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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	11214/23
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising - Comments from delegations

Following the meetings of the Working Party on General Affairs on 15 September 2023, delegations will find in Annex comments from Denmark.

DENMARK**Comments on compromise proposal for art. 3a and accompanying recital**

Denmark is generally open to the Commission's compromise proposal for Art. 3a and related recital as the ban in Art. 3a is more limited than the EP compromise proposal in both time and substance, including the circle of persons. This helps ensuring legitimate actors' possibility to continue using political advertising in the EU.

Denmark has to reiterate that we generally find it problematic to define a specific period before an election, referendum etc. in which, for example, actors are subject to special obligations under the Regulation. The Danish Parliament can announce an election at short notice, and situations may arise where there will be less than 30 days from the announcement to the day of the election.

It is therefore essential that Member States are not limited by such rules until the date of the election, referendum etc. is publically known. Such a clarification could be added in the preamble. The Danish Electoral Office have proposed the following clarification:

"In Member States where elections and referendums can be announced with a timeframe shorter than [2-3 months], the ban is only applicable after the date of the election is known. Either because the date has been announced or because national laws dictate that an election or referendum must be held within a certain period of time, which expires within [2-3 months]."

The Presidency are invited to consider this issue throughout the Regulation.

Comments on compromise proposal for art. 12

Denmark find it beneficial to move art. 12(4) to a recital as proposed by the Commission. The provision reflects the principle of dataminimization in GDPR and it can therefore seem unnecessary to include art. 12(4) in the Regulation text. However, we will not oppose to keeping Art. 12(4) in the text.