



19/07/2022

**AMENDMENTS: 29**

**Anna Júlia Donáth**

Transparency and targeting of political advertising

**Proposal for a regulation** COM(2021)0731 - C9-0433/2021 – 2021/0381(COD)

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**Amendments per language:**

*EN: 29*

**Amendments justification with more than 500 chars : 0**

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**Amendment 1**  
**Patrick Breyer**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) In the context of political advertising, targeting techniques are frequently used. Targeting or amplification techniques should be understood as techniques that are used either to address *a tailored* political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a political advertisement. Given the power and the potential for the misuse of personal data of targeting, including through microtargeting and other advanced techniques, such techniques may present particular threats to legitimate public interests, such as fairness, equal opportunities and transparency in the electoral process and the fundamental right to be informed in an objective, transparent and pluralistic way.

*Amendment*

(5) In the context of political advertising, targeting techniques are frequently used. Targeting or amplification techniques should be understood as techniques that are used *by sponsors, political advertising publishers or providers of advertising services* either to address *or disseminate a* political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a political advertisement. *Targeting techniques include delivery optimisation techniques used by political advertising publishers or providers of political advertising services to select and deliver political advertisements to specific recipients.* 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 *democracy*, fairness, equal opportunities and transparency in the electoral process and the fundamental right to be informed in an objective, transparent and pluralistic way. *Targeting and amplification techniques which rely on personal data should therefore not be allowed.*

Or. en

**Amendment 2**  
**Patrick Breyer**

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

(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 the processing of personal data, ***in particular data considered sensitive under Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>11</sup> and Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>12</sup>***, 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.***

*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 the processing of personal data, 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 ***be treated fairly and equally, not to be manipulated, 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 enables the spreading of disinformation, and has been used for foreign electoral interference especially by Russian entities. Misleading or obscure advertising for political purposes is a special class of high risk threat because it influences the core mechanisms that enable the functioning of our democratic society. All this takes place despite already***

*strict conditions for the processing of personal data, including for targeting and amplification of political ads, in Regulation (EU) 2016/679 and Regulation (EU) 2018/1725. 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, and there is no easy way out which would enable even a basic level of targeting individuals while adequately protecting the rights and interest mentioned above. The systematic use of dark patterns, unclear consent agreements, misleading information, and insufficient time to read terms and conditions are common practices that prevent people from having clear information and control in the context of the surveillance-based online advertising industry. Additional restrictions should therefore be provided in the form of an interdiction on the processing of personal data for targeting and amplification of political advertising, based on Article 16 TFEU. 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. This limitation complies with the right to impart information and ideas of general interest which the public is entitled to receive because this right does not outweigh the protection of the rights and interests of individuals, of the democratic debate and of the political process, and prevents the latter from distortion by powerful financial groups.*

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<sup>11</sup> 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

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<sup>11</sup> 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).

<sup>12</sup> 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).

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).

<sup>12</sup> 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).

Or. en

### *Justification*

*Strengthening the wording and describing the potential risks and harms in greater details. The additional wording at the end ("This limitation is proportionate in light of ...") comes directly from the European Court of Human Rights' 2013 judgment Animal Defenders International v. the United Kingdom. In this judgment, the ECHR accepted a full prohibition of political advertising on TV, and specifically clarified that such a total ban on electoral advertising on a specific medium was proportionate to the human rights at stake. (<http://hudoc.echr.coe.int/eng?i=001-119244>)*

### **Amendment 3** **Patrick Breyer**

#### **Proposal for a regulation** **Recital 48**

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

(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*

##### *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 *is a high risk activity and* should therefore be prohibited, *but* the use of *targeting* techniques should *still* be allowed *where no processing of personal data is involved, such as with contextual forms of*

*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) 2018/725.*

*advertising. This Regulation should therefore not prevent publishers, especially online platforms, from determining the recipients to whom advertisements are displayed on the basis of contextual information. The publication accessed by the recipient and the specific content retrieved allows for placing advertisements that are relevant to the target group of the publication and the specific content, such as by their language or location. This sufficiently allows for targeting without requiring the processing of personal data of the specific users. The use of the contextual information referred to should only be permissible if it does not allow for the identification or signaling out of one or more natural persons.*

Or. en

#### *Justification*

*Deleting the elements about exemptions based on 'consent' and 'regular contact'. Further, even if no processing of personal data is allowed for targeting political ads, it should however still be clarified that alternative forms of targeting (e.g. contextual advertising) are allowed where they do not involve the processing of personal data.*

**Amendment 4**  
**Patrick Breyer**

**Proposal for a regulation**  
**Recital 49**

*Text proposed by the Commission*

*Amendment*

**(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.**

**deleted**

Or. en

*Justification*

*No transparency on personalised targeting is needed, if there is no personalised targeting to begin with (as per the amendment to article 12).*

**Amendment 5  
Patrick Breyer**

**Proposal for a regulation  
Recital 50**

*Text proposed by the Commission*

*Amendment*

**(50) Political advertising publishers making use of targeting or amplification techniques should include in their**

**deleted**

*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.*

Or. en

*Justification*

*No transparency on personalised targeting is needed, if there is no personalised targeting to begin with (as per the amendment to article 12).*

**Amendment 6**  
**Patrick Breyer**

**Proposal for a regulation**  
**Recital 51**

*Text proposed by the Commission*

*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 object or withdraw their consent when targeted with a political advertisement.*

*deleted*

*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.*

Or. en

*Justification*

*No transparency on personalised targeting is needed, if there is no personalised targeting to begin with (as per the amendment to article 12).*

**Amendment 7**  
**Patrick Breyer**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

*Amendment*

*(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.*

*deleted*

Or. en

*Justification*

*No transparency on personalised targeting is needed, if there is no personalised targeting to begin with (as per the amendment to article 12).*

**Amendment 8**  
**Patrick Breyer**

**Proposal for a regulation**  
**Recital 53**

*Text proposed by the Commission*

*Amendment*

**(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.** *deleted*

Or. en

*Justification*

*No transparency on personalised targeting is needed, if there is no personalised targeting to begin with (as per the amendment to article 12).*

**Amendment 9  
Patrick Breyer**

**Proposal for a regulation  
Recital 54**

*Text proposed by the Commission*

*Amendment*

**(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.** *deleted*

Or. en

*Justification*

*This whole article is irrelevant if there is no personalised targeting to begin with.*

**Amendment 10  
Patrick Breyer**

**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. Depending on the legal system of each Member State and in line with existing Union law including Regulation (EU) 2016/679, **Regulation (EU) 2018/1725** and Regulation (EU) 2021/xxx [Digital Services Act], different national judicial or administrative authorities may be designated to that effect.

Or. en

**Amendment 11**  
**Patrick Breyer**

**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

*Amendment*

(63) Member States authorities should ensure that infringements of the obligations laid down in this Regulation are sanctioned **and deterred, in particular through appropriate** administrative fines or financial penalties. **Data protection authorities should be able to ensure that publishers do not process personal data for targeting and amplification purposes. When using their corrective powers, the authorities** 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

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.

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. ***The corrective powers of authorities should in particular ensure that more affluent sponsors are not able to factor-in the price of financial sanctions to a political advertising strategy which relies on infringing the rules in this Regulation. Since the unlawful processing of personal data for political advertising can result in an unfair political advantage in an election or referendum which financial sanctions cannot remedy, the additional sanction of suspending political advertising for a limited time is introduced.***

Or. en

#### *Justification*

*Strengthening the wording and emphasising better the idea that the authorities should use their powers in a way which effectively prevents further violations. Since the unlawful processing of personal data for political advertising can result in an unfair political advantage in an election or referendum which financial sanctions cannot remedy, the additional sanction of suspending political advertising for a limited time is introduced.*

**Amendment 12**  
**Patrick Breyer**

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

*Text proposed by the Commission*

(b) harmonised rules on the use of targeting and amplification techniques in the context of the publication, dissemination or promotion of political advertising that involve the *use* of personal data.

*Amendment*

(b) harmonised rules on the use of targeting and amplification techniques in the context of the publication, dissemination or promotion of political advertising that involve the *processing* of personal data.

Or. en

*Justification*

*The GDPR's 'processing' covers also the 'collection' of data. This language is in line with the GDPR.*

**Amendment 13**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

8. ‘targeting or amplification techniques’ means techniques that are used either to address *a tailored* political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a political advertisement;

*Amendment*

8. ‘targeting or amplification techniques’ means techniques that are used *by sponsors, political advertising publishers or providers of advertising services* either to address *or disseminate a* political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a political advertisement;

Or. en

*Justification*

*To clarify that both the targeting when commissioning an advertisement and the selection of users who are shown an advertisement by publishers and service providers are covered.*

## **Amendment 14**

**Patrick Breyer**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

## **Amendment 15**

**Patrick Breyer**

### **Proposal for a regulation**

#### **Article 7 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**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.**

**deleted**

Or. en

#### *Justification*

*It is not good practise that the application of binding legislation is dealt with in agreements with those bound by the legislation. Democratic institutions need to be in charge without requiring consent of those subjected to obligations. If needed implementing or delegating acts, or official guidance, are appropriate instruments to support the application of legislation.*

## Amendment 16

Patrick Breyer

### Proposal for a regulation

#### Article 9 – paragraph 3

*Text proposed by the Commission*

3. Political advertising publishers shall allow for the submission of the information referred to in paragraph 1 by electronic means. The political advertising publisher shall inform individuals of the follow up given to the notification as referred to in paragraph 1.

*Amendment*

3. Political advertising publishers shall allow for the submission of the information referred to in paragraph 1 by electronic means. ***Notifiers shall not be obliged to provide personal data.*** The political advertising publisher shall inform individuals ***who choose to provide contact details*** of the follow up given to the notification as referred to in paragraph 1.

Or. en

*Justification*

*To allow for anonymous notifications by insiders without the risk of repercussions to them.*

## Amendment 17

Patrick Breyer

### 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 or amplification techniques that involve the processing of personal data ***as defined*** in Article 4(1) of Regulation (EU) 2016/679 and Article 5(1) of Regulation (EU) 2018/1725 in the context of political advertising are prohibited.

Or. en

*Justification*

*The Commission fails to heed the LIBE Committee's call for banning the personalised targeting of political messages. The personalised manipulation of elections and referendums by exploiting the user's individual preferences and fears is a special class of online threat because it*

*influences the core mechanisms that enable the functioning of our democratic society. Has the Commission forgotten about Cambridge Analytica and the surprise election of Trump for President? The integrity of elections and referendums is of general interest and cannot be subject to individual choices.*

## **Amendment 18**

**Patrick Breyer**

### **Proposal for a regulation**

#### **Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The prohibition in paragraph 1 shall not prevent sponsors, political advertising publishers or providers of advertising services from determining the recipients to whom political advertising are displayed on the basis of the context in which the advertisement is published.***

Or. en

*Justification*

*The publication or website accessed by the recipient and the specific content retrieved (including keywords contained in it) allows to place advertisements that are relevant to the target group of the publication and the specific content. The publication or content is written in a certain language, may address a certain location or region, and may mostly be of interest to persons of a certain gender or age group. This sufficiently allows for targeting without requiring the processing of personal data of the specific users.*

## **Amendment 19**

**Patrick Breyer**

### **Proposal for a regulation**

#### **Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

*Justification*

*This exception (consent, legitimate purposes) makes paragraph 1 and the ban non-enforceable, an "empty shell". It beats the purpose of the ban. EDPS Opinion 2/2022 agrees (see pages 9-10).*

**Amendment 20**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 12 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

**(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;**

**(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.**

**(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.*

Or. en

*Justification*

*This paragraph is irrelevant if there is no personalised targeting to begin with.*

**Amendment 21**  
**Patrick Breyer**

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

*Text proposed by the Commission*

*Amendment*

**4. Political advertising publishers making use of targeting or amplification techniques shall include in the transparency notice required under Article 7 the information specified in paragraph 3(c) and a link to the policy referred to in paragraph 3(a). In case the controller is different from the advertising publisher, the controller shall transmit the internal policy or a reference to it to the political advertising publisher.** **deleted**

Or. en

*Justification*

*This paragraph is irrelevant if there is no personalised targeting to begin with.*

**Amendment 22**  
**Patrick Breyer**

**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** **deleted**

*shall include in or together with the advertisement and in the transparency notice required under Article 7 a reference to effective means to support individuals exercise their rights under Regulation (EU) 2016/679.*

Or. en

*Justification*

*This paragraph is irrelevant if there is no personalised targeting to begin with.*

**Amendment 23**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 12 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Information to be provided in accordance with this provision shall be presented in a format which is easily accessible and, where technically feasible, machine readable , clearly visible and user-friendly, including through the use of plain language.** *deleted*

Or. en

*Justification*

*This paragraph is irrelevant if there is no personalised targeting to begin with.*

**Amendment 24**  
**Patrick Breyer**

**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** *deleted*

*controller the information necessary to  
comply with paragraph 3.*

Or. en

*Justification*

*This paragraph is irrelevant if there is no personalised targeting to begin with.*

**Amendment 25**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 12 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*This paragraph is irrelevant if there is no personalised targeting to begin with.*

**Amendment 26**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13** **deleted**

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

- 1. The controller referred to in Article 12 shall take appropriate measures to transmit, upon request by interested entities in accordance with Article 11(1), the information referred to in Article 12.***
- 2. Article 11(2) to (7) shall apply mutatis mutandis.***

Or. en

*Justification*

*This whole article is irrelevant if there is no personalised targeting to begin with.*

**Amendment 27**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. The supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 or Article 52 of Regulation (EU) 2018/1725 shall be competent to monitor the application of Article 12 of this Regulation in their respective field of competence. Article 58 of Regulation (EU) 2016/679 and Article 58 of Regulation (EU) 2018/1725 shall apply mutatis mutandis. Chapter VII of Regulation (EU) 2016/679 shall apply for activities covered by Article 12 of this Regulation.

*Amendment*

1. ***Without prejudice to Article 51 of Regulation (EU) 2016/679 and Article 52 of Regulation (EU) 2018/1725***, the supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 or Article 52 of Regulation (EU) 2018/1725 shall be competent to monitor the application of Article 12 of this Regulation in their respective field of competence. Article 58 of Regulation (EU) 2016/679 and Article 58 of Regulation (EU) 2018/1725 shall apply mutatis mutandis. Chapter VII of Regulation (EU) 2016/679 shall apply for activities covered by Article 12 of this Regulation.

Or. en

*Justification*

*Following the EDPS request to clarify that the processing of personal data in the context of*

*political advertising outside the scope of Article 12 remains subject to the general supervision of the DPAs.*

**Amendment 28**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 15 – paragraph 6**

*Text proposed by the Commission*

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.

*Amendment*

6. Member States shall ensure cooperation among competent ***authorities and supervisory*** 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.

Or. en

*Justification*

*As suggested by EDPS (Opinion 2/2022)*

**Amendment 29**  
**Patrick Breyer**

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

*Text proposed by the Commission*

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

*Amendment*

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

of Regulation (EU) 2016/679 and up to the amount referred to in Article 83(5) of that Regulation.

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. ***In addition to or instead of an administrative fine the supervisory authorities may order a sponsor to suspend political advertising, and a political advertising publisher or provider of advertising services not to publish or disseminate political advertisements on behalf of that sponsor, for a limited period of time.***

Or. en

#### *Justification*

*Since the unlawful processing of personal data for political advertising can result in an unfair political advantage in an election or referendum which financial sanctions cannot remedy, the additional sanction of suspending political advertising for a limited time is introduced.*