

*APRIL 2024*

# POLITICAL ADVERTISING REGULATION

PRACTITIONER'S GUIDE



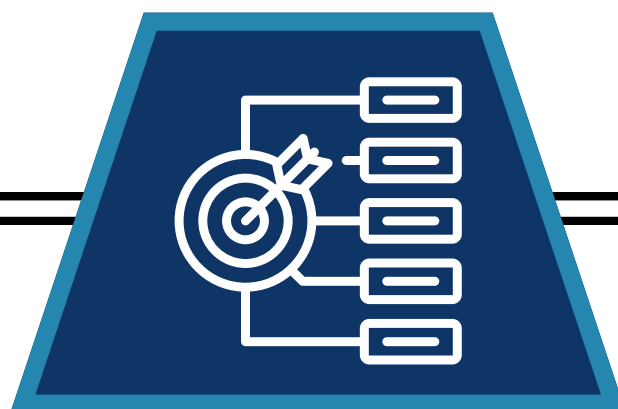
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## NEXT STEPS

- Institutional approval
- OJ Publication
- Entry into force
- Resources

## OBJECTIVES OF THE REGULATION

The regulation imposes obligations on all providers of political ads and aims to establish a common European approach regarding:

- ✔ **Definition and identification of political ads**
- ✔ **Transparency rules**
- ✔ **Limitations to targeted political ads**
- ✔ **EU public repository for online political ads**
- ✔ **Foreign interference during elections**
- ✔ **Non discrimination across borders**



# WHAT ARE POLITICAL ADS?

## DEFINITION

Paid messages for or on behalf of political actors **designed** to influence voting behavior or electoral outcomes

## EXCLUDED

- **Purely** private and commercial ads
- Political views and all **editorial content** under editorial responsibility
- Free public spaces for candidate presentations mandate by law (e.g. broadcasting time on TV)

## IDENTIFICATION

Features to take into account:

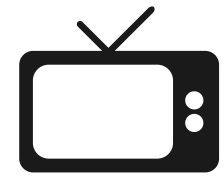
- Content of the message
- Sponsor
- Language used
- Context in which message is conveyed, e.g. period of dissemination
- Means used to prepare, place and deliver the message
- Targeted audience
- Objective of the message

**The EC will prepare guidance going into details**



This will help distinguish political ads from commercial and/or issue-based ads

Providers must display transparency information:



## Within the ad:

- Label
- Statement that the ad is political
- Identity and contact details of the sponsor
- Election, referendum, legislative progress to which the ads is linked
- Transparency notice and where to retrieve it



## Outside the ad - transparency notice:

Info present within the ads, plus:

- Payments: 1) amount for the ads, 2) how it is calculated, 3) its origin (public vs private/EU vs non-EU)
- Link to the European repository for online political ads\*
- Link to the notification mechanism\* for unlawful ads
- Where applicable: 1) if the ads violated the regulation, 2) if it is targeted and 3) its reach, e.g. views, engagement

Must be up to date, retrievable and retained for 7 years.

The EC will adopt implementing acts for labels and transparency notices.  
According to the regulation, those should ensure flexible obligations for TVs

*\*yet to be established*

# ... IN PRACTICAL TERMS?



## TRANSPARENCY NOTICE

- **Sponsor details:** European People's Party, Rue du Commerce 10, [connect@epp.eu](mailto:connect@epp.eu)
- **Period:** 6 month
- **Payments:** 100.000 EUR
- **Source of funding:** EPP donors established in the EU
- **Link with election:** this ads relates to EU elections 2024
- **EU repository** for online Political Ads ([link](#))
- **Notification mechanism:** [link](#)
- **Target:** This ad is not targeted

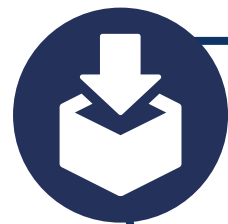
**Disclaimer:** this is a rough example of what a potentially compliant ad may look like. The full list of disclosure elements is outlined in articles 11 and 12

# REPORTING, RECORD-KEEPING AND NOTIFICATION

Providers of political advertising must:



Ensure contracts with sponsors comply with transparency obligations



Collect transparency information from sponsors and retain it for 7 years



Contact sponsor or providers to correct erroneous information or immediately stop disseminating ads. Notify of any such decisions.



Have a system in place for reporting illegal ads; confirm, verify, investigate, and address notifications (within 48 hours before elections)

**Commission may issue guidelines regarding application**

## ONLINE TARGETED POLITICAL ADS

### Users:

- Need to give explicit and separate consent for targeted ads using personal data
- Should not be asked for consent if they have already expressed it through automated means
- Must be able to withdraw consent in the transparency notice
- Must have an alternative option that does not involve processing of data

### Targeted ads are prohibited:

- Using sensitive data (e.g. racial, ethnic origin, political opinions)
- Targeting individuals of at least one year under the voting age

Specific and strict transparency obligations (see article 19)



## NON-DISCRIMINATION

Providers cannot discriminate against EU sponsors solely based on their location or residence > this may make it more difficult for AVMS to refuse offering cross-border political ads.



# OTHER RELEVANT PROVISIONS

## **EU ONLINE REPOSITORY**

All online political ads will be available in European repository for online political advertising that the Commission will set up

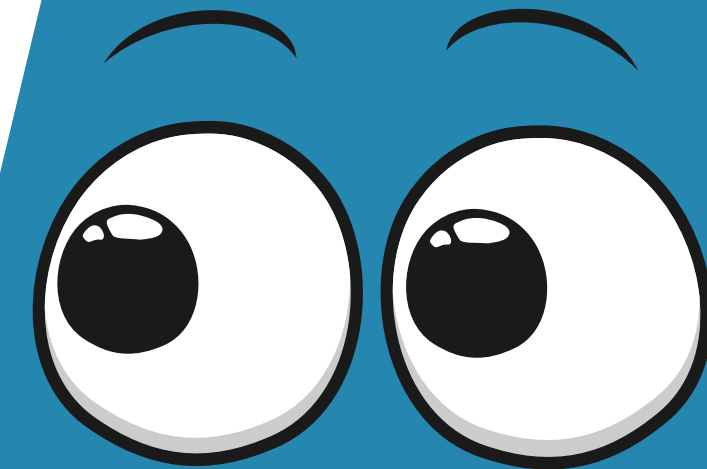
## **RESTRICTIONS FOR 3rd COUNTRIES SPONSORS**

Non-EU sponsors can not buy political ads three months prior to elections

## **VLOPs & VLOSEs\***

Should identify, analyse and assess any systemic risks related to political ads in their risk assessments & adopt mitigation measures (in line with Digital Services Act)

\*Very Large Online Platforms and Very Large Online Search Engines



## NEXT STEPS



### INSTITUTIONAL APPROVAL

- Parliament: 27 Feb
- Council: 11 March



### MARCH 2024

Publication in the Official Journal & entry into force of the anti-discrimination clause



### 10 OCTOBER 2025

Entry into force of all the provisions of the regulation



## RESOURCES

- Detailed overview of the proposal and its objectives can be found [here](#)
- Legislative process can be found [here](#)
- EC Unit responsible: DG JUST – UNIT C4  
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Should you have any question, please do not hesitate to reach out

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