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DRAFT COMPROMISE AMENDMENTS 1 - 12

Draft report

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(PE732.754v01-00)

Transparency and targeting of political advertising

Proposal for a regulation

(COM(2021)0731 – C90433/2021 – 2021/0381(COD))Rapporteurs for the opinions (*):

Sabine Verheyen, Committee on Culture and Education

Anna Júlia Donáth, Committee on Civil Liberties, Justice and Home Affairs

(*) Associated committee(s) – Rule 57 of the Rules of Procedure

Obtenu par CONTEXTE

Compromise Amendment 1

Compromise amendment replacing Amendments: 1 - 2, 4 - 5, 7, 9, 15; 49 - 55; 140 - 141, 142 - 149, 158 - 159, 161 - 164, 168 - 173, 186 - 190; 266 - 296; 299, 305, 311, 312, 352; CULT 2; CULT 3; CULT 6 - CULT 7; CULT 17; CULT 18; JURI 1 - JURI 8; JURI 12 - 16; JURI 18; JURI 21; JURI 42 - JURI 52; JURI 67; JURI 69; LIBE 1; LIBE 6; LIBE 33; LIBE 34 - LIBE 42; AFCO 1; AFCO 3 - AFCO 5; AFCO 7; AFCO 13; AFCO 27 - AFCO 30;

[Subject matter and scope]

Title; Article 1; Recitals 1 - 4, 6 - 10, 13 - 14, 19, 70;

Proposed by: Rapporteur

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the transparency and targeting of political advertising

(Text with EEA relevance)

CHAPTER I – GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation lays down *harmonised rules on*: (266 Greens)
 - (a) harmonised **the provision of political advertising services, and on** transparency and due diligence obligations for *sponsors and* providers of political advertising and related services to, **including political advertising publishers that require them to provide, collect,** retain, disclose and publish information connected to the provision **of such services in the internal market of such services**; (49 RE, 267 S&D, 268 Left, 269 EPP, 270 Greens, JURI 42)
 - (b) ~~harmonised rules on~~ the use of targeting and amplification **ad delivery** techniques in ~~the context of~~ **connection with** the **preparation, placement, promotion,** publication, **delivery or** dissemination of political advertising that involves the use **processing** of personal data; (50 RE, 271 Left, 272 S&D, 273 Greens, 274 Left, JURI 431, LIBE 34)
{LIBE shared competence}

- (b a) **the supervision and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.** (275 Greens)
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. (51 RE, 276 Left, LIBE 35)
- 2 a. **Political views and opinions or and other editorial content expressed under the editorial responsibility of a media service provider as defined in Article 1(1)(d) of Directive 2010/13/EU, in the programmes of audio and audiovisual media, including linear or non-linear broadcasts, or published in print or online media 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.** (52 RE, 281 RE, 298 ECR, 299 EPP, 305 EPP, 311 Greens, 312 Left, 352 S&D, CULT 18, JURI 67, LIBE 36)
3. The aims of this Regulation are:
- (a) to contribute to the **harmonisation and** proper functioning of **a transparent, safe, predictable and trusted** internal market for political advertising and related services **and their transparent, safe, and effective provision;** (53 RE, 283 S&D, JURI 46, LIBE 37)
- (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** to protect natural persons with regard to the **right to privacy and the** processing of personal data. (54 RE, 283 S&D, 284 Greens, LIBE 38, AFCO 28)
{LIBE shared competence}
4. This Regulation is without prejudice to the rules laid down in the following:
- (a) Directive 2000/31/EC;
- (b) Directive 2002/58/EC **and Regulation (EU) XXX [ePrivacy Regulation];** (LIBE 40)
- (c) Directive 2005/29/EC;
- (d) Directive 2006/114/EC;
- (e) Directive 2006/123/EC;
- (f) Directive (EU) **2010/13/EU**; (CULT 17)
- (g) Directive 2011/83/EU;
- (h) Regulation (EU) 2019/1150;
- (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; Regulation (EU) 2021/xxx [the Digital Services Act].** (289 EPP)

(i a) 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. Regulation (EU) 2022/xxx [the Digital Markets Act]. (291 S&D, JURI 52)

- 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. (LIBE 42)*
- 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. (55 RE)*

Compromise Amendment 2

Compromise amendment replacing Amendments: 3, 10, 14, 16 - 21; 56 - 68; 150 - 157, 174 - 178, 185, 191 - 201; 297 - 352; CULT 1; CULT 4; CULT 8; CULT 18 - CULT 20; JURI 9 - JURI 11; JURI 19; JURI 20; JURI 22 - JURI 26; JURI 53 - JURI 67; LIBE 2; LIBE 7 - LIBE 8; LIBE 43 - LIBE 57; AFCO 2; AFCO 8 - AFCO 9; AFCO 12; AFCO 14; AFCO 31 - AFCO 32;

[Definitions]

Article 2; Recitals 5, 15 -16, 18, 20 - 27;

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

1. 'service' means any self-employed economic activity, normally provided for remuneration, as referred to in Article 57 TFEU;
2. 'political advertising' means the preparation, placement, promotion, publication, **delivery** or dissemination, by any means, of a message, **unless the message is of a purely private or purely commercial nature**: (56 RE, 298 ECR, 301 Greens)
 - (a) by, for or on behalf of a political actor, **unless it is of a purely private or a purely commercial nature**; or (57 RE, 303 ECR)
 - (b) which is **designed and** liable to influence **voting behaviour or** the outcome of an election, ~~or~~ referendum, **or** a legislative or regulatory process ~~or voting behaviour~~. (58 RE, 306 Left, 307 ECR, 308 S&D, JURI 54, LIBE 45, LIBE 46)
{CULT shared competence}
3. 'political advertisement' means an instance of political advertising;
4. 'political actor' means any of the following:
 - (a) a political party within the meaning of Article 2(1) Regulation (EU, Euratom) No 1141/2014 or an entity directly or indirectly related to the sphere of activity of such a political party;
 - (b) a political alliance within the meaning of Article 2(2) of Regulation (EU, Euratom) No 1141/2014;
 - (c) a European political party within the meaning of Article 2(3) Regulation (EU, Euratom) No 1141/2014;
 - (d) a candidate for **or holder of** any elected office at ~~European~~ **Union**, national, regional and local level, or for one of the leadership positions within a political party; (59 RE)

- (e) an elected official within a public institution at European, national, regional or local level; (60 RE)
 - (f) an unelected member of government at European *Union*, national, regional or local level;
 - (g) a political campaign organisation with or without legal personality, established **for the purpose of** to achieve a specific **influencing the** outcome in of an election, ~~or~~ referendum **or a legislative or regulatory process**; (320 Greens, 321 S&D, LIBE 49)
 - (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 **or political interests** of any of those. (323 Greens)
- ~~(ha) state-run or state-owned content producers;~~ (61 RE)
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) 3, point (g) of ~~Regulation (EU) 2021/XXX~~ **Regulation (EU) 2022/2065** (Digital Services Act) that is provided without consideration for the **preparation**, placement, **promotion**, publication, **delivery** or dissemination ~~for~~ **of** the specific message; (62 RE, 325 Greens, LIBE 51)
- 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;* (63 RE)
6. 'political advertising campaign' means the **sponsoring**, 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; (326 Greens)
- ~~6 a. 'editorial responsibility' means editorial responsibility as defined in Article 1(1)(c) of Directive 2010/13/EU editorial the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided;~~
- 6 b. *'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);* (328 S&D)
- 6 c. *'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);* (328 S&D)
7. 'sponsor' means the natural or legal person on whose behalf a political advertisement is prepared, placed, **promoted**, published, **delivered** or disseminated; (64 RE, 331 Left, LIBE 52)

8. ~~‘targeting or amplification techniques’ means techniques that are used *by sponsors, political advertising publishers or providers of advertising services to tailor a* either to address a tailored 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* increase the circulation, reach or visibility of a political advertisement; (65 RE, 332 S&D, 333 Greens, JURI 62, LIBE 54)~~
- 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;* (66 RE, 336 S&D, 337 Greens, 338 Greens, JURI 63, LIBE 55)
9. ‘electoral period’ means the period preceding or during or immediately after an election or referendum in a Member State, *as defined in accordance with national legislation*, and during which the campaign activities are subject to specific rules; (339 S&D, 340 Left, JURI 64, LIBE 56)
{LIBE shared competence}
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;
{LIBE shared competence}
11. ‘political advertising publisher’ means a ~~natural or legal person that broadcasts, makes available through an interface or otherwise brings to the public domain~~ *provider of political advertising service that places, promotes, publishes, delivers or disseminates* political advertising through any medium; (67 RE, 342 Greens, CULT 20)
{CULT shared competence}
- ~~12 a. ‘legislative or regulatory process’ means any national, regional or local government procedure which results in binding decisions; (346 Greens)~~
12. ‘controller’ means a controller according to Article 4(7) of Regulation (EU) 2016/679 or, where applicable, to Article 4(8) of Regulation (EU) 2018/1725.
- For the purposes of the first paragraph, point (2) messages from official sources *shall not constitute political advertising* regarding *if they are strictly limited to the organisation and modalities for participation in the announcement of elections or referendums or of the modalities for participation* or for promoting participation in elections or referendums *shall not constitute political advertising*. (68 RE, AFCO 32)

Compromise Amendment 3

Compromise amendment replacing Amendments: 6, 8; 69 - 70; 160, 165 - 167; 353 - 360, 379; JURI 17; JURI 71; LIBE 59 - LIBE 60; AFCO 6;

[Level of harmonisation]

Articles 3, 3a; Recitals 11 - 12;

Proposed by: Rapporteur

Article 3

Level of Harmonisation

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. (70 RE)
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. (355 EPP)

Article 3 a

Provision of political advertising services in the Union

Non-discrimination (75 RE, 356 EPP, 357 S&D, 360 EPP, LIBE 60, LIBE 63, JURI 71, AFCO 35)

1. ~~*Within the internal market, Providers of political advertising services shall not discriminate against sponsors legally residing or established in the Union on grounds of their place of residence or, where applicable, establishment, when those actors 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 ~~restricted~~ restrictions other than those provided for by this Regulation or other acts of Union or national law, where applicable.*

~~3. Refusal to provide services in a Member State where a provider of political advertising services does not conduct business shall not be considered discrimination.~~

{After LS review, the Rapporteur suggests explaining paragraph 3 in a Recital}

Obtenu par CONTEXTE

Compromise Amendment 4

Compromise amendment replacing Amendments: 11 - 13, 22 - 29; 71 - 81; 179 - 184, 202 - 212, 217 - 218; 361 - 379; CULT 5; JURI 27 - JURI 28; JURI 68; JURI 70 - JURI 75; LIBE 3 - LIBE 5; LIBE 9; LIBE 58; LIBE 61 - LIBE 66; AFCO 10 - AFCO 11; AFCO 15 - AFCO 16; AFCO 33 - AFCO 36;

[Transparency]

[Identification of political advertising services]

Articles 4, 5, 5a; Recitals 17, 28 - 32, 35 - 37;

Proposed by: Rapporteur

CHAPTER II – TRANSPARENCY AND DUE DILIGENCE OBLIGATIONS FOR POLITICAL ADVERTISING SERVICES (71 RE, 361 S&D, AFCO 33)

Article 4

Transparency *and due diligence obligations for political advertising services* (72 RE, 362 Left, LIBE 61, AFCO 34)

Political advertising services shall be provided in a transparent ~~and diligent~~ manner in accordance with the obligations laid down in Articles 4 to 11 and **Article** 14 of this Regulation. (73 RE, 363 S&D)

*Providers of political advertising services shall ensure that the ~~contracts ual arrangements~~ concluded for the provision of political advertising services **clearly set out specify** 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.* (74 RE, 364 S&D, 373 S&D, JURI 75)

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 to a natural or legal person residing or established in the Union. (75 RE)

Article 5

Identification of political advertising services

1. Providers of advertising services, ~~including publishers~~, 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.* (76 RE, 366 ECR, 367 EPP, 368 Left)

1a. *Providers of advertising services, which that receive a declaration, from a sponsor, or from a service provider of advertising services acting on behalf of a sponsor, to the effect 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.* (77 RE, 370 S&D, 371 EPP, 372 EPP, 377 Greens)

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 *require the sponsor or 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 points (a), (d) and (dae).*

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

Sponsors and providers of advertising services acting on behalf of sponsors shall provide that information in a timely, complete and accurate manner. (78 RE, AFCO 36)

2a. *Providers of advertising services shall require request that the 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 their declaration and or that information. Sponsors, or providers of advertising services acting on behalf of sponsors, shall act upon such a request without undue delay.* (79 RE, JURI 74)

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).* (376 Greens)

~~2c. *Providers of advertising services which are intermediary service providers within the meaning of Regulation XXX [the DSA] involved in the presentation political advertising on their interface or the interface of another service provider, including providers of programmatic advertising services shall establish, implement and publish policies and measures to prevent both the presentation of political advertising together with disinformation and the publication of political advertising containing disinformation.* (375 RE)~~

2d. *Political advertising publishers that are also Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) shall identify and assess the diligently identify, analyse and assess any systemic risks that their*

political advertising services pose in the context of their risk assessments according to under Article 34 of Regulation (EU) 2022/2065 (Digital Services Act) Article 26 of Regulation (EU) 2021/xxx [the 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. (80 RE, 378 Greens)

2e. The Commission shall encourage Member States, including competent authorities, to prepare common guidance, codes of conduct and standards intended to contribute to the proper application of this Article in accordance with Article 18a. (81 RE)

Article 5 a

Identification of a political advertisement (69 RE, 379 S&D, JURI 68, LIBE 58)

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;*
- (c) the 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.*
- (h) clear and substantial link between the message and its design and liability to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.*

The Commission shall draw up common guidance, codes of conduct and standards intended to contribute to the proper application of this Article. in accordance with Article 18a.

Compromise Amendment 5

Compromise amendment replacing Amendments: 30 - 31; 82 - 90; 213 - 216; 380 - 396; JURI 29 - JURI 30; JURI 76 - JURI 80; LIBE 67 - LIBE 70; AFCO 17; AFCO 37 - AFCO 39;

[Record-keeping and information transmission]

Article 6; Recitals 33 - 34;

Article 6

Record-keeping and ~~information~~ transmission *of information to the political advertising publisher (82 RE)*

1. Providers of political advertising services shall retain information they collect in the provision of their services, **only to the extent absolutely necessary to comply with this Regulation**, on the following: (380 EPP)
 - (a) the political advertisement or political advertising campaign to which the service or services are connected;
 - (b) the specific service or services **that they** provided in connection ~~to~~ **with** the political advertising; (83 RE, JURI 76)
 - (ba) **the starting date and, where possible available, the period during which the specific service or services were provided;** (382 Greens)
 - (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**
 - (ca) **information on the public or private origin of the sources of those amounts and other benefits, as well as whether they originate from inside or outside of the European Union;** (84 RE, 385 S&D)
 - (d) ~~where applicable,~~ the identity of the sponsor **of the political advertisement** and its contact details **and, where applicable, the identity and the contact details of the entity or legal or natural person who ultimately controls the sponsor, and for legal persons, their the place of establishment;** **and** (85 RE, 386 S&D, 387 Left, 388 Greens, 389 EPP, JURI 77, LIBE 68)
 - (da) **where applicable, an indication of elections or referendums to which the political advertisement is linked.** (86 RE, 390 Left, LIBE 69, AFCO 37)
2. The information referred to in paragraph 1 shall be **both in writing written** and may be in electronic form. Such information shall be retained **in a machine-readable format** for a period of **ten five** years from the date of the last preparation, placement, **promotion**, publication, **delivery** or dissemination, as the case may be. (87 RE, 391 Greens, 392 S&D, 393 EPP, JURI 78, LIBE 70)

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. 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. *Providers of political advertising services shall make reasonable best 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. (88 RE, 396 S&D, JURI 79)

- 3a. ~~At the same time that~~ *When a provider of political advertising services provides the relevant a service, they 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. (89 RE)*

- 3b. *When providers of political advertising services become aware that information which they have transmitted to a the-relevant political advertising publisher has been updated, they shall ensure that the updated information is communicated to the political advertising publisher them. (90 RE, JURI 80)*

Compromise Amendment 6

Compromise amendment replacing Amendments: 32 - 37; 91 - 104; 219 - 236; 243; 397 - 474; 668 - 681; CULT 9 - CULT 11; CULT 21 - CULT 36; CULT 45 - CULT 46; JURI 31 - JURI 34; JURI 81 - JURI 95; JURI 117 - JURI 121; LIBE 10 - LIBE 11; LIBE 71 - LIBE 100; LIBE 172 - LIBE 176; AFCO 18 - AFCO 20; AFCO 40 - AFCO 47;

[Transparency requirements for each political advertisement]

Article 7; Annex I; Recitals 38 - 43;

Proposed by: Rapporteur

Article 7

Transparency **Labelling** requirements for each political ~~advertisements~~ advertisement (91 RE, 397 Greens) {LIBE & CULT shared competence}

1. In the context of the provision of ~~The~~ political advertising services, ***publishers shall make available in real time in ensure that each every*** political advertisement shall be made available with ***contains*** the following information ***in a clear, salient and unambiguous way***: (92 RE, 398 S&D, 399 Greens)
 - (a) a ***clear*** statement ~~to the effect~~ that it is a political advertisement; (93 RE, 400 S&D, CULT 21, JURI 82)
 - (b) the identity of the sponsor of the political advertisement and, ***where applicable***, the entity ***or person*** ultimately controlling ***or financing*** the sponsor; (94 RE, 401 Left, 402 S&D, 403 ECR, CULT 22, JURI 83, LIBE 73) {404 EPP better suited in Article 12 and Annex II, point a}
 - (b a) ***where applicable, the election, referendum, legislative or regulatory process to which the political advertisement is linked***. (411 Left)
 - (c) a ***clear indication and, where applicable, an update of where a permanent copy of the*** transparency notice ~~to enable~~ ***containing the information referred to in Article 7a and describing*** the wider context of the political advertisement and its aims to be understood, or a clear ***along with an*** indication of ***its political nature*** where it can be easily ***and directly and permanently*** retrieved, ***and, where necessary and possible, an update of that indication***; (95 RE, 407 Greens, 415 Greens)

For the purposes of labelling of political advertisement, sponsors and providers of advertising services acting on behalf of sponsors shall ensure the accuracy of information referred to in paragraphs 1a, 1b, and 1c. 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.

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.

1 a. *The information ~~required pursuant to~~ referred to in points (a) to (c) of paragraph 1 shall be made available in the form of labels. (LIBE 71)*

Those labels shall ~~be prominent, contain all the information referred to in paragraph 1, enable citizens individuals to easily identify a political advertisement as such understand that they are confronted with a political advertisement and remain in place in the event that a the~~ political advertisement is further disseminated.

1 b. *By ~~[6 12 months after the entry into force of this Regulation], the Commission shall adopt delegated acts at the latest by [date 6 12 months after the entry into force of this Regulation]~~ in accordance with Article 19 in order to supplement paragraph 1a of this Article ~~concerning the establishment of~~ establishing standardised, ~~and efficient and prominent labelling~~ techniques for labelling of political advertising, ~~while including for the audiovisual sector, printed media, online and offline advertising, taking into account the specificity particular characteristics of the medium of in which it is published~~ ~~edation~~. (CULT 29, CULT 37)*

Those labeling techniques shall be adapted for the audiovisual sector, printed media and offline advertising. (CULT 29, CULT 37)

When adopting those delegated acts, the Commission shall take account of the latest technological ~~and market~~ developments, relevant scientific research and best practices. (96 RE, 412 Greens, 413 S&D)

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

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

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

- ~~(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. (97 RE)
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. (98 RE)
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. (99 RE)
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. (100 RE)
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. (101 RE)
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. (102 RE)
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. (103 RE)

Article 7a

Transparency notices (104 RE)

1. *The transparency notice referred to in Article 7(1)(c) shall be made available provided 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; (104 RE, 417 S&D, CULT 25, JURI 85, LIBE 80)*
 - (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; (104 RE, 416 Greens, 418 S&D, CULT 25, JURI 85, LIBE 80)

- (c) *the period during which the political advertisement is intended to be published and disseminated and, where applicable, the fact that the same advertisement has been disseminated in the past by the political advertising publisher;* (LIBE 82)
- (d) *information on 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 their sources;* (104 RE, 422 EPP, CULT 27, JURI 86, LIBE 83, LIBE 84, LIBE 85)
- (e) *where applicable, an indication of all the elections, referendums, or and legislative or regulatory processes with which the advertisement is linked and the relevant electoral period;* (104 RE, 425 Greens, 426 S&D, LIBE 87)
- ~~(f) *links to the location of the advertisement in online advertisements libraries of advertisements;* (104 RE, 429 S&D, 430 Left) {deletion subject to final agreement on repository}~~
- (g) *information on how to use the mechanisms provided for in Article 9(1);*
- (h) *information on whether the advertisement has been previously suspended or discontinued due to violation of this Regulation;*
- (i) *where applicable, a statement to the effect that the political advertisement has been targeted based on the use of personal data;* (LIBE 81)
- (j) *where applicable, the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is disseminated;*
- (k) *where applicable, the categories and sources of personal data used for the targeting and ad delivery;*
- (l) *where applicable, the reach of political message the number of views, and engagements with the advertisement;* (AFCO 45)
- ~~(i) *information on whether the advertisement was funded by someone who is in repeated breach of this Regulation.*~~

The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex I. (104 RE, 435 S&D)

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 concerned shall ensure the accuracy of the information, which they are required to are required to respectively provide for the purposes of Article

7a, paragraph 1, points (c), (d) and (e) before and during the period of publication, delivery, or dissemination of the political advertisement. (452 EPP, 454 EPP, CULT 30, LIBE 91)

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. (LIBE 90)

Political advertising publishers shall ~~make best efforts to ensure that the~~ ~~completeness of the information referred to in Article 7, paragraph 1 and Article 7a, paragraph 1 is complete.~~ ~~is complete and~~

~~Political advertising publishers shall make best efforts to ensure the accuracy of information which they receive from the sponsors and, where applicable, from providers of political advertising services concerned for the purposes of Article 7a, paragraph 1.~~

~~When~~ ~~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, ~~they~~ ~~it~~ shall contact, without undue delay, the political advertising publisher concerned and, ~~as relevant~~, shall transmit complete or accurate information to ~~that~~ political advertising publisher. (437 RE, 445 S&D, 452 EPP, CULT 32, JURI 90, LIBE 93)

Where the political advertising publisher becomes aware that the information referred to in Article 7(1) and ~~Article 7a~~, 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 ~~concerned~~ to complete or correct the information without undue delay. (104, RE, 437 RE, 438 S&D, 439 EPP, CULT 31, JURI 89, LIBE 92)

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~~ ~~without undue delay~~ the placement, promotion, publication, delivery or dissemination of the political advertisement. (104 RE, 437 RE, 438 S&D, 439 EPP)

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~~ ~~available to be~~ ~~capable of being exported~~ in a machine readable ~~format~~, ~~and~~. 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 ~~are designed in accordance~~ ~~comply~~ with the accessibility requirements set out in Directive (EU) 2019/882. (104 RE, 449 S&D, 463 EPP, CULT 33, JURI 91, LIBE 94)

Transparency notices shall be available online, clearly visible and user friendly, including through the use of plain language.

4. *Political advertising publishers shall ~~retain~~ keep their transparency notices ~~together~~ along with any modifications ~~thereto~~ for a period of ~~ten~~ five years after the last publication.*
5. *By ... (~~date 6 months after entry into force of this Regulation~~), The Commission is empowered to ~~shall~~ adopt delegated acts in accordance with Article 19 to amend Annex I by ~~adding, modifying or removing~~, where necessary, elements from the list of data fields about the information to be provided pursuant to paragraph 1 ~~where necessary~~, in the light of technological developments, relevant scientific research, market practices, supervisory practices of competent authorities and relevant guidance issued by competent bodies. (104 RE, 467 Greens, 469 Left, 470 S&D, 474 EPP, CULT 36, LIBE 99)*
6. *By ... (~~6~~ 12 months after the entry into force of this Regulation), the Commission shall adopt delegated acts in accordance with Article 19 ~~establishing technical specifications for the implementation of~~ with regard to supplement the information requirements provided for in ~~under Article 7, paragraph 1 and Article 7a, 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. (474 EPP, CULT 29)*

Article 7b

European repository for online political advertisements

1. *The Commission shall establish and ensure the management of a ~~make available an online platform service provides a library~~ public repository for all online political advertisements. ~~The Commission~~ 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 respective information required under Article 7a(1), in respect of ~~for~~ each online political advertisement can be publicly accessed. ~~in accordance with~~*

*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 ~~to be exported~~ in machine readable format, shall allow for multicriteria queries and shall be publicly accessible via a single portal.**

2. Political advertising publishers that ~~which~~ are VLOPs or VLOSEs shall make in real time the information required under ~~Article 7(1) and~~ Article 7a(1) available and updated in real time 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.
- 2a. 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.
3. 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 7(1) and~~ Article 7a(1) available, together with a copy of each online political advertisement in the European repository ~~library~~ for online political advertisements, without delay and no later than 24 hours after its first publication.
- 3a. 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 not include the advertisement and 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.
4. By ... [6 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 ~~implementing~~ 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, and a common application programming interface, and a single portal, which.
- When adopting those ~~implementing~~ 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 of this Article to be publicly accessed together as via a single European ~~library~~ repository for online political advertisements;
- (b) to enable the sponsor or providers of advertising services acting on behalf of sponsors to provide the relevant information necessary to comply with this ~~Article Article~~ 6;

- (c) to enable **sponsors and providers of political advertising services to communicate to the political advertising publisher, by automated means, the information referred to in Article 6 required under Article 7a (1) for every which will be published or disseminated in the online political advertisement;**
- (d) to enable the political advertising publishers to make available online, and ~~according to~~ **via a common data structure and common standards, the information required in under Article 7a(1) as a transparency notice;**
- (e) ~~permit 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;**
- (f) to support third-party and public access to transparency notices, including by enabling **analysis the aggregation of online transparency notices and their presentation through user-friendly single portal and search services.**

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

ANNEX I

Information to be provided under Article 7(2)

- (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. (668 Greens)
- (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, *verified* telephone number *or* electronic mail address, and whether they are a natural or legal entity. (670 S&D, 671 Greens, CULT 45, LIBE 173)
- (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. (673 Greens)
- (d) any election, *referendum, legislative or regulatory process* with which the advertising is linked, if applicable. (674 Greens, 675 Left, 676 S&D, CULT 46, LIBE 175)
- (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, *delivery* and dissemination of the political advertisements, as well as the aggregated actual amount spent and the value of other benefits received once known. (678 Greens)

- (f) **the origin of the amounts and other benefits** the sources of the funds being used for the specific advertising campaign including for the preparation, placement, promotion, publication, *delivery* and dissemination of the political advertisements. (679 Greens)
- (g) meaningful information about the methodology used for the calculation of the amounts and values referred in (e).
- (h) ~~where the publisher is a very large online platform,~~ a link to the advertisement's location in the *European publisher's advertising Repository for Online Political Advertisements*. (681 S&D)
- (i) where the advertisement is linked to specific elections or referendums, links to official information about the modalities for participation in the election or referendum concerned.
- (j) information about the mechanism established under Article 9.

Compromise Amendment 7

Compromise amendment replacing Amendments: 38 - 42; 105 - 112; 237 - 240; 475 - 516; CULT 37; JURI 35 - JURI 36; JURI 96 - JURI 104; LIBE 101 - LIBE 108; AFCO 21; AFCO 48 - AFCO 49;

**[Periodic reporting on political advertising services]
[Indicating possibly unlawful political advertisements]**

Articles 8 - 9; Recitals 44 - 45;

Proposed by: Rapporteur

Article 8

Periodic reporting on political advertising services

1. ~~Where they provide Political advertising services,~~ 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 ~~amplification~~ **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 ~~in their annual financial statements~~. (105 RE, 475 ECR, 477 S&D, 478 Greens, JURI 96, LIBE 101)
2. Paragraph 1 shall not apply to ~~undertakings~~ **micro, small and medium-sized enterprises within the meaning of** ~~qualifying under Article 3, paragraphs 1 to 3~~ **3(3)** of Directive 2013/34/EU. (106 RE, JURI 97)
 - 2 a. *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.* (484 EPP)

Article 9

Indicating possibly unlawful political advertisements {LIBE shared competence}

1. Where they provide political advertising services, advertising publishers shall put in place mechanisms to enable *natural or legal persons* ~~or entities~~ individuals to notify them, ~~free of charge~~, that a particular advertisement which they have published does not comply with this Regulation. (107 RE, 487 Greens, 488 S&D, 489 Left, JURI 98)
 - 1 a. *Those mechanisms shall be free of charge, user-friendly, and easy to access, including from the transparency notice, and shall. Where technically possible,*

those mechanisms shall allow for the submission of notifications to be submitted exclusively by electronic means if the notifying persons so wish. (108 RE, 491 EPP, 495 Greens, LIBE 102)

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.

2 a. *The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of precise and substantiated notifications on the basis of which so that political advertising publishers can 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.* (490 ECR, 496 EPP, 500 S&D)

~~2 b. *Political advertising publishers shall take the necessary technical and organisational measures to ensure that notifications submitted through the mechanisms referred to in paragraph 1 by trusted flaggers in accordance with defined by Article 2219 of Regulation (EU) 2022/2065 xxx [the Digital Services Act], are processed and decided upon with priority.* (109 RE, 511 S&D)~~

3. *Political advertising publishers shall send without undue delay a confirmation of receipt of the notification to persons and entities who submitted it made the notification without undue delay.* 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. (110 RE, 499 Greens)

Political advertising publishers shall examine and address the notification in timely, diligent, and objective and non-discriminatory manner without undue delay.

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

Political advertising publishers shall provide clear and user-friendly information on the redress 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, where applicable. (111 RE, 499 Greens, 502 Left, 504 S&D, 505 EPP, 506 ECR, 509 EPP, JURI 100, JURI 101, LIBE 104, LIBE 105)

- 3a. *In the month preceeding an election or a referendum, political advertising publishers shall process ~~without undue delay and no later than 48 hours~~ ~~within 48 hours~~ any notification that they receive about an advertisement linked to that election or referendum ~~within 48 hours~~. Political advertising publishers that are ~~micro and small and medium-sized~~ enterprises within the meaning of ~~qualifying under Article 3(1) to (3) of Directive 2013/34/EU~~ shall ~~make reasonable efforts to address process~~ ~~without undue delay~~ any notification that they receive about advertisement linked to that election or referendum ~~without undue delay~~. (112 RE, 497 Greens, 503 ECR, 504 S&D, LIBE 104)*
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. (508 S&D, 512 EPP, LIBE 106)
- 4 a. *The Commission shall, ~~by means of delegated acts~~, 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 ~~1~~, adapted for the audiovisual sector, printed media, online and offline advertising to all different media used for political advertising. (514 EPP, CULT 37)*

Compromise Amendment 8

Compromise amendment replacing Amendments: 45; 113 - 114; 115 - 119; 241 - 244; 259; 517 - 526; 527 - 550; CULT 14; LIBE 12; LIBE 109 - LIBE 119; AFCO 50 - AFCO 51;

[Transmission of information to competent authorities]
[Transmission of information to other interested entities]

Articles 10 - 11; Recitals 46, 59, 61;

Proposed by: Rapporteur

Article 10

Transmission of information to competent authorities

1. 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** ~~must~~ 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. **(113 RE, 518 S&D, 519 Greens, 520 Left)**

The request shall contain the following elements:

- (a) a **brief** 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; **(522 S&D)**
 - (b) information on the redress available to the relevant service provider and to the sponsor of the political advertising service.
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~~ **eight** working days. **(523 S&D, 524 EPP, 525 Left, LIBE 110)**
3. Providers of political advertising services shall designate a contact point for the interaction with competent national authorities. Providers of political advertising services which are SMEs within the meaning of Article 3 of Directive 2013/34/EU may appoint an external natural person as contact point.
 - 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 within 48 hours. Providers of political advertising services that are micro and small and medium-sized enterprises within the meaning of qualifying under**

Article 3(1) to (3) of Directive 2013/34/EU shall make reasonable efforts to provide the requested information without undue delay. (114 RE)

Article 11

Transmission of information to other interested entities

1. Providers of political advertising services shall ~~take the appropriate measures to transmit the information referred to in Articles 6, 7 and 7a Article 6 to interested entities promptly upon request, and without costs and where technically possible in a machine readable format.~~ **(115 RE, 528 Greens, 529 EPP, 530 Greens, LIBE 111)**

~~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.~~ **(116 RE, LIBE 112)**

2. Interested entities requesting the transmission of information pursuant to paragraph 1 shall be independent from commercial interests and shall fall in one or more of the following categories:

- (a) vetted researchers in accordance with Article ~~40~~ 34 of Regulation (EU) 2021/xxx [Digital Services Act]; **(531 Greens)**
- (b) members of a civil society organisation whose statutory objectives are to protect and promote the public interest, authorised under national or Union law;
- (c) political actors as authorised under national law; or
- (d) national or international electoral observers accredited in a Member State.

(da) journalists. (RE 118, 533 EPP, 535 Greens, LIBE 115)

~~Such interested entities shall also include journalists accredited in a Member State by national, European or international bodies.~~ **(117 RE, 534 EPP, LIBE 116)**

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. **(536 Greens, 537 EPP, LIBE 117)**

4. When preparing the information to be provided pursuant to paragraph 1, the service provider may aggregate the relevant amounts or place them in a range, to the extent necessary to protect its commercial legitimate interests. **(540 Greens)**

5. Where requests pursuant to paragraph 1 are manifestly ~~unfounded, unclear,~~ **excessive or concerning information not within the control of the service provider** ~~or excessive,~~ **in particular because of their lack of clarity,** the service provider may refuse to **provide the requested information** ~~respond.~~ **In this such cases,** the relevant service provider shall send a reasoned response **and information on redress**

~~possibility, including under Directive (EU) 2020/1828~~ to the interested entity making the request, ~~including information on the possibilities for redress, including those that exist under Directive (EU) 2020/1828~~. (119 RE, 542 Greens, LIBE 118)

6. Where requests under paragraph 1 are repetitive and their processing involves significant costs, the service provider may charge a reasonable and proportionate fee, which in any event shall not exceed the administrative costs of providing the information requested.
7. Service providers shall bear the burden of demonstrating that a request is manifestly ~~unfounded, unclear,~~ **excessive or concerning information not within the control of the service provider** ~~or excessive,~~ or that requests are repetitive and involve significant costs to process. (545 Left, 546 Greens)

Compromise Amendment 9

Compromise amendment replacing Amendments: 120 - 126; 245 - 253; 551 - 570; 571; 682 - 686; LIBE 13 - LIBE 31; LIBE 120 - LIBE 139; LIBE 177 - LIBE 181; AFCO 22; AFCO 52;

[Specific requirements related to targeting and amplification]

[Transmission of information concerning targeting or amplification to other interested entities]

Articles -12, 12, 13; Annex II; Recitals 47 - 54;

**CHAPTER III – TARGETING *AND AD DELIVERY*
AMPLIFICATION OF POLITICAL ADVERTISING *SERVICES*
(LIBE 120)**

Article -12

Prohibition of targeting and ad delivery techniques involving the processing of special categories of personal data (LIBE 121)

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.

Article 12

Specific requirements related to **the processing of personal data for online targeting and ad delivery techniques amplification (553 Left, LIBE 122)**

1. Targeting ~~and ad delivery~~ or ~~amplification~~ techniques that involve the processing of personal data ***that is not special categories of personal data within the meaning of referred to in Article 9(4) of Regulation (EU) 2016/679 or of and Article 10(4) of Regulation (EU) 2018/1725 in the context of political advertising services shall be strictly limited to the situations provided for in this Article*** ~~are prohibited.~~ (LIBE 123) {LIBE exclusive competence}
- 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.*** (LIBE 124)
- 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. (LIBE 125)

- 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. (LIBE 126)

- 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. (LIBE 127)

- 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. (LIBE 128)*
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. (LIBE 129) {LIBE exclusive competence}~~
3. When using targeting or *ad delivery amplification* 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, and Regulation (EU) 2018/1725 *and Regulation (EU) 2022/2065 (Digital Services Act)*, as applicable, comply with the following requirements: (558 EPP, LIBE 130) {LIBE shared competence}
- (a) adopt, ~~and~~ implement *and make publicly available* an internal policy describing clearly and in plain language, in particular, the use of such techniques to target individuals or *deliver amplify* the content, and retain such policy for a period of ~~ten~~ five years; (120 RE, LIBE 131)
- (b) keep records on the use of targeting or *ad delivery amplification*, the relevant mechanisms, techniques and parameters used, and the source(s) of personal data used; (LIBE 132)
- (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. This information shall comprise the elements set out in Annex II;~~ (121 RE, LIBE 133)
- (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. (LIBE 134)*
- 3a. *The publisher shall not process, for the purpose of providing political advertising services, personal data of end users using services of third parties that make use of core platform services of the publisher. (LIBE 135)*
4. Political advertising publishers making use of targeting or *ad delivery amplification* 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~~ the information specified in paragraph 3(e) 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. (122 RE) **{LIBE shared competence}**

It shall include, in particular, the following information:

~~(a) the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is disseminated;~~

~~(b) the categories and the sources of personal data used for the targeting and ad delivery amplification;~~

~~(c) the targeting and ad delivery amplification goals, mechanisms and logic including the inclusion and exclusion parameters, and the reasons for choosing those parameters;~~

~~(d) the period of dissemination, the number of individuals to whom the advertisement is disseminated;~~

~~(e) a link to or a clear indication of where the policy referred to in paragraph 3(a) can be easily retrieved.~~

~~The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex II. (122 RE)~~

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. (123 RE)*

~~4b. Providers of advertising services shall transmit to the controllers the information necessary to comply with paragraphs 3, 4 and 4a. (124 RE)~~

5. *Political advertising publishers making use of targeting or **ad delivery amplification** 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. ~~This obligation shall include, in particular, a reference to individuals' right to give or refuse consent in the context of political advertising and targeting or ad delivery amplification techniques involving 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, and a link to an interface enabling them to exercise that right.~~ 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. (125 RE, 562 EPP, LIBE 137) {LIBE shared competence}

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. {LIBE shared competence}
7. Providers of advertising services shall, ~~as necessary,~~ transmit to the controller the information necessary to comply with ~~paragraphs 3, 4 and 4a~~ paragraph 3. (124 RE) {LIBE shared competence}
8. ~~The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend Annex II by adding, modifying or removing elements of the list of information to be provided pursuant to paragraph 3(e) 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.~~ (RE 126, LIBE 138) {LIBE shared competence}

Article 13

Transmission of information concerning ~~online~~ targeting or ~~ad delivery~~ amplification to other interested entities (LIBE 139) {LIBE shared competence}

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*.

ANNEX II

Information to be provided under Article 12(3)

- (a) ~~the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is *delivered or* disseminated, with the same level of detail as used for the targeting, the categories of personal data used for the targeting and *ad delivery* amplification, the targeting and *ad delivery* amplification goals, mechanisms and logic including the inclusion and exclusion parameters and the reasons for choosing these parameters.~~ (683 Greens, 684 Greens)
- (b) ~~the period of *delivery or* dissemination, the number of individuals to whom the advertisement is disseminated and indications of the size of the targeted audience within the relevant electorate.~~ (685 Greens)

- (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 *ad delivery* amplification of political advertising on the basis of their personal data. (LIBE 177 - LIBE 181)~~

Compromise Amendment 10

Compromise amendment replacing Amendments: 43 - 45; 127 - 131; 254 - 262; 572 - 636; 651 - 653; CULT 12 CULT 15; CULT 38 - CULT 42; JURI 37 - JURI 38; JURI 106 - JURI 111; LIBE 32; LIBE 107; LIBE 140 - LIBE 159; AFCO 23 - AFCO 26; AFCO 53 - AFCO 54;

[Legal representative]

[Competent authorities and contact points]

Articles 14 - 15, 15a, 15b; Recitals 55, 56 - 62;

CHAPTER IV – SUPERVISION AND ENFORCEMENT

Article 14

Legal representative

1. Service providers that provide political advertising services in the Union but do not have an establishment in the Union shall designate, in writing, ~~and register with the national single points of contact~~, 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. (580 EPP)

*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 kept up to date**. (127 RE, 573 RE, 580 EPP, LIBE 140, AFCO 53)*

*The Commission shall keep a publicly available **and easily accessible database register** of legal representatives registered within the Union under this Regulation. (127 RE, 573 RE, 579 S&D, LIBE 140)*

2. The legal representative shall be responsible for ensuring compliance, **and may shall be held liable for non-compliance**, with the ~~represented service provider's~~ obligations pursuant to ~~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. (575 Greens, 577 EPP)*

- 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 their decisions. (575 Greens, 578 EPP)*

Article 15

Competent authorities and contact points

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. {LIBE exclusive competence}
- 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 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. (LIBE 141)*
- 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. (LIBE 142)*
- 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. (LIBE 143)*
- 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. (LIBE 144)*
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) 2021/2065 [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) 2021/2065 [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 38 ~~49~~ of Regulation (EU) 2021/2065 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) 2021/2065 [Digital Services Act]. Article 45(4) ~~58(1)~~ to (4) and Article 46(4) ~~60(1)~~ of Regulation (EU) 2021/2065 [Digital Services Act] shall be applicable for matters related to the application of this Regulation as regards providers of intermediary services. (585 Greens, 586 S&D)

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.* (587 RE, 588 EPP, LIBE 145)

~~**2a.** *The Commission shall have 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 this Regulation.* (587 RE, 588 EPP)~~

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. (LIBE 146, CULT 38)

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, and shall take due account of in accordance with relevant legislation on the protection of personal data and the protection of confidential information, and with the objective to maintaining the security of the services.* (596 S&D, 597 EPP)

5. Competent authorities referred to in paragraph 3, where exercising their enforcement powers in relation to this Regulation, shall have the power to:

(a) issue warnings addressed to the providers of political advertising services regarding their non-compliance with the obligations under this Regulation;

(a) request access to data, documents, or any necessary information from the providers of political advertising services; (601 S&D)

*(a) order **an end to** the cessation of infringements and, where appropriate, to impose remedies **that are** proportionate to the infringement and necessary to*

bring it the infringement effectively to an end, or request a judicial authority in their Member State to do so; (602 S&D)

(b) publish a statement which identifies the legal and natural person(s) responsible for the infringement of an obligation laid down in this Regulations and the nature of that infringement;

(c) impose administrative fines and financial penalties, *including periodic penalty payments, or request the competent national judicial authority in their Member State to do so;* (603 Greens, 606 Greens, LIBE 157)

~~(e a) impose a periodic penalty payment, or request a judicial authority in their Member State to do so;~~ (606 Greens)

(c b) 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; (604 S&D)

5 a. *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.* (128 RE, 129 RE, 591 Greens, 610 Greens, 611 Left)

6. Member States shall ensure *that there is effective and structured* cooperation among *all relevant* competent authorities and supervisory authorities *referred to in designated under 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. (JURI 108, LIBE 158)

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.* (130 RE, 613 Greens, 614 S&D, 635 EPP, CULT 41, JURI 109)

8. Where a provider of political advertising services is providing services in more than one Member State, or has its main establishment or a representative in a Member

State but provides its main activities in another Member State, the competent authority of the Member State of the main establishment or other establishment or of the representative, and the competent authorities of those other Member States shall cooperate with and assist each other as necessary. Unless already regulated by Union law, that cooperation shall entail, at least, the following:

- (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 **without undue delay;** (620 S&D)
- (b) a competent authority may request, via the contact point referred to in paragraph 7, in a substantiated, justified and proportionate manner, another competent authority, where it is better placed, to take the supervisory or enforcement measures referred to in paragraphs 4 and 5; and
- (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,** ~~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. (627 S&D, JURI 110)

9. ~~Contact points shall meet periodically at Union level in~~ **Within** 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 enforcement tasks pursuant to this Regulation.~~ **a permanent Network of National Contact Points shall be established. The purpose of the Network of National Contact Points shall be to 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, including common interpretative guidance, codes of conduct and standards in accordance with Article 18a (2) to help support the 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*, ~~including by determining a common range for minimum and maximum penalties~~;
- (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, upon at the duly justified request of the Commission or a Member State. It shall work in close cooperation with the European Regulators Group for AudioVisual 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. (131 RE, 632 S&D, 635 EPP, JURI 111, CULT 40)

Article 15 a

Right to lodge a complaint (636 Greens, 651 RE, 652 S&D, LIBE 107)

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

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 falling under the responsibility of another competent authority in the same Member State to that competent authority. The contact point of the Member State shall transmit complaints that falling within the competence under the responsibility 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 happen 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.

Article 15 b

Activity reports (653 S&D, LIBE 159)

National contact points, designated pursuant to Article 15(7), shall draw up an annual report on the activities covered by ~~under~~ 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.

Compromise Amendment 11

Compromise amendment replacing Amendments: 46, 47, 48, 132 - 134; 637 - 656; CULT 16; CULT 43 - 44; JURI 39 - JURI 41; JURI 105; JURI 112 - JURI 115; LIBE 160 - LIBE 168; AFCO 55;

[Sanctions]

[Publication of electoral periods]

[Evaluation and review]

Articles 16 - 18, 18a; Recitals 63 - 64, 65, 67;

Proposed by: Rapporteur

Article 16

Sanctions

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**, which shall in each individual case be **timely**, effective, proportionate and dissuasive. (639 Greens, LIBE 160)
2. Member States shall notify the Commission of those rules within twelve months of the entry into force of this Regulation and shall notify it, without delay, of any subsequent amendments affecting them.
3. When deciding on the type of sanctions and its level, due regard shall be given in each individual case, among others, to the following:
 - (a) the nature, gravity, **recurrence** and duration of the infringement; (JURI 112)
 - (b) the intentional or negligent character of the infringement;
 - (c) any action taken to mitigate any damage;
 - (d) any relevant previous infringements and any other aggravating or mitigating factor applicable to the circumstances of the case; ~~and~~
 - (e) the degree of cooperation with the competent authority; **and**
(e a) the size and economic capacity of the political advertising service provider. (CULT 43)
4. Infringements of Article ~~Article~~ **Articles 3a, 3b, 5, 7, 7a, 7b, -12 and 12** 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. (650 S&D, CULT 44, LIBE 161) {CULT shared competence}

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 the provisions of this Regulation.

- 4 a. *Member States 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 the provisions of this Regulation. The Commission shall also periodically draw up a periodic report also for the purposes of Article 18 of this Regulation. (132 RE, 646 Greens)*
5. If a service provider intentionally or negligently infringes the provisions of this Regulation, for the same or linked political advertising, the total amount of the administrative fine shall be sufficiently adjustable in order to take into account all the relevant factors; the fact that the Regulation has been violated in multiple respects shall be reflected in the amount of the total fine, in compliance with the principle of proportionality.
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 ~~may~~ *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. (LIBE 162) {LIBE exclusive competence}
- 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. (LIBE 163)*
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* its 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. (LIBE 164) {LIBE exclusive competence}
- 7a. *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. (LIBE 165)*
- 7b. *The Commission is empowered to adopt delegated acts in accordance with Article 19 to introduce minimum sanctions across the Union for infringements of the*

obligations laid down in Articles 12 and 13 after having consulted competent authorities and other relevant stakeholders. {to be checked with LIBE} (LIBE 166)

Article 17

Publication of electoral periods

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

CHAPTER V – FINAL PROVISIONS

Article 18

Evaluation and review

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 *to the European Parliament and to the Council*. This report shall assess the need for amendment to this Regulation, *in particular with regard to:* (LIBE 167)

- (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~~ and 5a;*
- ~~(c) *the effectiveness of the Codes of conduct adopted under Article 18a;*~~
- ~~{(d) *the effectiveness of the supervision and enforcement structure ~~governance~~ and the need ~~possibility for the Commission~~ to introduce harmonised ~~minimum~~ sanctions across the Union for infringements of the obligations laid down in this Regulation, ~~Articles 3a to 14~~ and in particular the infringements referred to in Article 16(4);}*~~
- (e) *the effectiveness of ~~provisions of~~ this Regulation in view of technological, scientific and other developments;* (133 RE, 654 Greens)
- (f) *the interplay of this Regulation with the legal acts referred to in Article 1(4).* (655 S&D)

The report shall be made public.

Article 18a

~~*Codes of conduct, interpretative guidance and standards*~~ (134 RE, JURI 105)

- ~~1. The Commission shall encourage Member States authorities to prepare common interpretative guidance, codes of conduct and standards to support the sponsors, service providers acting on the behalf of sponsors, and providers of political advertising services in the application of the provisions laid down in this Regulation, in particular in Articles 2, 3a, 4, 5, 5a, 6, 7, 7a, 7b, 9, 10, 11, 15 and 16.~~

~~In the preparation of these common interpretative guidance, codes of conduct and standards, 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 shall be taken into account.~~
- ~~2. The Codes of conduct referred to in the first paragraph shall be prepared within the framework of the work of the Network of National Contact Points as referred to in Article 15 of this Regulation. They shall be developed in cooperation with other relevant coordination bodies at European level, such as ERGA, with the support of relevant expertise from Member State authorities, civil society and industry, and shall take into account the work of relevant international and European standard setting bodies.~~
- ~~3. The Codes of conduct referred to in the first paragraph shall in particular support the sponsors, service providers acting on the behalf of sponsors, and providers of political advertising services as regards the following:~~

 - ~~(a) The determination of advertising liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour according to Article 2.2;~~
 - ~~(b) The identification and declaration of the political nature of the advertisement under Article 5 and 5a and whether advertising services requested by sponsors constitute a political advertising service;~~
 - ~~(c) The transmission of information required under Articles 6 and 12, in a timely and accurate manner in accordance with best practice and industry standards, by means of a standardised automated process, where technically possible;~~
 - ~~(d) Practical arrangements, allowing individuals to notify, free of charge, the publishers that a particular advertisement which they have published does not comply with this Regulation, including:~~
 - ~~— information on how to notify potentially unlawful political advertisements;~~
 - ~~— information needed to submit as part of a notification;~~
 - ~~— information to individuals of the follow up to their notification; and~~
 - ~~— providing collective response including by announcement on the website of the political advertising publisher;~~
 - ~~(e) Compliance with requests under Articles 10 and 11.~~
- ~~4. The Codes of conduct referred to in paragraph 1 of this Article shall contain practical arrangements that facilitate the monitoring by a relevant competent~~

~~authority or authorities referred to in Article 15 of the compliance of service providers with the provisions of the Codes.~~

~~5. The Commission shall assess the application, including the reception by the relevant market operators and the consumers, of the common interpretative guidance, codes of conduct and standards referred to in paragraph 1, by one year after their adoption.~~

~~Where, on the basis of the assessment referred to in the first subparagraph, it finds that the common interpretative guidance, codes of conduct or standards referred to in paragraph 1 do not adequately support sponsors, service providers acting on behalf of sponsors, and providers of political advertising services in the application of the provisions laid down in this Regulation, and in particular in Articles 2, 3a, 4, 5, 5a, 6, 7, 7a, 7b, 9, 10, 11, 15 and 16, the Commission shall adopt delegated acts in accordance with Article 19 supplementing this Regulation by establishing the elements listed in points (a) to (e) of paragraph 3.~~

~~Where the common interpretative guidance, codes of conduct or standards referred to in paragraph 1 have not been adopted by one year, the Commission shall adopt delegated acts in accordance with Article 19 supplementing this regulation by establishing the elements listed in points (a) to (e) of paragraph 3.~~

Compromise Amendment 12

Compromise amendment replacing Amendments: 135 - 139; 657 - 667; JURI 116; LIBE 169 - LIBE 171; AFCO 56;

[Excercise of the delegation]

[Entry into force and application]

Articles 19 - 20; Recitals 66, 68, 69, 71;

Proposed by: Rapporteur

Article 19

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 7(8) **7(1b), and Article 7a(5) and (6), Article 7b(4), Article 9(4a) and Article 16(7b)** 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]. **(135 RE, 658 Greens, 659 S&D)**
3. The delegation of power referred to in Article 7(8) **7(1b), and Article 7a(5) and (6), Article 7b(4), Article 9(4a) and Article 16(7b)** 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. **(136 RE, 660 Greens, 661 S&D)**
- 3a. *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.* **(137 RE, 662 ECR)**
4. As soon as it adopts a delegated act, the Commission shall notify that act simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 7(8) **7(1b), and Article 7a(5) and (6), Article 7b(4), Article 9(4a) and Article 16(7b)** and 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. **(138 RE, 663 Greens, 664 S&D)**

Article 19a

Committee procedure (139 RE)

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.*

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

Article 20

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from **[3 months after the entry into force of this Regulation]** ~~1 April~~ **2023**.
However, Article 7b, paragraphs 1, 3 and 3a shall apply from [one year after the entry into force of this Regulation].
3. This Regulation shall be binding in its entirety and directly applicable in all Member States.
