

PROPOSAL FOR A REGULATION ON POLITICAL ADVERTISING IN EUROPE IMPROVING TRANSPARENCY



OBJECTIVE

According to Article 1(3), "the aims of this Regulation are:

- (a) to contribute to the proper functioning of the internal market for political advertising and related services;
- (b) to protect natural persons with regard to the processing of personal data."

In other words, protecting election integrity and open democratic debate by ensuring greater transparency in political advertising, particularly as political campaigning moves online. Furthermore, harmonisation of legislation at EU and member state level.



TARGET GROUP

The Regulation will apply to providers of political advertising and related services for the benefits of citizens of the European Union.



RAISON D'ÊTRE

Legislative gaps across the European Union with different legislations and rules concerning political advertising. Fragmentation of transparency requirements. Personal data is collected and used to target political messages to citizens in an obscure, covert way.

03 DEC 2020

22 JAN 2021

02 APR 2021

25 NOV 2021

02 FEB 2023

ONGOING

SPRING 2024

Announcement as part of the European Democracy Action Plan

Open Public Consultation

Proposal

Feedback project

The European Parliament approved the text of the proposal

Trilogue negotiations with the Commission and Council

Final adoption anticipated for spring 2024 ahead of the European elections

FERMI
FAKE NEWS
RISK MITIGATOR



LEGAL CONTEXT

Proposal is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) which provides for the adoption of measures to ensure the establishment and functioning of the internal market.

It builds upon and complements the provisions applicable to the processing of personal data in the context of political advertising contained in Regulation (EU) 2016/679 (GDPR).

The regulation also complements the Digital Services Act (DSA) which already includes general transparency obligations for online platforms regarding transparency of online advertising, expanding the categories of information to be disclosed and the scope of relevant service providers concerned.

Furthermore, it builds a bridge to the Code of Practice on Disinformation which requires online platforms to take commitments to increase transparency of political advertising and issue-based advertising.



WHAT IS POLITICAL ADVERTISING?

According to Article 2(2) of the proposed regulation, political advertising constitutes "the preparation, placement, promotion, publication, or dissemination, by any means, of a message:

- (a) by, for or on behalf of a political actor, unless it is of a purely private or a purely commercial nature;
- (b) which is liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour."



WHAT ARE POLITICAL ACTORS?

The Proposal defines political actors in its Article 2(4) and includes (European) political parties; political alliances; elected officials as well as candidates for elected offices on European, national, regional or local level; party leaderships; government members including unelected government members at European, national, regional or local level; political campaigns organisations.