a

Text proposed by the Commission

Amendment

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

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

Amendment 161

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — point b

Text proposed by the Commission

Amendment

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

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

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Amendment 162

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(ba) where applicable, the election, referendum, legislative or regulatory process to which the political advertisement is linked.

Amendment 163

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — point c

Text proposed by the Commission

Amendment

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

(c) a clear indication of where a permanent copy of the transparency notice containing the information referred to in Article 7a can be easily and directly retrieved, and, where necessary and possible, an update of that indication;

Amendment 164

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Political advertising publishers shall ensure the completeness of information referred to in paragraphs 1a, 1b, 1ba, and 1c and the accuracy of information referred to in paragraph 1c.

Amendment 165

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Amendment

In this regard, political advertising publishers shall use efficient and prominent marking and labelling techniques that allow the political advertisement to be easily identified as such and shall ensure that the marking or labelling remains in place in the event a political advertisement is further disseminated.

deleted

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Amendment 166**Proposal for a regulation****Article 7 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The information referred to in points (a) to (c) of paragraph 1 shall be made available in the form of labels.

Those labels shall be prominent, enable individuals to easily identify a political advertisement as such and remain in place in the event that the political advertisement is further disseminated.

Amendment 167**Proposal for a regulation****Article 7 — paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. By [12 months after the entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 19 in order to supplement paragraph 1a of this Article establishing standardised and efficient techniques for labelling of political advertising including for the audiovisual sector, printed media, online and offline advertising, taking into account the particular characteristics of the medium in which it is published.

When adopting those delegated acts, the Commission shall take account of the latest technological and market developments, relevant scientific research and best practices.

Amendment 168**Proposal for a regulation****Article 7 — paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. In order to ensure uniform conditions for the implementation of paragraphs 1 and 1a of this Article, the Commission shall adopt implementing acts establishing uniform labels.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19a(2).

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Amendment 169
Proposal for a regulation
Article 7 — paragraph 2

Text proposed by the Commission

Amendment

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

deleted

- (a) the identity of the sponsor and contact details;*
- (b) the period during which the political advertisement is intended to be published and disseminated;*
- (c) based among others on information received in line with Article 6(3), information on the aggregated amounts spent or other benefits received in part or full exchange for the preparation, placement, promotion, publication and dissemination of the relevant advertisement, and of the political advertising campaign where relevant, and their sources;*
- (d) where applicable, an indication of elections or referendums with which the advertisement is linked;*
- (e) where applicable, links to online repositories of advertisements;*
- (f) information on how to use the mechanisms provided for in Article 9(1).*
- (g) The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex I.*

Amendment 170
Proposal for a regulation
Article 7 — paragraph 3

Text proposed by the Commission

Amendment

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

deleted

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Amendment 171
Proposal for a regulation
Article 7 — paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Amendment 172
Proposal for a regulation
Article 7 — paragraph 5

Text proposed by the Commission

Amendment

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

deleted

Amendment 173
Proposal for a regulation
Article 7 — paragraph 6

Text proposed by the Commission

Amendment

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

deleted

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Amendment 174**Proposal for a regulation****Article 7 — paragraph 7***Text proposed by the Commission*

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

*Amendment**deleted***Amendment 175****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**deleted***Amendment 176****Proposal for a regulation****Article 7 a (new)***Text proposed by the Commission**Amendment***Article 7a****Transparency notices**

1. The transparency notice referred to in Article 7(1)(c) shall be made available by the political advertising publishers and shall include the following information:

(a) the identity, the address or the place of establishment and contact details of the sponsor;

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Text proposed by the Commission

Amendment

- (b) where applicable, the identity of the person or entity ultimately financing or otherwise controlling the sponsor, their address, or place of establishment and contact details;
- (c) the period during which the political advertisement is intended to be published and disseminated;
- (d) the aggregated amounts spent or other benefits received by the providers of political advertising services including those received by the publisher in part or full exchange for the preparation, placement, promotion, publication, delivery and dissemination of the relevant advertisement, and where relevant of the political advertising campaign, and the origin of the amounts and other benefits;
- (e) where applicable, an indication of the elections, referendums, and legislative or regulatory processes with which the advertisement is linked;
- (f) how to use the mechanisms provided for in Article 9(1);
- (g) whether the advertisement has been suspended or discontinued due to violation of this Regulation;
- (h) where applicable, a statement to the effect that the political advertisement has been targeted based on the use of personal data;
- (i) where applicable, the specific groups of individuals targeted;
- (j) where applicable, the categories and sources of personal data used for the targeting;
- (k) where applicable, the reach of political message the number of views, and engagements with the advertisement.

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

2. Sponsors shall ensure the accuracy of the information, which they are required to provide for the purposes of paragraph 1, points (a) and (b) before and during the period of publication, delivery, or dissemination of the political advertisement.

Sponsors or, where applicable, providers of political advertising services acting on behalf of sponsors shall ensure the accuracy of the information, which they are required to provide for the purposes of paragraph 1, points (c), (d) and (e) before and during the period of publication, delivery, or dissemination of the political advertisement.

Thursday 2 February 2023

Text proposed by the Commission

Amendment

Political advertising publishers shall ensure the accuracy of the information, which they are required to provide for the purposes of paragraph 1, points (g) to (l) before and during the period of publication, delivery, or dissemination of the political advertisement.

Political advertising publishers shall ensure that the information referred to in paragraph 1 is complete.

Where the sponsor or the provider of political advertising services becomes aware that any information transmitted to or published by the political advertising publisher is incomplete or inaccurate, it shall contact, without undue delay, the political advertising publisher concerned and shall transmit complete or accurate information to that political advertising publisher.

Where the political advertising publisher becomes aware that the information referred to in Article 7(1) and paragraph 1 of this Article is incomplete or inaccurate, it shall make best efforts, including by contacting the sponsor or the providers of political advertising services to complete or correct the information without undue delay.

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

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

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

Transparency notices shall be kept up to date, presented in a format which is easily accessible and available in a machine readable format. They shall be written in the language of the political advertisement. Political advertising publishers who offer services in the Union shall ensure that transparency notices comply with the accessibility requirements set out in Directive (EU) 2019/882.

Transparency notices shall be user friendly, including through the use of plain language.

Thursday 2 February 2023

Text proposed by the Commission

Amendment

4. Political advertising publishers shall keep their transparency notices along with any modifications thereto for a period of ten years after the last publication.

5. The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend Annex I in the light of technological developments, relevant scientific research, market practices, supervisory practices of competent authorities and relevant guidance issued by competent bodies.

6. By ... (12 months after the entry into force of this Regulation), the Commission shall adopt delegated acts in accordance with Article 19 to supplement the information requirements provided for in paragraph 1 of this Article by establishing technical specifications adapted to the audiovisual sector, printed media, online and offline advertising and in particular that take into account the specific characteristics of the relevant service providers involved and the specific needs of micro, small and medium-sized enterprises within the meaning of Article 3 of Directive 2013/34/EU.

Amendment 177

Proposal for a regulation

Article 7 b (new)

Text proposed by the Commission

Amendment

Article 7b

European repository for online political advertisements

1. The Commission shall establish and ensure the management of a public repository for all online political advertisements. This repository shall ensure:

- (a) the hosting of a database containing each online political advertisement, together with the information required under Article 7a(1) in respect of each online political advertisements for political advertising publishers that are not VLOPs or VLOSEs and that make political advertising available through an online service;
- (b) that every online political advertisement, together with the information required under Article 7a(1), in respect of each online political advertisement can be publicly accessed.

Thursday 2 February 2023

Text proposed by the Commission

Amendment

A common data structure, common standards and a common application programming interface for the exchange of information with publishers, shall apply. The information shall be available in machine readable format, shall allow for multicriteria queries and shall be publicly accessible via a single portal.

2. Political advertising publishers that are VLOPs or VLOSEs shall make in real time the information required under Article 7a(1) available in the repositories provided pursuant Article 39 of Regulation (EU) 2022/2065 (Digital Services Act), and publicly accessible through the European repository for online political advertisements, and shall update that information, as necessary.

3. Where a provider of very large online platform or of very large online search engine has removed or disabled access to a specific political advertisement based on alleged illegality or incompatibility with its terms and conditions, in addition to the requirements of Article 39(3) of Regulation (EU) 2022/2065 (Digital Services Act), the repository shall include for the specific advertisement concerned, the information required by Article 7a(1) of this Regulation.

4. Political advertising publishers that are not VLOPs or VLOSEs and that make political advertising available through an online service shall make the information required under Article 7a(1) available, together with a copy of each online political advertisement in the European repository for online political advertisements, without delay and no later than 24 hours after its first publication.

5. Where political advertising publishers that are not VLOPs or VLOSEs and that make political advertising available through an online service have removed or disabled access to a specific political advertisement based on alleged illegality or incompatibility with its terms and conditions, the European repository for online political advertisements shall include for the specific advertisement concerned, the information referred to in Article 17(3), points (a) to (e), or Article 9(2), point (a)(i) of Regulation (EU) 2022/2065 (Digital Services Act), as applicable, and the information required by Article 7a(1) of this Regulation.

6. By ... [12 months after the entry into force of this Regulation], the Commission, in consultation with relevant stakeholders and in light of technological, market and scientific developments, shall adopt delegated acts in accordance with Article 19 to supplement paragraph 1 of this Article by setting out detailed arrangements for the provision of a common data structure and standards, a common application programming interface, and a single portal.

Thursday 2 February 2023

Text proposed by the Commission

Amendment

When adopting those delegated acts, the Commission shall aim to achieve the following objectives:

- (a) **to enable the information provided by political advertising publishers according to paragraphs 1 to 3 to be publicly accessed together via a single European repository for online political advertisements;**
- (b) **to enable sponsors and providers of political advertising services to communicate to the political advertising publisher, by automated means, the information required under Article 7a (1) for every online political advertisement;**
- (c) **to enable the political advertising publishers to make available online, and via a common data structure and common standards, the information required under Article 7a(1) as a transparency notice;**
- (d) **to allow easy public access to online transparency notices, through the use of a common application programming interface that would enable the notices to be accessed and the relevant databases to be queried;**
- (e) **to support third-party and public access to transparency notices, including by enabling analysis of online transparency notices and their presentation through user-friendly single portal and search services.**

Amendment 178

Proposal for a regulation

Article 8 — paragraph 1

Text proposed by the Commission

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

Amendment

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

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Amendment 179**Proposal for a regulation****Article 8 — paragraph 2***Text proposed by the Commission*

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

Amendment

2. Paragraph 1 shall not apply to **micro, small and medium-sized enterprises within the meaning of Article 3** of Directive 2013/34/EU.

Amendment 180**Proposal for a regulation****Article 8 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. Providers of political advertising services shall, in accordance with national law, regularly report on the amounts or the value of other benefits received in part or full exchange for those services to the national competent authorities responsible for the auditing or supervision of political actors.

Amendment 181**Proposal for a regulation****Article 9 — paragraph 1***Text proposed by the Commission*

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

Amendment

1. Where they provide political advertising services, advertising publishers shall put in place mechanisms to enable **natural or legal persons** to notify them that a particular advertisement which they have published does not comply with this Regulation.

Amendment 182**Proposal for a regulation****Article 9 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1a. Those mechanisms shall be free of charge, user-friendly, and easy to access, including from the transparency notice. Where technically possible, those mechanisms shall allow notifications to be submitted by electronic means.

Thursday 2 February 2023

Amendment 183

Proposal for a regulation

Article 9 — paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Amendment 184

Proposal for a regulation

Article 9 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The mechanisms referred to in paragraph 1 shall facilitate the submission of precise and substantiated notifications so that political advertising publishers are able to identify the unlawfulness of the advertisements in question. To that end, advertising publishers shall take the necessary measures to enable and facilitate the submission of notifications containing all of the following elements:

- (a) a substantiated explanation of the reasons why the person or entity submitting the notification alleges that the advertisement in question does not comply with this Regulation;
- (b) information enabling the identification of the political advertisement;
- (c) the name and email address of the individual or entity submitting the notification;
- (d) a statement confirming that the person or entity submitting the notification believes in good faith that information contained therein is complete and accurate.

Amendment 185

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 **send without undue delay a confirmation of receipt** of the **notification to persons who submitted it**.

Thursday 2 February 2023

Text proposed by the Commission

Amendment

Political advertising publishers shall examine and address the notification in timely, diligent and objective manner.

Political advertising publishers shall inform without undue delay the sponsors or providers of political advertising services concerned, of the effect given to the notification.

Political advertising publishers shall provide clear and user-friendly information on the possibilities for redress in respect of the advertisement to which the notification relates and, where applicable, on the use of automated means for the processing of notifications.

Amendment 186

Proposal for a regulation

Article 9 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the month preceeding an election or a referendum, political advertising publishers shall process without undue delay and no later than 48 hours any notification that they receive about an advertisement linked to that election or referendum. Political advertising publishers that are micro and small enterprises within the meaning of Article 3 of Directive 2013/34/EU shall process without undue delay any notification that they receive about advertisement linked to that election or referendum.

Amendment 187

Proposal for a regulation

Article 9 — paragraph 4

Text proposed by the Commission

Amendment

4. Repetitive notifications under paragraph 1 regarding the same advertisement or advertising campaign may be responded to collectively, including by reference to an announcement on the website of the political advertising publisher concerned.

4. Repetitive notifications under paragraph 1 regarding the same advertisement or advertising campaign may be responded to collectively **by making use of automated tools**, including by reference to an announcement on the website of the political advertising publisher concerned.

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Amendment 188**Proposal for a regulation****Article 9 — paragraph 4 a (new)***Text proposed by the Commission**Amendment*

4a. *The Commission shall adopt delegated acts in accordance with Article 19 to supplement paragraph 1 of this Article by establishing technical specifications for the mechanism referred to in that paragraph, adapted for the audiovisual sector, printed media, online and offline advertising.*

Amendment 189**Proposal for a regulation****Article 10 — paragraph 1 — subparagraph 1***Text proposed by the Commission**Amendment*

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.

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

Amendment 190**Proposal for a regulation****Article 10 — paragraph 1 — subparagraph 2 — point a***Text proposed by the Commission**Amendment*

(a) a statement of reasons explaining the objective for which the information is requested **and why the request is necessary and proportionate**, unless the request pursues the objective of the prevention, investigation, detection and prosecution of criminal offences and to the extent that the reasons for the request would jeopardise that objective;

(a) a **brief** statement of reasons explaining the objective for which the information is requested, unless the request pursues the objective of the prevention, investigation, detection and prosecution of criminal offences and to the extent that the reasons for the request would jeopardise that objective;

Amendment 191**Proposal for a regulation****Article 10 — paragraph 2***Text proposed by the Commission**Amendment*

2. Upon receipt of a request pursuant to paragraph 1, providers of political advertising services shall, within two working days, acknowledge receipt of that request and inform the authority of the steps taken to comply with it. The relevant service provider shall provide the requested information within **ten** working days.

2. Upon receipt of a request pursuant to paragraph 1, providers of political advertising services shall, within two working days, acknowledge receipt of that request and inform the authority of the steps taken to comply with it. The relevant service provider shall provide the requested information within **eight** working days.

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Amendment 192**Proposal for a regulation****Article 10 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

3a. *In the month preceding an election or a referendum, providers of political advertising services shall provide the requested information referred to in Articles 6, 7 and 8 that is under their control without undue delay and no later than 48 hours. Providers of political advertising services that are micro and small enterprises within the meaning of Article 3 of Directive 2013/34/EU shall provide the requested information without undue delay.*

Amendment 193**Proposal for a regulation****Article 11 — paragraph 1 — subparagraph 1***Text proposed by the Commission**Amendment*

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

Providers of political advertising services shall transmit the information referred to in **Articles 6, 7 and 7a** to interested entities **promptly** upon request, without costs **and where technically possible in a machine readable format.**

Amendment 194**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**Amendment 195****Proposal for a regulation****Article 11 — paragraph 2 — subparagraph 1 — point a***Text proposed by the Commission**Amendment*

(a) vetted researchers in accordance with Article **31** of Regulation (EU) **2021/xxx** [Digital Services Act];

(a) vetted researchers in accordance with Article **40** of Regulation (EU) **2022/2065** (Digital Services Act);

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Amendment 196

Proposal for a regulation

Article 11 — paragraph 2 — subparagraph 1 — point d a (new)

Text proposed by the Commission

Amendment

(da) journalists.

Amendment 197

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

Amendment 198

Proposal for a regulation

Article 11 — paragraph 3

Text proposed by the Commission

Amendment

3. Following a request from an interested entity, the service provider shall make best efforts to provide the requested information or its reasoned response under paragraph 5, within one month.

3. Following a request from an interested entity, the service provider shall make best efforts to provide the requested information or its reasoned response under paragraph 5 **as soon as possible and, at the latest**, within one month.

Amendment 199

Proposal for a regulation

Article 11 — paragraph 5

Text proposed by the Commission

Amendment

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

5. Where requests pursuant to paragraph 1 are manifestly unclear, excessive **or concerning information not within the control of the service provider**, the service provider may refuse to **provide the requested information**. **In such cases**, the relevant service provider shall send a reasoned response to the interested entity making the request, **including information on the possibilities for redress, including those that exist under Directive (EU) 2020/1828**.

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Amendment 200
Proposal for a regulation
Article 11 — paragraph 7

Text proposed by the Commission

7. Service providers shall bear the burden of demonstrating that a request is manifestly **unfounded**, unclear **or** excessive, or that requests are repetitive and involve significant costs to process.

Amendment

7. Service providers shall bear the burden of demonstrating that a request is manifestly unclear, excessive **or concerning information not within the control of the service provider**, or that requests are repetitive and involve significant costs to process.

Amendment 201
Proposal for a regulation
Chapter III — title

Text proposed by the Commission

TARGETING AND **AMPLIFICATION** OF POLITICAL ADVERTISING

Amendment

TARGETING AND **AD DELIVERY** OF POLITICAL ADVERTISING SERVICES

Amendment 202
Proposal for a regulation
Article - 12 (new)

Text proposed by the Commission

Amendment

Article - 12

Prohibition of targeting and ad delivery techniques involving the processing of special categories of personal data

Targeting and ad delivery techniques that involve the processing of special categories of personal data as referred to in Article 9 of Regulation (EU) 2016/679 and in Article 10 of Regulation (EU) 2018/1725 in the context of political advertising services shall be prohibited.

Amendment 203
Proposal for a regulation
Article 12 — title

Text proposed by the Commission

Specific requirements related to targeting and **amplification**

Amendment

Specific requirements related to ***the processing of personal data for online*** targeting and ***ad delivery techniques***

Thursday 2 February 2023

Amendment 204**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 **and ad delivery** techniques that involve the processing of personal data **that is not special categories of personal data within the meaning of** Article 9 of Regulation (EU) 2016/679 **or of** Article 10 of Regulation (EU) 2018/1725 in the context of political advertising **services shall be strictly limited to the situations provided for in this Article**.

Amendment 205**Proposal for a regulation****Article 12 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Ad delivery techniques referred to in this Article shall determine the audience within the targeted audience without further processing of personal data, by random selection only.

Amendment 206**Proposal for a regulation****Article 12 — paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. Targeting and ad delivery techniques that involve the processing of personal data of persons of whom the data controller is aware with reasonable certainty that they are at least one year under the voting age established by national law shall be prohibited. Compliance with the obligations set out in this Article shall not oblige providers of online platforms to process additional personal data in order to assess whether the user of the service is a minor.

Thursday 2 February 2023

Amendment 207

Proposal for a regulation

Article 12 — paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Targeting and ad delivery techniques that involve the processing of personal data shall be restricted to personal data explicitly provided by the data subject with his or her consent as defined in Article 4(11) of Regulation (EU) 2016/679 given solely for the purpose of online political advertising.

The personal data provided by the data subject by virtue of using a service or device, including provided content, shall not be considered as provided personal data and therefore shall not be used by the provider for the purpose of targeting and delivering political advertising.

The data controller shall inform when requesting consent from the data subject that his or her provided personal data may be processed solely for the purpose of presenting political advertising to the data subject. Refusing to give consent shall not be more difficult or time-consuming to the data subject than giving consent. Providers shall not request consent where the data subject exercises his or her right to object by automated means using technical specifications, in line with Article 21(5) of Regulation (EU) 2016/679. In the event the data subject refuses to give his or her consent, or has withdrawn his or her consent, he or she shall be given other fair and reasonable options to access information society services.

Targeting and ad delivery techniques referred to in this paragraph shall not combine more than four categories of personal data, including the location of the data subject.

If the political advertisement is linked to an election or a referendum, the location of the data subject shall be understood being at the level of the constituency applicable for that election or referendum as referred to in paragraph 1d, point (b).

If the political advertisement is not linked to an election or a referendum, the location used for targeting and ad delivery techniques shall not be below the municipality level.

If the political advertisement is not linked to an election or a referendum and in case of combination of two or more categories of data, the targeted group shall comprise at least 0,4 % of the population of the Member State but at minimum 50 000 citizens.

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Amendment 208

Proposal for a regulation

Article 12 — paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Notwithstanding paragraph 1c, 60 days immediately preceding an election or a referendum, targeting and ad delivery techniques that involve the processing of provided personal data shall be restricted to the following personal data explicitly provided by the data subject to the advertising publisher with his or her consent as defined in Article 4(11) of Regulation (EU) 2016/679 given solely for the purpose of online political advertising:

- (a) the languages spoken by the data subject;*
- (b) the location of the data subject at the level of the constituency which is applicable in the relevant election or referendum;*
- (c) the information that the data subject is a first voter.*

Subparagraphs 2 and 3 of paragraph 1c shall apply mutatis mutandis.

Amendment 209

Proposal for a regulation

Article 12 — paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. This Article shall not apply to internal communications of any political party, foundation, association or any other non-profit body, to their members and former members and to communications, such as newsletters, linked to their political activities, as long as those communications are solely based on subscription data and therefore strictly limited to their members, former members or subscribers and are based on personal data provided by them and do not involve further processing of personal data to target or otherwise further select the recipients and the messages they receive. Such forms of direct marketing fall under the scope of Regulation (EU) 2016/679 and Directive 2002/58/EC.

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Amendment 210
Proposal for a regulation
Article 12 — paragraph 2

Text proposed by the Commission

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 (EU) 2018/1725.**

Amendment

deleted

Amendment 211
Proposal for a regulation
Article 12 — paragraph 3 — introductory part

Text proposed by the Commission

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:

Amendment

3. When using targeting techniques in the context of political advertising **services** involving the processing of personal data, controllers shall, in addition to the requirements laid down in Regulation (EU) 2016/679, Regulation (EU) 2018/1725 **and Regulation (EU) 2022/2065 (Digital Services Act)**, as applicable, comply with the following requirements:

Amendment 212
Proposal for a regulation
Article 12 — paragraph 3 — point a

Text proposed by the Commission

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

Amendment

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

Amendment 213
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, the relevant mechanisms, techniques and parameters used, and the source(s) of personal data used.

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Amendment 214

Proposal for a regulation

Article 12 — paragraph 3 — point c

Text proposed by the Commission

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

Amendment

(c) provide, together with the **indication that it is** political advertisement, additional information necessary to allow the individual concerned to understand the logic involved and the main parameters of the technique used, and the use of third-party data and additional analytical techniques;

Amendment 215

Proposal for a regulation

Article 12 — paragraph 3 — point c a (new)

Text proposed by the Commission

Amendment

(ca) **make an internal annual risk assessment of the use of those techniques on the fundamental rights and freedoms of individuals and the society as a whole; the results of these risk assessments shall be made publicly available.**

Amendment 216

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.**

4. Political advertising publishers making use of targeting techniques **involving the processing of personal data** shall include in the transparency notice required under Article 7a(1), **additional information necessary to enable the individual concerned to understand the logic involved and the main parameters of the technique used, and the use of third party data and additional analytical techniques.**

It shall include, in particular, the following information:

- (a) **the targeting goals, mechanisms and logic including the inclusion and exclusion parameters, and the reasons for choosing those parameters;**
- (b) **the period of dissemination, the number of individuals to whom the advertisement is disseminated;**
- (c) a link to **or a clear indication of where** the policy referred to in paragraph 3(a) **can be easily retrieved.**

Thursday 2 February 2023

Amendment 217

Proposal for a regulation

Article 12 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Amendment 218

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 or **ad delivery** techniques referred to in paragraph 3 shall include in or together with the advertisement and in the transparency notice required under Article **7a(1)** a reference to effective means to support individuals exercise their rights under Regulation (EU) 2016/679. **The transparency notice shall visibly link to an easily accessible interface in which users can withdraw their consent or modify the personal data they provided for the sole purpose of online political advertising as referred to in paragraphs 1c and 1d.**

Amendment 219

Proposal for a regulation

Article 12 — paragraph 7

Text proposed by the Commission

Amendment

7. Providers of advertising services shall, **as necessary**, transmit to the controller the information necessary to comply with **paragraph 3**.

7. Providers of advertising services shall transmit to the controller the information necessary to comply with **paragraphs 3, 4 and 4a**.

Thursday 2 February 2023

Amendment 220

Proposal for a regulation

Article 12 — paragraph 8

Text proposed by the Commission

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

Amendment

deleted

Amendment 221

Proposal for a regulation

Article 13 — title

Text proposed by the Commission

Transmission of information concerning targeting or **amplification** to other interested entities

Amendment

Transmission of information concerning **online** targeting or **ad delivery** to other interested entities

Amendment 222

Proposal for a regulation

Article 14 — paragraph 1

Text proposed by the Commission

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

Amendment

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

Service providers shall notify the name, postal address, email address and telephone number of their legal representative to the national single point of contact in the Member State where that legal representative resides or is established.

Member States shall keep publicly available registers of all legal representatives registered on their territory under this Regulation and shall ensure that that information is easily accessible and that it is accurate and up to date.

The Commission shall keep a publicly available and easily accessible and machine-readable database of legal representatives registered within the Union under this Regulation.

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Amendment 223**Proposal for a regulation****Article 14 — paragraph 2**

Text proposed by the Commission

2. The legal representative shall be responsible for ensuring compliance with the **represented service provider's** obligations **pursuant to** this Regulation **and** shall be the addressee for all communications with the relevant service provider provided for in this Regulation. Any communication to that legal representative shall be deemed to be a communication to the represented service provider.

Amendment

2. The legal representative shall be responsible for ensuring compliance, **and may be held liable for non-compliance**, with the obligations **under** this Regulation, **without prejudice to the liability and legal actions that could be initiated against the service provider. The legal representative** shall be the addressee for all communications with the relevant service provider provided for in this Regulation. Any communication to that legal representative shall be deemed to be a communication to the represented service provider.

Amendment 224**Proposal for a regulation****Article 14 — paragraph 2 a (new)**

Text proposed by the Commission

2a. **Service providers shall provide their legal representative with necessary powers and sufficient resources to guarantee efficient and timely cooperation with the Member States' competent authorities and, where relevant, the Commission, and to ensure the compliance with with their decisions.**

Amendment

Amendment 225**Proposal for a regulation****Article 15 — paragraph 1 a (new)**

Text proposed by the Commission

1a. **In case the political advertising publisher is a very large online platform within the meaning or a very large online search engine within the meaning of Article 33 of Regulation (EU) 2022/2065, the European Data Protection Board may initiate an investigation, at the request of national authorities, the Commission, or on its own initiative after consulting the relevant national authorities if it suspects the infringement of Article — 12 or Article 12 of this Regulation.**

Amendment

Thursday 2 February 2023

Amendment 226**Proposal for a regulation****Article 15 — paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. *The initiation of investigation pursuant to paragraph 1a of this Article by the European Data Protection Board shall relieve the national data protection authority or authorities, or any competent authority where applicable, of its powers regarding the infringement at stake to supervise and enforce the obligations under this Regulation.*

Amendment 227**Proposal for a regulation****Article 15 — paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. *The national data protection authorities shall, within 15 days after being informed of initiation of the investigation, or within seven days if within 60 days immediately preceding elections or referendums as referred to in Article 12(1d), transmit to the European Data Protection Board any information they hold about the infringement at stake.*

Amendment 228**Proposal for a regulation****Article 15 — paragraph 1 d (new)**

Text proposed by the Commission

Amendment

1d. *In the exercise of its powers of investigation under this Regulation the European Data Protection Board shall request the individual or joint support of any national data protection authority or authorities concerned by the suspected infringement, including the data protection authority of establishment.*

Thursday 2 February 2023

Amendment 229**Proposal for a regulation****Article 15 — paragraph 2***Text proposed by the Commission*

2. Member States shall designate competent authorities **to** monitor the compliance of providers of intermediary services within the meaning of Regulation (EU) **2021/xxx [DSA]** with the obligations laid down in Articles 5 to 11 and 14 of this Regulation, where applicable. The competent authorities designated under Regulation (EU) **2021/xxx [Digital Services Act]** may also be one of the competent authorities designated to monitor the compliance of online intermediaries with the obligations laid down in Articles 5 to 11 and 14 of this Regulation. The Digital Services Coordinator referred to in Article **38** of Regulation (EU) **2021/xxx** in each Member State shall be responsible for ensuring coordination at national level in respect of providers of intermediary services as defined by Regulation (EU) **2021/xxx [Digital Services Act]**. Article **45(1)** to (4) and Article **46(1)** of Regulation (EU) **2021/xxx [Digital Services Act]** shall be applicable for matters related to the application of this Regulation as regards providers of intermediary services.

Amendment

2. Member States shall designate competent authorities **that are to supervise and** monitor the compliance of providers of intermediary services within the meaning of Regulation (EU) **2022/2065 (Digital Services Act)** with the obligations laid down in Articles 5 to 11 and 14 of this Regulation, where applicable. The competent authorities designated under Regulation (EU) **2022/2065 (Digital Services Act)** may also be one of the competent authorities designated to monitor the compliance of online intermediaries with the obligations laid down in Articles 5 to 11 and 14 of this Regulation. The Digital Services Coordinator referred to in Article **49** of Regulation (EU) **2022/2065** in each Member State shall be responsible for ensuring coordination at national level in respect of providers of intermediary services as defined by Regulation (EU) **2022/2065 (Digital Services Act)**. Article **58(1)** to (4) and Article **60(1)** of Regulation (EU) **2022/2065 (Digital Services Act)** shall be applicable for matters related to the application of this Regulation as regards providers of intermediary services.

Amendment 230**Proposal for a regulation****Article 15 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. To the extent that the Commission has exclusive competence to monitor the compliance of very large online platforms and of very large search engines within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) with the obligations laid down in that Regulation, it shall be competent to monitor their compliance with Article 5(2d) and Article 7b (2) of this Regulation.

Thursday 2 February 2023

Amendment 231

Proposal for a regulation

Article 15 — paragraph 3

Text proposed by the Commission

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

Amendment

3. Each Member State shall designate one or more competent authorities to be responsible for the **consistent** application and enforcement of the aspects of this Regulation not referred to in paragraphs 1 and 2. **The national competent authorities may be the same as those referred in Article 30 of Directive 2010/13/EU.** 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, **acting** in full independence, effectively monitor and take the measures necessary and proportionate to ensure **consistent supervision**, compliance with **and enforcement of** this Regulation.

Amendment 232

Proposal for a regulation

Article 15 — paragraph 4

Text proposed by the Commission

4. Competent authorities referred to in paragraph 3, where exercising their supervisory tasks in relation to this Regulation, shall have the power to request to access data, documents or any necessary information from providers of political advertising services for the performance of their supervisory tasks.

Amendment

4. Competent authorities referred to in paragraph 3, where exercising their supervisory tasks in relation to this Regulation, shall have **at least** the power to request to access **to** data, documents or any necessary information from providers of political advertising services, for the performance of their supervisory tasks. **Competent authorities shall use that data only for the purpose of monitoring and assessing compliance with this Regulation, in accordance with relevant legislation on the protection of personal data and the protection of confidential information, and with the objective to maintain the security of the services.**

Amendment 233

Proposal for a regulation

Article 15 — paragraph 5 — point a a (new)

Text proposed by the Commission

Amendment

(aa) **request access to data, documents, or any necessary information from the providers of political advertising services;**

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Amendment 234**Proposal for a regulation****Article 15 — paragraph 5 — point a b (new)**

Text proposed by the Commission

Amendment

(ab) order an end to infringements and, where appropriate, impose remedies that are proportionate to the infringement and necessary to bring it effectively to an end;

Amendment 235**Proposal for a regulation****Article 15 — paragraph 5 — point c**

Text proposed by the Commission

Amendment

(c) impose administrative fines and financial penalties.

(c) impose administrative fines and financial penalties, **including periodic penalty payments;**

Amendment 236**Proposal for a regulation****Article 15 — paragraph 5 — point c a (new)**

Text proposed by the Commission

Amendment

(ca) carry out, or, where necessary in accordance with national law, request a judicial authority in their Member State to order inspections of any premises that providers of political advertising services use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement in any form, irrespective of the storage medium;

Amendment 237**Proposal for a regulation****Article 15 — paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5a. Paragraphs 4 and 5 shall apply mutatis mutandis to the European Data Protection Board.

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Amendment 238

Proposal for a regulation

Article 15 — paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Member States shall ensure that national competent authorities have all necessary means to carry out their tasks, including sufficient technical, financial and human resources to adequately supervise sponsors and providers of political advertising services under their competence.

Amendment 239

Proposal for a regulation

Article 15 — paragraph 6

Text proposed by the Commission

Amendment

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

6. Member States shall ensure **that there is effective and structured** cooperation among **all relevant** competent authorities **and supervisory authorities referred to in paragraphs 1 and 2** in particular in the framework of national elections networks, **so as** to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise, and liaising on the application and enforcement of relevant rules.

Amendment 240

Proposal for a regulation

Article 15 — paragraph 7

Text proposed by the Commission

Amendment

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

7. **Where a Member State designates one or more competent authorities, it shall ensure that the respective tasks of those authorities are clearly defined and that they cooperate closely and effectively when performing their tasks.** Each Member State shall designate one competent authority as a **national** contact point at Union level for the purposes of **all aspects of** this Regulation. **National contact points shall ensure effective cooperation between national competent authorities and with other national contact points and Union level authorities. Member States shall make publicly available the contact details of their national contact points. Member States concerned shall communicate the name of the other competent authorities and their respective tasks to the Network of National Contact Points.**

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Amendment 241**Proposal for a regulation****Article 15 — paragraph 8 — point a***Text proposed by the Commission*

- (a) the competent authorities applying supervisory or enforcement measures in a Member State shall, via the contact point referred to in paragraph 7, inform and consult the competent authorities in the other Member State(s) concerned on the supervisory and enforcement measures taken and their follow-up;

Amendment

- (a) the competent authorities applying supervisory or enforcement measures in a Member State shall, via the contact point referred to in paragraph 7, **and without undue delay, and in any event no later than one month after a cooperation request**, inform and consult the competent authorities in the other Member State(s) concerned on the supervisory and enforcement measures taken and their follow-up;

Amendment 242**Proposal for a regulation****Article 15 — paragraph 8 — point c***Text proposed by the Commission*

- (c) a competent authority shall, upon receipt of a justified request from another competent authority, provide the other competent authority with assistance so that the supervision or enforcement measures referred to in paragraphs 4 and 5 can be implemented in an effective, efficient and consistent manner. The relevant competent authority so requested shall, via the contact points referred to in paragraph 7 and **within a timeframe proportionate to the urgency of the request** provide a response communicating the information requested, or informing that it does not consider that the conditions for requesting assistance under this Regulation have been met. Any information exchanged in the context of assistance requested and provided under this Article shall be used only in respect of the matter for which it was requested.

Amendment

- (c) a competent authority shall, upon receipt of a justified request from another competent authority, provide the other competent authority with assistance so that the supervision or enforcement measures referred to in paragraphs 4 and 5 can be implemented in an effective, efficient and consistent manner. The relevant competent authority so requested shall, via the contact points referred to in paragraph 7 and, **without undue delay, and in any event no later than one month after a cooperation request**, provide a response communicating the information requested, or informing that it does not consider that the conditions for requesting assistance under this Regulation have been met. Any information exchanged in the context of assistance requested and provided under this Article shall be used only in respect of the matter for which it was requested.

Amendment 243**Proposal for a regulation****Article 15 — paragraph 8 a (new)***Text proposed by the Commission**Amendment*

8a. Compliance with this Regulation by providers of political advertising services shall be subject to the competence of the Member State where the provider has its establishment. In case the provider is established in more than one Member State, it shall be deemed to be under the jurisdiction of the Member State in which it has its main establishment. Without prejudice to paragraphs 1 and 2, the competent authority or authorities of all Member States shall cooperate with and assist each other as necessary.

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Text proposed by the Commission

Amendment

Where a national competent authority has reasons to suspect that a sponsor, provider or publisher of political advertising services infringed this Regulation in a manner affecting individuals in the Member State of that competent authority, it may request the contact point of establishment to assess the matter and to take the necessary investigatory and enforcement measures referred to in paragraphs 4 and 5 of this Article. A request shall be substantiated, justified and proportionate and at least indicate:

- (a) the point of contact or legal representative of the provider of the political advertisement services concerned as provided for in Article 14;
- (b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the competent authority that sent the request suspects that the provider infringed this Regulation, including the description of the negative effects of the alleged infringement;
- (c) any other information that the competent authority that sent the request considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.

The contact point of establishment shall take into utmost account the pursuant to paragraph 5 of this Article. Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the competent authority that sent the request could provide additional information, it may request such information. The time period laid down in paragraph 4 of this Article shall be suspended until that additional information is provided.

The contact point of establishment shall, without undue delay and in any event not later than one month following receipt of the request pursuant to paragraph 4, communicate to the competent authority that sent the request, and the Network of National Contact Points, the assessment of the suspected infringement and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

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Amendment 244
Proposal for a regulation
Article 15 — paragraph 9

Text proposed by the Commission

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

Amendment

9. **Within** the framework of the European Cooperation Network on Elections, **a permanent Network of National Contact Points shall be established. The Network of National Contact Points shall serve as a platform for regular exchange of information and structured cooperation between national contact points and the Commission on all aspects of this Regulation.**

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

- (a) the swift and secured exchange of information and best practices among national contact points and other relevant authorities;**
- (b) the preparation, in cooperation with relevant stakeholders, of common lines of action to help sponsors and providers of political advertising services, to comply with the requirements of this Regulation in harmonised way;**
- (c) the development of a harmonised approach on sanctions applicable at national level for infringements of this Regulation;**
- (d) the cooperation at Union level to guarantee a harmonised enforcement of this Regulation.**

The Network of National Contact Points shall meet at least twice a year and, where necessary, at the duly justified request of the Commission or a Member State. It shall work in close cooperation with the European Regulators Group for Audio-Visual Media Services, and other relevant authorities and networks. The Commission shall take part in the meetings of the Network of National Contact Points and provide administrative support.

Amendment 245
Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Right to lodge a complaint

Any person, or entity shall have the right to lodge a complaint with the competent authority that is the national contact point of the Member State where that entity or person is located or established against sponsors and providers of political advertising services, alleging an infringement of this Regulation.

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Text proposed by the Commission

Amendment

The contact point of the Member State may dismiss any complaint which it deems manifestly unfounded and shall notify the complainant of its decision.

The contact point of the Member State shall transmit without undue delay complaints that fall within the competence of another competent authority in the same Member State to that competent authority. The contact point of the Member State shall transmit complaints that fall within the competence of another competent authority in another Member State to the contact point of that Member State within 10 working days.

The competent authority receiving the complaint shall assess, and where appropriate, act within fifteen working days. During electoral periods, the assessment shall take place within five working days.

During those proceedings, all parties shall have the right to be heard and receive appropriate information about the status of the complaint, in accordance with relevant national law.

Amendment 246

Proposal for a regulation

Article 15 b (new)

Text proposed by the Commission

Amendment

Article 15b

Activity reports

National contact points, designated pursuant to Article 15(7), shall draw up a standardised annual report on the activities covered by this Regulation of all competent authorities designated under in Article 15, including details of the number of complaints received pursuant to Article 15a and an overview of their follow-up.

The national contact points shall make the annual reports available to the public in a machine-readable format, and shall transmit them to the European Cooperation Network on Elections and, in the case of elections to the European Parliament, to the European Parliament.

Thursday 2 February 2023

Amendment 247**Proposal for a regulation****Article 16 — paragraph 1***Text proposed by the Commission*

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.

Amendment

1. In relation to Articles **3a** 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 **and shall take all measures necessary to ensure that they are implemented. The sanctions provided for** shall in each individual case be **timely**, effective, proportionate and dissuasive.

Amendment 248**Proposal for a regulation****Article 16 — paragraph 3 — point a***Text proposed by the Commission*

(a) the nature, gravity and duration of the infringement;

Amendment

(a) the nature, gravity, **recurrence** and duration of the infringement;

Amendment 249**Proposal for a regulation****Article 16 — paragraph 3 — point d***Text proposed by the Commission*

(d) any relevant previous infringements and any other aggravating or mitigating factor applicable to the circumstances of the case; **and**

Amendment

(d) any relevant previous infringements and any other aggravating or mitigating factor applicable to the circumstances of the case;

Amendment 250**Proposal for a regulation****Article 16 — paragraph 3 — point e***Text proposed by the Commission*

(e) the degree of cooperation with the competent authority.

Amendment

(e) the degree of cooperation with the competent authority; **and**

Amendment 251**Proposal for a regulation****Article 16 — paragraph 3 — point e a (new)***Text proposed by the Commission**Amendment*

(**ea**) **the size and economic capacity of the political advertising service provider.**

Thursday 2 February 2023

Amendment 252**Proposal for a regulation****Article 16 — paragraph 4***Text proposed by the Commission*

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

Amendment

4. Infringements of **Articles 3a, 5, 7, 7a and 7b** 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 **or referendum** is being organised.

Member States may also impose periodic penalty payments to compel sponsors, providers of political advertising services and publishers to put to an end to a serious and repeated violation of this Regulation.

Amendment 253**Proposal for a regulation****Article 16 — paragraph 4 a (new)***Text proposed by the Commission**Amendment*

4a. National contact points shall notify the Commission of the type and the amount of the penalties imposed. Member States shall report annually on the type and amount of penalties imposed to enforce this Regulation. The Commission shall also periodically draw up a report for the purposes of Article 18 of this Regulation.

Amendment 254**Proposal for a regulation****Article 16 — paragraph 6***Text proposed by the Commission**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** 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.

6. For infringements of the obligations laid down in **Articles - 12 and 12**, the supervisory authorities referred to in Article 51 of the Regulation (EU) 2016/679 **and the European Data Protection Board may use the investigative and corrective powers laid down in that Regulation and** within their scope of **their** 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.

Thursday 2 February 2023

Amendment 255

Proposal for a regulation

Article 16 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In case of particularly serious and systemic infringements of the obligations laid down in Articles - 12 and 12 by the sponsor, where the political advertising publisher is a very large online platform or a very large online search engine within the meaning of Article 33 of Regulation (EU) 2022/2065, the European Data Protection Board may order, for a strictly limited period of time, which does not exceed 15 days, the very large online platform or search engine not to provide targeting and ad delivery services for that particular sponsor, pursuant to Article 15(1a). Such suspension may be imposed in addition to or instead of an administrative fine.

Amendment 256

Proposal for a regulation

Article 16 — paragraph 7

Text proposed by the Commission

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 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.

7. For infringements of the obligations laid down in **Articles - 12 and 12**, the supervisory authority referred to in Article 52 of Regulation (EU) 2018/1725 may **use the investigative and corrective powers laid down in that Regulation and** impose within **the** scope of **its** 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 257

Proposal for a regulation

Article 16 — paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Member States shall report annually to the Commission on the sanctions imposed to enforce the provisions of this Regulation, in particular on the type of sanctions applied and the amount of the administrative fines and financial penalties. The Commission shall summarise and evaluate those reports annually and use them for the review process under Article 18.

Thursday 2 February 2023

Amendment 258

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 12, paragraphs 1 to 1e, after having consulted competent authorities and other relevant stakeholders.*

Amendment 259

Proposal for a regulation

Article 18 — paragraph 1

Text proposed by the Commission

Amendment

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

Within two years after each election to the European Parliament, the Commission shall submit a report on the evaluation and review of this Regulation **to the European Parliament and to the Council**. This report shall assess the need for amendment to this Regulation, **in particular with regard to:**

- (a) *the scope of the Regulation and definition of political advertising in Article 2 (2);*
- (b) *the effectiveness of the transparency measures, especially the declaration and mechanisms to identify the political nature of an advertisement in Articles 5 and 5a;*
- (c) *the effectiveness of the supervision and enforcement structure and the need to introduce harmonised sanctions across the Union for infringements of the obligations laid down in this Regulation, and in particular the infringements referred to in Article 16(4);*
- (d) *the effectiveness of this Regulation in view of technological, scientific and other developments;*
- (e) *the interplay of this Regulation with the legal acts referred to in Article 1(4).*

The report shall be made public.

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Amendment 260**Proposal for a regulation****Article 19 — paragraph 2***Text proposed by the Commission*

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

Amendment

2. The power to adopt delegated acts referred to in Article 7 (1b), Article 7a(5) and (6), Article 7b(6) and Article 9(4a) 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 261**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(1b), Article 7a(5) and (6), Article 7b(6) and Article 9(4a) 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 262**Proposal for a regulation****Article 19 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

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

Thursday 2 February 2023

Amendment 263**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(1b), Article 7a(5) and (6), Article 7b(6) and Article 9(4a) 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 264**Proposal for a regulation****Article 19 a (new)***Text proposed by the Commission**Amendment***Article 19 a****Committee procedure**

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

Amendment 265**Proposal for a regulation****Article 20 — paragraph 2***Text proposed by the Commission**Amendment*

2. It shall apply from **1 April 2023**.

2. It shall apply from [**3 months after the entry into force of this Regulation**].

However, Article 7b, paragraphs 1, 4 and 5 shall apply from [one year after the entry into force of this Regulation].

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Amendment 266
Proposal for a regulation
Annex I — title

Text proposed by the Commission

Information to be provided under Article 7(2)

Amendment

Information to be provided under Article 7a(1)

Amendment 267
Proposal for a regulation
Annex I — point a

Text proposed by the Commission

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

Amendment

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

Amendment 268
Proposal for a regulation
Annex I — point b

Text proposed by the Commission

(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.

Amendment

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

Amendment 269
Proposal for a regulation
Annex I — point c

Text proposed by the Commission

(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.

Amendment

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

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Amendment 270
Proposal for a regulation
Annex I — point d

Text proposed by the Commission

(d) any election with which the advertising is linked, if applicable.

Amendment

(d) any election, **referendum, legislative or regulatory process** with which the advertising is linked, if applicable.

Amendment 271
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

(e) the 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, **delivery** and dissemination of the political advertisements, as well as the aggregated actual amount spent and the value of other benefits received once known.

Amendment 272
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 **origin** of the **amounts and other benefits** being used for the specific advertising campaign including for the preparation, placement, promotion, publication, **delivery** and dissemination of the political advertisements.

Amendment 273
Proposal for a regulation
Annex I — point h

Text proposed by the Commission

(h) **where the publisher is a very large online platform**, a link to the advertisement's location in the **publisher's advertising** repository.

Amendment

(h) a link to the advertisement's location in the **European Repository for Online Political Advertisements**.

Thursday 2 February 2023

Amendment 274
Proposal for a regulation
Annex II

Text proposed by the Commission

Amendment

Information to be provided under Article 12(3)

deleted

- (a) the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is disseminated, with the same level of detail as used for the targeting, the categories of personal data used for the targeting and amplification, the targeting and amplification goals, mechanisms and logic including the inclusion and exclusion parameters and the reasons for choosing these parameters.***
 - (b) the period of dissemination, the number of individuals to whom the advertisement is disseminated and indications of the size of the targeted audience within the relevant electorate.***
 - (c) the source of the personal data referred to in point (a), including, where applicable, information that the personal data was derived, inferred, or obtained from a third party and its identity as well as a link to the data protection notice of that third party for the processing at stake.***
 - (d) a link to effective means to support individuals' exercise of their rights under Regulation (EU) 2016/679 or Regulation (EU) 2018/1725, as applicable, in the context of targeting and amplification of political advertising on the basis of their personal data.***
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