

# Public consultation on a proposal for an initiative on greater transparency in sponsored political content, and other supporting measures

Fields marked with \* are mandatory.

## Introduction

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The digital revolution has transformed democratic politics. Political campaigns are now run not only on the doorstep, billboards, radio waves and TV screens, but also online. This gives political actors new opportunities to reach out to voters, and new opportunities for civic engagement and public participation. However, the rapid growth of online campaigning and online platforms has also opened up new vulnerabilities. This can apply to national, regional, municipal and European elections, as well referenda. The definition of partisan or political advertising varies across Member States and around the world. In some Member States, political ads may only be placed by political actors (e.g. parties and candidates), and are limited in their financing and when they can be used. Other ads with more general political messages, aims or effects (i.e. regarding more general political issues such as the environment or migration – ‘issues ads’) are also placed, including by other actors (companies, civil society, citizens but also political parties) and during other periods than in the context of an election.

Political ads can be placed through publishers (radio, television, media websites and commercial websites, social networks and other online platforms) by a variety of actors, ranging from political parties to communication consultancies and advertising agencies. Their preparation and financing can involve many service providers, from banks to data brokers and analysis, often with a cross-border element. The relevant rules are mostly national, and often diverge. In some cases they do not cover the online environment. They can thus cause legal uncertainty and have potential gaps and loopholes in their enforcement.

Attempts to interfere in recent elections, including European elections, and manipulate the democratic debate have intensified. Political advertising is one of the ways that information manipulation is amplified and disseminated, and through which political interference can be achieved. The content of an ad can be misleading, or the way that it is circulated (including by micro-targeting specific messages tailored to particular groups) and amplified (for instance by political actors posing as ordinary voters). Online advertising and the overall digitalisation of political campaigning may therefore have adverse impacts on democracy.

Citizens need access to transparent information on political ads to participate in the political debate, freely take political decisions and hold politicians accountable. Journalists, researchers, fact-checkers and other stakeholders also rely on transparency. In addition, public authorities can only monitor and enforce relevant rules on political advertising if all actors involved act transparently. There can be legitimate reasons for certain limitations to transparency, not least to protect personal data. The use of citizens' personal data must comply fully with the [General Data Protection Regulation](#).

The [European Democracy Action Plan](#) recognises the need for more transparency in political advertising and communication, and the commercial activities related to it, in order for citizens, civil society and responsible authorities to be able to see clearly the source and purpose of such advertising. The European Democracy Action Plan therefore announced a legislative proposal on the transparency of sponsored political content as well as support measures and guidance for Member States and other actors, such as national political parties and competent authorities.

This initiative addresses all actors involved in financing, preparing, placing and disseminating political advertising (such as political and marketing consultancies and advertising and campaign organisations) and complements the rules set out in the proposal for a Digital Services Act, which applies to online intermediaries, and the wider EU framework for the digital services market. It is also complementary to the revised Audiovisual Media Services Directive, which extends the European qualitative standards applicable to audiovisual commercial communications in traditional audiovisual media services to those available on video-sharing platforms. The initiative will cover both online and offline activities, and could cover the range of elections in the EU, including European Parliamentary elections. More information can be found in the [inc option impact assessment](#) for this initiative. The initiative will be complemented by the revised Regulation on the statute and funding of European political parties and foundations, planned for Q3 of 2021 that aims to increase transparency of funding for European political parties and foundations and to enhance the European dimension of European elections.

This public consultation builds on the extensive consultation conducted by the Commission recently, including for the Digital Services Act and the European Democracy Action Plan. It is an opportunity to further explore the particular issues raised by an intervention to introduce greater transparency in political advertising and related measures, including how it could contribute to the resilience of democracy in Europe, to the overall transparency of political campaigning, as well as to understanding how relevant market actors might be affected.

## **We want to hear from you!**

The European Commission welcomes views from European citizens on the issues that concern them. That is why we have prepared this consultation – your views and experience are essential to shaping our policies to serve the interests of European citizens.

You can send us your views until **2 April 2021**. The Commission will prepare a consolidated and anonymous analysis of all responses to the questionnaire and publish it online.

## **How to take part**

Answering this questionnaire (in any official EU language) should take between 15 and 20 minutes. The questionnaire closes with an open question for you to include suggestions and other views, and a question to allow you to indicate whether we may contact you to follow up.

Civil society organisations, public authorities and private businesses also have the possibility to complement their submission by additional position papers to [just-transparency-consultation@ec.europa.eu](mailto:just-transparency-consultation@ec.europa.eu). In the email, please, specify your name, nationality, the name of your organisation (if relevant) and your function in the organisation.

You can learn more about the use of the answers in the [privacy statement](#).

## **About you**

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\* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☐ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

\* I am giving my contribution as

- ☐ Academic/research institution
- ☒ Business association
- ☐ Company/business organisation
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority

- ☐ Trade union
- ☐ Other

\* First name

Enrico

\* Surname

Giroto

\* Email (this won't be published)

egiroto@fedma.org

\* Organisation name

*255 character(s) maximum*

\* Organisation size

- ☐ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

\* Country of origin

Please add your country of origin, or that of your organisation.

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| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
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| ○ Andorra             | ○ El Salvador                         | ○ Madagascar       | ○ São Tomé and Príncipe                        |
| ○ Angola              | ○ Equatorial Guinea                   | ○ Malawi           | ○ Saudi Arabia                                 |
| ○ Anguilla            | ○ Eritrea                             | ○ Malaysia         | ○ Senegal                                      |
| ○ Antarctica          | ○ Estonia                             | ○ Maldives         | ○ Serbia                                       |
| ○ Antigua and Barbuda | ○ Eswatini                            | ○ Mali             | ○ Seychelles                                   |
| ○ Argentina           | ○ Ethiopia                            | ○ Malta            | ○ Sierra Leone                                 |
| ○ Armenia             | ○ Falkland Islands                    | ○ Marshall Islands | ○ Singapore                                    |
| ○ Aruba               | ○ Faroe Islands                       | ○ Martinique       | ○ Sint Maarten                                 |
| ○ Australia           | ○ Fiji                                | ○ Mauritania       | ○ Slovakia                                     |
| ○ Austria             | ○ Finland                             | ○ Mauritius        | ○ Slovenia                                     |
| ○ Azerbaijan          | ○ France                              | ○ Mayotte          | ○ Solomon Islands                              |
| ○ Bahamas             | ○ French Guiana                       | ○ Mexico           | ○ Somalia                                      |
| ○ Bahrain             | ○ French Polynesia                    | ○ Micronesia       | ○ South Africa                                 |
| ○ Bangladesh          | ○ French Southern and Antarctic Lands | ○ Moldova          | ○ South Georgia and the South Sandwich Islands |
| ○ Barbados            | ○ Gabon                               | ○ Monaco           | ○ South Korea                                  |
| ○ Belarus             | ○ Georgia                             | ○ Mongolia         | ○ South Sudan                                  |
| ○ Belgium             | ○ Germany                             | ○ Montenegro       | ○ Spain  |
| ○ Belize              | ○ Ghana                               | ○ Montserrat       | ○ Sri Lanka                                    |
| ○ Benin               | ○ Gibraltar                           | ○ Morocco          | ○ Sudan  |
| ○ Bermuda             | ○ Greece                              | ○ Mozambique       | ○ Suriname                                     |
| ○ Bhutan              | ○ Greenland                           | ○ Myanmar /Burma   | ○ Svalbard and Jan Mayen                       |
| ○ Bolivia             | ○ Grenada                             | ○ Namibia          | ○ Sweden                                       |

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| <input type="radio"/> Cape Verde                       | <input type="radio"/> Indonesia                         | <input type="radio"/> Oman                     | <input type="radio"/> Turkmenistan             |
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| <input type="radio"/> Central African Republic         | <input type="radio"/> Iraq                              | <input type="radio"/> Palau                    | <input type="radio"/> Tuvalu                   |
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| <input type="radio"/> Christmas Island                 | <input type="radio"/> Italy                             | <input type="radio"/> Paraguay                 | <input type="radio"/> United Kingdom           |

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| <input type="radio"/> Colombia                         | <input type="radio"/> Jersey     | <input type="radio"/> Pitcairn Islands                            | <input type="radio"/> Uruguay                              |
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| <input type="radio"/> Congo                            | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal                                    | <input type="radio"/> Uzbekistan                           |
| <input type="radio"/> Cook Islands                     | <input type="radio"/> Kenya      | <input type="radio"/> Puerto Rico                                 | <input type="radio"/> Vanuatu                              |
| <input type="radio"/> Costa Rica                       | <input type="radio"/> Kiribati   | <input type="radio"/> Qatar                                       | <input type="radio"/> Vatican City                         |
| <input type="radio"/> Côte d'Ivoire                    | <input type="radio"/> Kosovo     | <input type="radio"/> Réunion                                     | <input type="radio"/> Venezuela                            |
| <input type="radio"/> Croatia                          | <input type="radio"/> Kuwait     | <input type="radio"/> Romania                                     | <input type="radio"/> Vietnam                              |
| <input type="radio"/> Cuba                             | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia                                      | <input type="radio"/> Wallis and Futuna                    |
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| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho    | <input type="radio"/> Saint Kitts and Nevis                       | <input type="radio"/> Zimbabwe                             |
| <input type="radio"/> Denmark                          | <input type="radio"/> Liberia    | <input type="radio"/> Saint Lucia                                 |  |

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ **Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☐ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☐ I agree with the [personal data protection provisions](#)

## Questions on political advertising and related services

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Political advertising can cover a wide range of activities and a wide range of formats, from leaflets to radio, billboards, websites and social media. Political ads can promote particular parties or candidates, they can impart information, raise money or address political subjects more generally. They are regulated and defined differently from state to state, but for the purposes of this consultation we would approach this term very broadly.

Q1. Is political advertising permitted for elections in your home country?

- ☐ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

Q2. Which format of political ads have you encountered most often in your country?

- ☐ a. Leaflets
- ☐ b. Posters
- ☐ c. Radio
- ☐ d. TV
- ☐ e. Online
- ☐ f. Other



Q3. Have you ever encountered any of the following (check all which apply):

- ☐ an advert raising money for a political objective (cause, candidate, party etc)
- ☐ an advert promoting participation in an election
- ☐ an advert providing essential information about an election (public service information)
- ☐ an advert attacking another political movement, actor, party or group
- ☐ sponsored political editorial in a newspaper or magazine
- ☐ an ad which promoted a political view without clearly being a political ad (an 'issues ad')
- ☐ political advertising outside an election period
- ☐ political advertising promoted in your country which appeared to be sponsored from outside your country
- ☐ political advertising in European Parliamentary election promoted by a European (not national) political party

Q3.1 Should definitions of political advertising include the following:

|  | include                          | exclude                          | neutral               | Don't know            |
|--|----------------------------------|----------------------------------|-----------------------|-----------------------|
| an advert raising money for a political objective (cause, candidate, party etc)                                | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |
| an advert promoting participation in an election   | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |
| an advert providing essential information about an election (public service information)                       | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |
| an advert attacking another political movement, actor, party or group  | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |
| sponsored political editorial in a newspaper or magazine   | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |
| an ad which promoted a political view without clearly being a political ad (an 'issues ad')                    | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| political advertising outside an election period   | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |
| political advertising promoted in your country which appeared to be sponsored from outside your country        | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |
| political advertising in European Parliamentary election promoted by a European (not national) political party | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |

Please explain your response (optional)

Any attempt to define “political advertising” should aim to draw a clear line between political advertising and other forms of communications, as most actors typically involved in advertising are not engaged in political advertising at all. A first essential distinction must be between political advertising and commercial advertising as the latter is regulated in accordance with an extensive body of EU law such as the Unfair Commercial Practices Directive and Audiovisual Media Services Directive, as well as self-regulatory advertising codes. A second distinction must be between political advertising and other issue-based forms of non-commercial communications which are of interest to citizens and customers and can be carried out by companies with any political affiliation and without being “marketing” such as an insurance company advertising about its own security tests on bicycle helmets for kids, a telecom operator advertising against customers’ verbal harassment towards its employees, etc. This second distinction should therefore avoid any negative limitation in a company’s freedom in taking part in debates of public interest (e.g. COVID, environment, taxation, etc.) With this in mind, any definition of political advertising should aim to increase transparency and legal certainty, and not to restrict the freedom of speech.

Q3.2 Should definitions of political advertising be:

- ☒ a. Defined in law
- ☐ b. Dynamically adaptable
- ☐ c. Don’t know
- ☐ d. Other

Please explain your response (optional)

The current legal fragmentation across the EU on political advertising and its definition results in higher legal uncertainty, thus making it more challenging to advertise across EU borders. A common definition of political advertising enshrined in EU law – and clearly distinguished from commercial advertising and issue-based advertising – would support a digital single market in this area and the right to express and disseminate one’s political views and messages across the European society.

Q4. Have you ever encountered political advertising online?

- ☐ a. Yes
- ☐ b. No
- ☐ c. Don't know

Questions on relevant rules for political advertising:

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In most Member States, there are rules that limit party spending for election campaigns, which can differ among Member States in their scope and substance, and their applicability online. Within a Member State, they can differ for national, regional, municipal and European elections, and referenda. Rules include upper limits for spending on specific campaigns or political actors, as well as on who and how funding can be obtained. Other rules include who may place political adverts and when.

Q5. Are you aware that there are rules limiting party spending for electoral campaigns in your country?

- ☒ a. Yes
- ☐ b. No
- ☐ c. Don't know

Q5.1 Do you think that the limits of political party spending for electoral campaigns should be:

- ☐ a. Increased (more money)
- ☐ b. left as they are
- ☐ c. decreased (less money)
- ☒ d. Don't know

Q6. Should spending by actors other than political parties (such as foundations and campaign organisations) on political ads during an election period count towards campaign or political party spending limits?

- ☐ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☒ d. Don't know

Q7. Should spending on 'issues ads' during an election period count towards campaign or political party spending limits?

- ☐ a. Yes
- ☐ b. Maybe
- ☒ c. No
- ☐ d. Don't know

Please explain your response (optional)

Any rules on political advertising must make a clear distinction between political advertising and other issue-based forms of non-commercial communications which are of interest to citizens and customers and can be carried out by companies with any political affiliation and without being "marketing" such as an insurance company advertising about its own security tests on bicycle helmets for kids, a telecom operator advertising against customers' verbal harassment towards its employees, etc. This second distinction should therefore avoid any negative limitation in a company's freedom in taking part in debates of public interest. With this in mind, any definition of political advertising should aim to increase transparency and legal certainty, and not to restrict the freedom of speech.

Q8. Should civil society and other actors have to follow the same rules as political parties when paying for and placing political advertising?

- ☒ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

Please explain your response (optional)

Many of the services relevant to political ads, from their design and planning, to their placement and funding, are conducted across borders within the EU single market and also from outside the EU.

Q9. Should there be rules set at EU level on how political adverts can be funded?

- ☐ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☒ d. Don't know

Q9.4. Should there be rules set at EU level as to how a specific amount of political advertising during an election should be allocated (for instance through proportionately allocated 'online/offline ad vouchers'), to ensure access for more parties to the campaign?

- ☐ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☒ d. Don't know

Q10. Should there be rules set at EU level requiring all political advertising be clearly and specifically labelled as such?

- ☒ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

Please explain your response (optional)

We believe that information about the identity of the advertiser, sponsors, about the fact that the ad was targeted by using personal data, and sources of funding should be made available to the person seeing the ad. To that end, the AdChoices Icon can help deliver transparency without jeopardizing the content of the ad itself. The AdChoices Icon is the result of a pan-European self-regulatory program launched in 2012, the European Interactive Digital Advertising Alliance (EDAA) of which FEDMA is a founder. On the right corner of many advertisements, the AdChoices Icon aims to guide end-users to real time information about which company delivered a specific ad and based on what information, including (i) the Third Party's identity and contact details, (ii) the types of data collected and used for the purpose of providing interest-based advertising, including an indication of whether any data is 'personal data' or 'sensitive personal data', (iii) the purpose(s) for which interest-based advertising data is processed and the recipients or categories of recipient to whom such data may be disclosed as well as (iv) a clear link to the consumer choice platform at YourOnlineChoices.eu. The latter represents a pan-European portal which provides further information about digital data-driven advertising, a preference management tool to turn on/off interest-based ads in one-click. The website also encourages consumers to address any queries or complaints independently to the well-established network of national advertising self-regulatory organizations under the umbrella of EASA – the European Advertising Standards Alliance.

Q11. Should there be rules requiring all the sponsors of political ads to be disclosed within the ad itself?

- ☐ a. Yes
- ☐ b. Maybe
- ☒ c. No
- ☐ d. Don't know

Please explain your response (optional)

We believe that information about the identity of the advertiser, sponsors, about the fact that the ad was targeted by using personal data, and sources of funding should be made available to the person seeing the ad. However, displaying all this information within the ad itself can have some negative practical implications on the content of the ads. To that end, the AdChoices Icon can help deliver transparency without jeopardizing the content of the ad itself. The AdChoices Icon is the result of a pan-European self-regulatory program launched in 2012, the European Interactive Digital Advertising Alliance (EDAA) of which FEDMA is a founder. On the right corner of many advertisements, the AdChoices Icon aims to guide end-users to real time information about which company delivered a specific ad and based on what information, including (i) the Third Party's identity and contact details, (ii) the types of data collected and used for the purpose of providing interest-based advertising, including an indication of whether any data is 'personal data' or 'sensitive personal data', (iii) the purpose(s) for which interest-based advertising data is processed and the recipients or categories of recipient to whom such data may be disclosed as well as (iv) a clear link to the consumer choice platform at YourOnlineChoices.eu. The latter represents a pan-European portal which provides further information about digital data-driven advertising, a preference management tool to turn on /off interest-based ads in one-click. The website also encourages consumers to address any queries or complaints independently to the well-established network of national advertising self-regulatory organizations under the umbrella of EASA – the European Advertising Standards Alliance.

Q12. Should there be rules requiring political ads to be truthful and not misleading about verifiable factual claims?

- ☐ a. Yes
- ☒ b. Maybe
- ☐ c. No
- ☐ d. Don't know

Please explain your response (optional)

Disinformation represents a complex phenomenon driven by the desire to manipulate public opinion for political or economic gain, though its specific scope remains ill-defined. In this context, disinformation vectored by political advertising does not only increase the potential for political actors to negatively influence democratic processes and societal debates, but it also causes reputational concerns for legitimate publishers, advertisers and numerous players in the digital advertising value chain while it also erodes citizens trust in media and pluralism. With this in mind, issuers of political advertising quoting facts or information might be required to provide their references in the same way as academic papers. In parallel, co- and self-regulatory industry initiatives as well as civil society and other stakeholders' initiatives should be encouraged. This includes the Code of Practice on Disinformation or fact-checking projects from EU Member States such as DELFI in Lithuania, Wirtualna Polska in Poland, Independent Journalism Foundation in Hungary, VIS in Italy, Fact Scan in Romania, Blockchain als Factchecker in the Netherlands, DOSSIER Sources in Austria, The Buzzard in Germany and many others.

Q13. Should there be rules in times of elections campaign regulating how advertising space is allocated online?

- ☐ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☒ d. Don't know

Q14. Are you concerned about the possibility of foreign actors (such as foreign states or foreign organisations) being able to sponsor political advertising to increase their own influence within the EU?

- ☒ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

Please explain your response (optional)

Q15. Are you concerned that political advertising, especially online, can be used to intentionally spread false or misleading information (disinformation)?

- ☒ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

Please explain your response (optional)

Disinformation represents a complex phenomenon driven by the desire to manipulate public opinion for political or economic gain, though its specific scope remains ill-defined. In this context, disinformation vectored by political advertising does not only increase the potential for political actors to negatively influence democratic processes and societal debates, but it also causes reputational concerns for legitimate publishers, advertisers and numerous players in the digital advertising value chain while it also erodes citizens trust in media and pluralism. With this in mind, issuers of political advertising quoting facts or information might be required to provide their references in the same way as academic papers. In parallel, co- and self-regulatory industry initiatives as well as civil society and other stakeholders' initiatives should be encouraged. This includes the Code of Practice on Disinformation or fact-checking projects from EU Member States such as DELFI in Lithuania, Wirtualna Polska in Poland, Independent Journalism Foundation in Hungary, VIS in Italy, Fact Scan in Romania, Blockchain als Factchecker in the Netherlands, DOSSIER Sources in Austria, The Buzzard in Germany and many others

Q16. Should political actors or organisations that violate or are systematically non-compliant with agreed rules be sanctioned

- ☒ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

Please explain your response (optional)

Q17. Do you consider that specific measures are needed to ensure that the competent authorities can have more effective oversight over political advertisement online?

- ☒ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

## Please explain your response (optional)

A common definition of political advertising enshrined in EU law – and clearly distinguished from commercial advertising and issue-based advertising – along with transparency requirements (most of which are already in place for commercial advertising) and mechanisms to allow citizens to flag suspect advertisements should enable authorities to scrutinize campaigns and their funding and take action when needed. Self-regulation should also be considered as a way to develop and enforce new requirements on political advertising.

## Questions on European elections:

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European Parliamentary elections are currently organised nationally, according to each Member State's rules, which means that relevant rules such as the periods during which political ads can circulate, the amounts allowed to be spent, and whether they can circulate at all, vary from Member State to Member State.

### Q18. Should there be certain common rules for political ads in European Parliamentary elections?

- ☒ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

## Please explain your response (optional)

We believe that information about the identity of the advertiser, sponsors, about the fact that the ad was targeted by using personal data, and sources of funding should be made available to the person seeing the ad. These information requirements could be applicable to political advertising regardless of the elections they are related to. To that end, the AdChoices Icon can help deliver transparency. The AdChoices Icon is the result of a pan-European self-regulatory program launched in 2012, the European Interactive Digital Advertising Alliance (EDAA) of which FEDMA is a founder. On the right corner of many advertisements, the AdChoices Icon aims to guide end-users to real time information about which company delivered a specific ad and based on what information, including (i) the Third Party's identity and contact details, (ii) the types of data collected and used for the purpose of providing interest-based advertising, including an indication of whether any data is 'personal data' or 'sensitive personal data', (iii) the purpose(s) for which interest-based advertising data is processed and the recipients or categories of recipient to whom such data may be disclosed as well as (iv) a clear link to the consumer choice platform at YourOnlineChoices.eu. The latter represents a pan-European portal which provides further information about digital data-driven advertising, a preference management tool to turn on/off interest-based ads in one-click. The website also encourages consumers to address any queries or complaints independently to the well-established network of national advertising self-regulatory organizations under the umbrella of EASA – the European Advertising Standards Alliance.

### Q18.1 Which rules do you believe should be common in European Parliamentary elections (tick as many responses as you agree with).

- ☐ the period during which political ads are permitted



- ☐ the types of actor entitled to place political ads
- ☐ the types of actor entitled to fund political ads
- ☐ the amounts of money permitted to be spent on political ads in a period
- ☐ equal or proportionate access to placing political ads on social media platforms for the various political actors contesting an election
- ☐ the amounts of public money granted to support smaller parties' campaigns
- ☒ Other

Please specify

We believe that information about the identity of the advertiser, sponsors, about the fact that the ad was targeted by using personal data, and sources of funding should be made available to the person seeing the ad. These information requirements could be applicable to political advertising regardless of the elections they are related to. To that end, the AdChoices Icon can help deliver transparency. The AdChoices Icon is the result of a pan-European self-regulatory program launched in 2012, the European Interactive Digital Advertising Alliance (EDAA) of which FEDMA is a founder. On the right corner of many advertisements, the AdChoices Icon aims to guide end-users to real time information about which company delivered a specific ad and based on what information, including (i) the Third Party's identity and contact details, (ii) the types of data collected and used for the purpose of providing interest-based advertising, including an indication of whether any data is 'personal data' or 'sensitive personal data', (iii) the purpose(s) for which interest-based advertising data is processed and the recipients or categories of recipient to whom such data may be disclosed as well as (iv) a clear link to the consumer choice platform at [YourOnlineChoices.eu](http://YourOnlineChoices.eu). The latter represents a pan-European portal which provides further information about digital data-driven advertising, a preference management tool to turn on/off interest-based ads in one-click. The website also encourages consumers to address any queries or complaints independently to the well-established network of national advertising self-regulatory organizations under the umbrella of EASA – the European Advertising Standards Alliance.

Q19. Please indicate your preference

During a European election, who should be able to place a political ad (check one answer only)?

- ☐ 1. Any person or legal person (company or foundation), from anywhere
- ☐ 2. Any person (not a legal person) from anywhere
- ☐ 3. Any person or legal person residing in any Member State
- ☐ 4. Any person (not a legal person) residing in any Member State
- ☐ 5. Any person or legal person residing in the specific Member State the ad will circulate
- ☐ 6. Any person (not legal person) residing in the specific Member State the ad will circulate

Campaigns in European elections are organised nationally, but some parties register to promote candidates in more than one Member State, which means that the administrative formalities must be completed and

complied with in each state in order to 'register' a campaign. This can be challenging. Similarly, when citizens wish to campaign for support for a European Citizens Initiative (a way for citizens to help shape the EU by calling on the European Commission to propose new laws), they must do so in multiple Member States.

European political parties do not sponsor particular candidates nationally, but they do campaign in European Parliament elections. They could be required to meet certain specific transparency requirements for the political ads they sponsor.

Q20. Please indicate which you think should apply:

European political parties should

|  | Yes                              | No                               | Neither               | Don't know                       |
|--|----------------------------------|----------------------------------|-----------------------|----------------------------------|
| 1. disclose their ad spending online in real time  | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| 2. maintain examples on their website of the ads they sponsor  | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| 3. disclose the advert targeting services they use   | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| 4. refrain from using certain technologies which can be used to mislead (e.g. micro-targeting and other data-driven techniques, ad amplification, etc) | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| 5. refrain from political advertising altogether (rely on national campaigns only)   | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |

## Questions on transparency requirements:

Transparency in political ads can support citizens, media and NGOs to hold political actors to account, but it could also support competent authorities. Transparency includes retaining basic information about transactions including the identity of who paid for the advert, the amount paid and what precisely was paid for. It can also involve publishing such information under certain circumstances.

Q21. Should publishers of political ads retain certain basic information from those placing such ads?

- ☐ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☒ d. Don't know

Other companies are involved in political ads, including in their financing (providing loans, handing donations and fund raising), and preparation and placement (advertising, marketing communications and other specialist agencies and consultancies).

Q22. Should service providers involved in political ads also have obligations to retain and provide information?

- ☐ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☒ d. Don't know

Political advertising can be published through various media, online and offline. The online environment introduces many new channels for advertising, such as boosted and targeted social media posts, sponsored search results, and personalised ads appearing within apps, video streaming services, and other websites and online service platforms (such as online retailers).

Q23. Should requirements to retain information apply to all political ads, regardless whether online or offline?

- ☐ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

The Digital Services Act proposes to require all very large online platforms to ensure public access to repositories of advertisements displayed on their online interfaces.

Q24. Should all political ads be made similarly accessible:

- ☐ a. only to competent authorities by being retained for a period
- ☒ b. specifically registered with the competent authorities
- ☐ c. also to citizens, eg through a common online database or by being retained on the advertiser's website
- ☐ d. they should not be accessible
- ☐ e. don't know

## Questions on targeting and amplification:

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Advertising can be targeted to reach specific people, and it can be amplified to boost its actual or apparent popularity. Targeting can be simple: a political party can circulate campaign material to its registered members. However, increasingly sophisticated tools have come to be used in this process – such as microtargeting, where sophisticated tools and personal and other data are used to direct ads to particular groups of users, allowing the messaging to be personalised and even manipulative. Other techniques exploit features of the online architecture to increase the impact of ads, for instance through deliberately polarising messaging to exploit user-interaction based ranking, or even through manipulated interactions to increase the circulation of messages.

Q25. Should there be any additional limits on targeting and amplification methods, besides compliance with data protection rules?

- ☐ a. Yes
- ☒ b. Maybe
- ☐ c. No
- ☐ d. Don't know

Please explain your response (optional)

The GDPR already applies to the context of political advertising and can ensure that citizens' personal data is lawfully processed, and with respect to data subject rights. Any new rule on political advertising should thus be technology neutral while ensuring that existing legislation is fully complied with. Additional transparency requirements (most of which are already in place for commercial advertising) can foster citizens' trust in the "digital democratic debate", including information on sponsors, about the fact that the ad was targeted by using personal data, and sources of funding. As such, industry's self-regulatory initiatives such as the AdChoices Icon can help to deliver this level of transparency.

Q25.2 Complete all which apply

Should EU rules control the following other amplification methods?

|                         | Yes                   | Maybe                 | No                    | Don't know                       |
|-------------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| 1. paid for likes       | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| 2. bot software         | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| 3. paid for influencers | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| 4. Other                | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

Please specify (optional)

Q26. Provided relevant data protection rules are complied with (e.g. that explicit consent to the use of the relevant data was obtained) do you think the targeting of political ads could be allowed for certain criteria (eg by geographic location, income bracket, gender, age, political affiliation, and general preferences and interests derived from a user's online activity)?

- ☒ a. Yes
- ☐ b. Maybe
- ☐ c. No
- ☐ d. Don't know

## Please specify which criteria could be allowed

Political ads, even targerting ads, should be allowed where there is compliance with data protection rules coupled with complementary transparency requirements on sponsorship and source of funding.

## Closing questions:

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Q27. Please share any additional comments or remarks you may have regarding the topic of this public consultation.

*3000 character(s) maximum*

Q28. Would you like to participate in a phone interview to further discuss the topics of this open consultation? If yes, we may contact you through the email provided in the introduction.

- ☒ Yes  
☐ No

## Contact

[Contact Form](#)