



Council of the
European Union

Brussels, 28 September 2023
(OR. en)

13482/23

**Interinstitutional File:
2021/0381(COD)**

LIMITE

**AG 111
MI 791
DATAPROTECT 250
DISINFO 75
FREMP 262
AUDIO 95
CONSOM 335
TELECOM 280
CODEC 1701**

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	11214/23
No. Cion doc.:	14374/21 + COR 1 + COR 1 REV 1; + ADD 1 + COR 1 + ADD 1 COR 1 REV 1; + ADD 2 to 4 - COM(2021) 731 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising - Preparation for the trilogue

I. INTRODUCTION

1. On 25 November 2021, the Commission submitted to the European Parliament and the Council the proposal for a Regulation of the European Parliament and of the Council on the transparency and targeting of political advertising (hereinafter referred to as the ‘proposal’)¹. This proposal is one of the elements of the ‘Democracy and Integrity of EU elections’ package (hereinafter referred to as the ‘Democracy package’).

¹ 14374/21 + COR 1 + COR 1 REV 1; + ADD 1 + COR 1 + ADD 1 COR 1 REV 1; + ADD 2 to 4 - COM(2021) 731 final.

2. The European Economic and Social Committee adopted its Opinion² on 27 February 2022.
3. On 21 December 2021, the Committee of Permanent Representatives (Part 2) agreed³ on the optional consultation of the Committee of the Regions. The Committee of the Regions adopted its Opinion⁴ at its plenary session of 27 – 28 April 2022.
4. The European Parliament adopted its report⁵ on 2 February 2023.
5. On 13 December 2022, the Council (General Affairs) reached a general approach⁶ which served as a mandate to enter into negotiations with the European Parliament on this proposal.

II. STATE OF PLAY OF INTER-INSTITUTIONAL NEGOTIATIONS

6. A kick-off trilogue meeting was held on 28 February 2023. Since then, three additional trilogue meetings have been held to date: 30 March, 5 May and 27 June. Extensive discussions on all provisions were held at the technical level with a view to prepare for trilogue meetings.
7. The last state of play of the interinstitutional negotiations, as confirmed by both co-legislators at the fourth trilogue meeting⁷ was circulated on 28 June.
8. At the fourth trilogue meeting, the co-legislators agreed on the need for a fifth and possibly decisive trilogue meeting on 10 October 2023 with a view to reach a provisional agreement on the outstanding political elements of the proposal.

² 6609/22.
³ 14928/21.
⁴ 8821/22.
⁵ P9-TA(2023)0027
⁶ 16013/1/22 REV 1
⁷ 11214/23

III. PREPARATORY WORK IN THE COUNCIL IN VIEW OF THE FIFTH TRILOGUE

9. Following the fourth trilogue meeting, the Presidency held seven meetings of the Working Party on General Affairs (GAG) on 6, 14, 20 July, 8, 15, 25 and 29 September 2023.
10. In light of the comments raised by delegations at the abovementioned meetings and in writing and in subsequent bilateral discussions, the Presidency suggests, in Annex I to this note and as part of an overall compromise package, possible compromise proposals on some key political elements to serve as a revised negotiating mandate for the fifth trilogue meeting. The proposed key changes to the Council's general approach are the following:
 - i. **Scope of application of Chapter III (targeting of political advertising)** (Article 2 – rows 105 and 119): The Presidency proposes to agree to the Commission suggestion to address the differences between co-legislators on the scope of application of Chapter III in the definition of 'political advertising' (row 105) which would now include principally political advertising provided as a service, but also advertising prepared through in-house activities. Furthermore, the Presidency suggests including coordinated actions in the context of a political advertising campaign (row 119) to capture, in the scope of the measures on targeting, political advertising disseminated without payment through individual users or groups of individual users (trolls or troll farms) or relying on fake accounts to manipulate elections/referendums.
 - ii. **Ban on 3rd country sponsors** (Article 3a – rows 129b-129c): The Presidency proposes a compromise text in Article 3a, and a new recital, with a view to address the European Parliament's concerns on foreign interference by introducing a targeted ban for 3rd country sponsors. In order to address the concerns of some delegations, the Presidency suggests text which safeguards stricter national rules where relevant. Article 5 would be amended to include an obligation on sponsors to declare the additional information.

- iii. **Non-discrimination clause** (Article 3a – row 129d): The Presidency suggests a compromise proposal which recalls the non-discrimination principle of the internal market. This principle stipulates that services should not be restricted solely on the basis of place of residence or establishment of the service recipients, in this case the sponsor, including European Political Parties and European Political Groups in the European Parliament when acting as sponsors of political advertising.
- iv. **Processing of personal data for targeting and amplification purposes** (Articles - 12 and 12 - rows 193 - 205): The Presidency proposes a possible compromise text on the basis of the latest Commission suggestion. In particular, the Presidency suggests agreeing to the Commission proposal for Article -12 prohibiting the presentation of political advertisements online, on the basis of profiling using special categories of personal data, in line with the Digital Services Act (DSA). In addition, in Article 12, the Presidency suggests agreeing to the Commission's proposal to permit the processing of personal data only if the data was collected from the data subject and with the explicit consent by the data subject in line with the General Data Protection Regulation (GDPR). Moreover, these provisions shall not apply to any communication of any political party, foundation, association or other non-profit body to members and former members on the basis of subscription.
11. Concerning the proposed **phased implementation** (Article 20), in light of the major reservations raised in GAG and during the bilateral discussions, the Presidency does not see any possible flexibility in this regard and proposes to maintain the text of the general approach; that is 12 months after the publication in the Official Journal.
12. In addition, and for information purposes only, delegations will find in Annex II to this note, an updated and informal state of play of the negotiations reflecting the outcome of the technical discussions held since the fourth trilogue meeting to date. The changes to the former state of play⁸, will be provisionally confirmed by the co-legislators at the fifth trilogue meeting.

⁸ 11214/23

IV. CONCLUSIONS

13. The Permanent Representatives Committee is invited to examine the draft Presidency compromise proposals as set out in Annex I to this note with a view to provide the Presidency with a revised negotiating mandate for the fifth trilogue meeting on 10 October. Changes compared to the general approach are indicated in **bold underlined italics**. Deletions are also indicated in ~~strikethrough~~.
 14. The Presidency will report to this Committee on the outcome of the fifth trilogue meeting on 13 October.
-

Scope**Article 2***(row 105)*

2. ‘political advertising’ means the preparation, placement, promotion, publication, delivery or dissemination, by any means, of a message, **normally provided for remuneration or through in-house activities, or as part of a political advertising campaign:**

[...]

[Note: Council maintains its position on the rest of the definition – refer to the four columned table in Annex II for latest state of play]

(row 119)

6. ‘political advertising campaign’ means the preparation, placement, promotion, publication or dissemination of a series of linked political advertisements **in the course of a contract for political advertising, on the basis of common** preparation, sponsorship or funding **or coordinated actions;**

Addition to recital 15:

(row 25)

(15) There is no existing definition of political advertising or political advertisement at Union level. A common definition is needed to establish the scope of application of the harmonised transparency obligations and rules on targeting and amplification. This definition should cover the many forms that political advertising can take and any means and mode of publication or dissemination within the Union, regardless of whether the source is located within the Union or in a third country. **Political advertising should cover the preparation, placement, promotion, publication, delivery or dissemination, by any means, of a message in return for payment or for similar consideration, or through in-house activities. It should also include messages whose preparation, placement, promotion, publication, delivery or dissemination takes place as part of a political advertising campaign. This could encompass instances where advertisements show common preparation, placement, promotion, publication, delivery or dissemination, where there is common sponsorship or funding, or where one or several individuals follow a common plan or act in a concerted manner with the objective to influence the outcome of an election, referendum or regulatory process, for example by promoting or opposing a political actor, their ideas or a specific policy.**

Article 3a

(Rows 129b – 129c)

1. Without prejudice to stricter national rules, in the last 3 months preceding an election or referendum organised at Union level or at national, regional or local level in a Member State, political advertising services pertaining to that election or referendum shall only be provided to a sponsor or service provider acting on behalf of a sponsor who declares itself to be:
- i. a citizen of the Union,
 - ii. a third country national permanently residing in the Union and having a right to vote in that election or referendum in accordance with the national law of the Member State of residence, or
 - iii. a legal person established in the Union which is not ultimately owned or controlled by a third country national, with the exception of third country nationals referred to in point ii, or by a legal person established in a third country.

New recital:

Interference in elections by certain third country entities or third country nationals, who may sponsor political advertising in the Union, is known to pose a serious threat to democracy, which is a common value of the Union, the securing of which is of fundamental importance to the Union and its Member States. As such, it is necessary to provide for an obligation applying 3 months preceding an election or referendum organised at Union level or at national, regional or local level in a Member State to only provide political advertising services to a citizen of the Union, third country nationals permanently residing in the Union and having a right to vote in that election or referendum or legal persons established in the Union which is not controlled by third country entities. This should not preclude Member States from having stricter national rules.

[Note: amend article 5 to reflect that sponsor need to declare this information]

(row 129d)

2. Providers of political advertising services shall not restrict the provision of their services to a sponsor, including a European political party in the meaning of Regulation 1141/2014, or a political group in the European Parliament when acting as a sponsor of political advertising, solely on the basis of its place of residence or of establishment.

Article -12

(rows 193a – 193b)

Political advertising publishers shall not present political advertisements online based on profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679 and in Article 5, point (4), of Regulation (EU) 2018/1725 using special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and in Article 10(1) of Regulation (EU) 2018/1725.

Article 12

(rows 193 – 205)

Specific requirements related to targeting and amplification

1. Targeting or amplification techniques that involve the processing of special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 in the context of online political advertising shall be permitted subject to the following conditions-are prohibited:
 - a. the controller collected the personal data from the data subject; and
 - b. the data subject has provided explicit consent within the meaning of Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 to the processing of personal data separately for the purpose of political advertising;
2. ~~Paragraph 1 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. For the purposes of implementing this paragraph, the explicit consent within the meaning of Regulations (EU) 2016/679 and (EU) 2018/1725 shall be given separately and specifically for the purpose of political advertising.~~

~~2a. Paragraph 1 shall not apply to the situations referred to in Article 9(2)(d) of Regulation (EU) 2016/679 and Article 10(2)(d) of Regulation (EU) 2018/1725.~~

2. Targeting or amplification techniques that involve the processing of personal data of a data subject that is known by the controller with reasonable certainty to be at least one year under the voting age established by national rules in the context of political advertising, are prohibited. Compliance with the obligations set out in this paragraph shall not oblige the controller to process additional personal data in order to assess whether the data subject is one year under the voting age.

3. Articles 12 and -12 shall not apply to 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 processing of personal data to target or otherwise further select the recipients and the messages they receive.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising (Text with EEA relevance)

2021/0381(COD)

Non-versioned [LATEST TEXT]

28-09-2023 at 14h23

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Formula					
1	2021/0381 (COD)	2021/0381 (COD)	2021/0381 (COD)	2021/0381 (COD) Text Origin: Commission Proposal	
Proposal Title					
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising (Text with EEA relevance) Text Origin: Commission Proposal	
Formula					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal	
Citation 1					
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16 and 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16 and 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16 and 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16 and 114 thereof, Text Origin: Commission Proposal	
Citation 2					
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal	
Citation 3					
6	After transmission of the	After transmission of the	After transmission of the	After transmission of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	draft legislative act to the national parliaments,	draft legislative act to the national parliaments,	draft legislative act to the national parliaments,	draft legislative act to the national parliaments, Text Origin: Commission Proposal	
Citation 4					
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. . Text Origin: Commission Proposal	
Citation 5					
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. . Text Origin: Commission Proposal	
Citation 6					
9	Acting in accordance with the ordinary legislative	Acting in accordance with the ordinary legislative	Acting in accordance with the ordinary legislative	Acting in accordance with the ordinary legislative	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	procedure,	procedure,	procedure,	procedure, Text Origin: Commission Proposal	
	Formula				
10	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal	
	Recital 1				
11	(1) The supply of and demand for political advertising are growing and increasingly cross-border in nature. A large, diversified and increasing number of services are associated with that activity, such as political consultancies, advertising agencies, “ad-tech” platforms, public relations firms, influencers and various data analytics and brokerage operators. Political advertising can take many forms including paid content, sponsored search results, paid targeted messages, promotion in	(1) The supply of and demand for political advertising are growing and increasingly cross-border in nature. A large, diversified and increasing number of services are associated with that activity, such as political consultancies, advertising agencies, "ad-tech" platforms, public relations firms, influencers and various data analytics and brokerage operators. Political advertising can take many forms including paid content, sponsored search results, paid targeted messages, promotion in	(1) The supply of and demand for political advertising are growing and increasingly cross-border in nature. A large, diversified and increasing number of services are associated with that activity, such as political consultancies, advertising agencies, “ad-tech” platforms, public relations firms, influencers and various data analytics and brokerage operators. Political advertising can take many forms including paid content, sponsored search results, paid targeted messages, promotion in		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	rankings, promotion of something or someone integrated into content such as product placement, influencers and other endorsements. Related activities can involve for instance the dissemination of political advertising upon request of a sponsor or the publication of content against payment.	rankings, promotion of something or someone integrated into content such as product placement, influencers and other endorsements. Related activities can involve for instance the dissemination of political advertising upon request of a sponsor or the publication of content against payment <u>or other forms of remuneration, including benefits in kind.</u>	rankings, promotion of something or someone integrated into content such as product placement, influencers and other endorsements. Related activities can involve for instance the dissemination of political advertising upon request of a sponsor or the publication of content against payment.		
Recital 2					
12	(2) Political advertising can be disseminated or published through various means and media across borders. It can be disseminated or published via traditional offline media such as newspapers, television and radio, and also increasingly via online platforms, websites, mobile applications, computer games and other digital interfaces. The latter are not only particularly prone	(2) Political advertising can be disseminated or published through various means and media across borders <u>both online and offline. It is rapidly increasing as</u> it can be disseminated or published via traditional offline media such as newspapers, television and radio, and also increasingly via online platforms, websites, mobile applications, computer games and other digital	(2) Political advertising can be disseminated or published through various means and media across borders. It can be disseminated or published via traditional offline media such as newspapers, television and radio, and also increasingly via online platforms, websites, mobile applications, computer games and other digital interfaces. The latter are not only particularly prone		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	to be offered cross-border, but also raise novel and difficult regulatory and enforcement challenges. The use of online political advertising is strongly increasing, and certain linear offline forms of political advertising, such as radio and television, are also offered online as on-demand services. Political advertising campaigns tend to be organised to make use of a range of media and forms.	interfaces. The latter are not only particularly prone to be offered cross-border, but also raise novel and difficult regulatory and enforcement challenges. The use of online political advertising is strongly increasing, and certain linear offline forms of political advertising, such as radio and television, are also offered online as on-demand services. Political advertising campaigns tend to be organised to make use of a range of media and forms.	to be offered cross-border, but also raise novel and difficult regulatory and enforcement challenges. The use of online political advertising is strongly increasing, and certain linear offline forms of political advertising, such as radio and television, are also offered online as on-demand services. Political advertising campaigns tend to be organised to make use of a range of media and forms.		
Recital 3					
13	(3) Given that it is normally provided against remuneration, advertising, including political advertising, constitutes a service activity under Article 57 of the Treaty on the Functioning of the European Union ('TFEU'). In Declaration No 22, regarding persons with a disability, annexed to the	(3) Given that it is normally provided against remuneration, advertising, including political advertising, constitutes a service activity under Article 57 of the Treaty on the Functioning of the European Union ('TFEU'). In Declaration No 22, regarding persons with a disability, annexed to the	(3) Given that it is normally provided against remuneration, which may include a benefit in kind , advertising, including political advertising, constitutes a service activity under Article 57 of the Treaty on the Functioning of the European Union ('TFEU'). In Declaration No 22,		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Treaty of Amsterdam, the Conference of the Representatives of the Governments of the Member States agreed that, in drawing up measures under Article 114 of the TFEU, the institutions of the Union are to take account of the needs of persons with disabilities.	Treaty of Amsterdam, the Conference of the Representatives of the Governments of the Member States agreed that, in drawing up measures under Article 114 of the TFEU, the institutions of the Union are to take account of the needs of persons with disabilities.	regarding persons with a disability, annexed to the Treaty of Amsterdam, the Conference of the Representatives of the Governments of the Member States agreed that, in drawing up measures under Article 114 of the TFEU, the institutions of the Union are to take account of the needs of persons with disabilities-		
Recital 4					
14	(4) The need to ensure transparency is a legitimate public goal, in conformity with the values shared by the EU and its Member States pursuant to Article 2 of the Treaty on European Union ('TEU'). It is not always easy for citizens to recognise political advertisements and exercise their democratic rights in an informed manner. A high level of transparency is necessary, among others, to support an open and fair political debate and free	(4) The need to ensure transparency is a legitimate public goal, in conformity with the values shared by the EU and its Member States pursuant to Article 2 of the Treaty on European Union ('TEU'). It is not always easy for citizens to recognise political advertisements and exercise their democratic rights in an informed manner. A high level of transparency is necessary, among others, to support an open and fair political debate and free	(4) The need to ensure transparency is a legitimate public goal, in conformity with the values shared by the EU and its Member States pursuant to Article 2 of the Treaty on European Union ('TEU'). It is not always easy for citizens to recognise political advertisements and exercise their democratic rights in an informed manner. A high level of transparency is necessary, among others, to support an open and fair political debate and free		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	and fair elections or referendums and to combat disinformation and unlawful interference including from abroad. Political advertising can be a vector of disinformation in particular where the advertising does not disclose its political nature, and where it is targeted. Transparency of political advertising contributes to enabling voters to better understand when they are being presented with a political advertisement on whose behalf that advertisement is being made, and how they are being targeted by an advertising service provider, so that voters are better placed to make informed choices.	and fair elections or referendums and to combat Furthermore, the increasingly sophisticated and intense interference by <u>malign foreign actors in our democratic electoral processes through the spread of</u> disinformation and unlawful interference including from abroad should be tackled. Political advertising can be a vector of disinformation in particular where the advertising does not disclose its political nature, and where it comes from <u>sponsors outside of the Union or</u> where it is targeted <u>or amplified. A high level of transparency is necessary inter alia to support an open and fair political debate, political campaigns and free and fair elections or referendums and to combat disinformation and unlawful interference, including from third countries.</u> Transparency of political advertising	and fair elections or referendums and to combat disinformation and unlawful interference including from abroad. Increasing sophistication in disinformation, diversification of actors, the fast evolution of new technologies and intensified spread of manipulative interference are important challenges for the Union and the Member States. Political advertising can be a vector of disinformation in particular where the advertising does not disclose its political nature, and where it is targeted or amplified. A high level of transparency is necessary, among others, to support an open and fair political debate in ensuring democratic political campaigns, and free and fair elections or referendums and to combat disinformation and unlawful interference		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		contributes to enabling voters <u>and individuals in general</u> to better understand when they are being presented with a political advertisement on whose behalf that advertisement is being made, <u>as well as how and why</u> and how they are being targeted by an advertising service provider, so that voters are better placed to make informed choices.	including from abroad. Transparency of political advertising contributes to enabling voters to better understand when they are being presented with a political advertisement on whose behalf that advertisement is being made, and how they are being targeted by an advertising service provider, so that voters are better placed to make informed choices.		
Recital 4a					
14a		<u>(4a) Providers of advertising services which are intermediary service providers within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) involved in the presentation of political advertising on their interface or the interface of another service provider should be encouraged to establish, implement and publish tailored policies and</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>measures to prevent the placement of political advertising together with disinformation, including by participation in wider disinformation demonetisation initiatives such as the Code of Practice on disinformation.</u>			
	Recital 4a				
Y	14b		(4a) This regulation intends to ensure the provision of political advertising in full respect of fundamental rights, including, inter alia, data protection rights.		
	Recital 5				
R	15	(5) In the context of political advertising, targeting techniques are frequently used. Targeting or amplification techniques should be understood as techniques that are used either to address a tailored political advertisement only	(5) In the context of political advertising, targeting <u>and ad delivery</u> techniques are frequently used. Targeting or amplification techniques should be understood as techniques that are used either to address a	(5) In the context of political advertising, frequent use is made of targeting and amplification techniques are frequently used. Targeting or amplification based on processing of personal data, including	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	to a specific person or group of persons or to increase the circulation, reach or visibility of a political advertisement. Given the power and the potential for the misuse of personal data of targeting, including through microtargeting and other advanced techniques, such techniques may present particular threats to legitimate public interests, such as fairness, equal opportunities and transparency in the electoral process and the fundamental right to be informed in an objective, transparent and pluralistic way.	tailored<u>to tailor</u> political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a<u>exclude them by processing personal data. Ad delivery techniques should be understood as automated techniques of processing of personal data that are used to determine a specific audience, as a specific person or group of persons within the potential audience, for the dissemination of political advertisements. Such techniques are used by political advertising publishers and especially by very large online platforms within the meaning of Regulation (EU) 2022/2065 (Digital Services Act), to deliver political advertisements to a targeted audience based on personal data and on the content of advertisements. Delivering advertisements using such</u>	observed and inferred personal data, such as data revealing political opinions and other special categories of data. Targeting techniques should be understood as techniques that are used either to address a tailored political advertisement only to a specific person or group of persons, usually with tailored content, based on the processing of personal data, regardless of how the personal data has been obtained. Amplification techniques, which include a wide range of optimisation and ad-delivery techniques, aim- or to increase the circulation, reach or visibility of a political advertisement based on the processing of personal data, regardless of how the personal data has been obtained. Given the power and the potential for the misuse of personal data ofthrough targeting, including through		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>techniques involves the use of opaque algorithms and can differ from what the sponsors and providers of advertising services, acting on behalf of sponsors, intended, making some users less likely than others to see particular</u> political advertisement <u>advertisements</u>. Given the power and the potential for the misuse of personal data of targeting, including through microtargeting and other advanced techniques, such techniques may present particular threats to legitimate public interests, such as fairness, <u>freedom of expression</u>, equal opportunities and transparency in the electoral process and the fundamental right <u>rights</u> to be informed in an objective, transparent and pluralistic way, <u>to privacy and the protection of personal data and equality and non-discrimination</u>.	microtargeting and other advanced techniques, such techniques may present particular threats to legitimate public interests, such as fairness, equal opportunities and transparency in the electoral process and the fundamental right to be informed in an objective, transparent and pluralistic way.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Recital 6				
16	(6) Political advertising is currently regulated heterogeneously in the Member States, which in many cases tends to focus on traditional media forms. Specific restrictions exist including on cross-border provisions of political advertising services. Some Member States prohibit EU service providers established in other Member States from providing services of a political nature or with a political purpose during electoral periods. At the same time, gaps and loopholes in national legislation are likely to exist in some Member States resulting in political advertising sometimes being disseminated without regard to relevant national rules and thus risking undermining the objective of transparency regulation for political advertising.	(6) Political advertising is currently regulated heterogeneously in the Member States, which in many cases tends to focus on traditional media forms. Specific restrictions exist including on cross-border provisions of political advertising services, <u>which directly affect the capacity to conduct cross-border and pan-European political campaigns</u>. Some Member States prohibit EU service providers established in other Member States from providing services of a political nature or with a political purpose during electoral periods. At the same time, gaps and loopholes in national legislation are likely to exist in <u>the national legislation of</u> some Member States, <u>as well as in Union legislation</u>, resulting in political advertising sometimes	(6) Political advertising is currently regulated heterogeneously in the Member States, which in many cases tends to focus on traditional media forms. Specific restrictions exist including on cross-border provisions provision of political advertising services. Some Member States prohibit EU service providers established in other Member States from providing services of a political nature or with a political purpose during electoral periods. At the same time, gaps and loopholes in national legislation are likely to exist in some Member States resulting in political advertising sometimes being disseminated without regard to relevant national rules and thus risking undermining the objective of transparency regulation for political advertising.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		being disseminated without regard to relevant national rules and thus risking undermining the objective of transparency regulation for political advertising.			
Recital 7					
17	(7) To provide enhanced transparency of political advertising including to address citizens' concerns, some Member States have already explored or are considering additional measures to address the transparency of political advertising and to support a fair political debate and free and fair elections or referendums. These national measures are in particular considered for advertising published and disseminated online and may include further prohibitions. These measures vary from soft to binding measures and imply different elements of transparency.	(7) To provide enhanced transparency of political advertising including to address citizens' concerns, some Member States have already explored or are considering additional measures to address the transparency of political advertising and to support a fair political debate and free and fair elections or referendums. These national measures are in particular considered for advertising published and disseminated online and may include further prohibitions. These measures vary from soft to binding measures and imply different elements of transparency.	(7) To provide enhanced transparency of political advertising including to address citizens' concerns, some Member States have already explored or are considering additional measures to address the transparency of political advertising and to support a fair political debate and free and fair elections or referendums. These national measures are in particular considered for advertising published and disseminated online and may include further prohibitions. These measures vary from soft to binding measures and imply different elements of transparency.	(7) To provide enhanced transparency of political advertising including to address citizens' concerns, some Member States have already explored or are considering additional measures to address the transparency of political advertising and to support a fair political debate and free and fair elections or referendums. These national measures are in particular considered for advertising published and disseminated online and may include further prohibitions. These measures vary from soft to binding measures and imply different elements of transparency.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				Text Origin: Commission Proposal	
Recital 8					
18	(8) This situation leads to the fragmentation of the internal market, decreases legal certainty for providers of political advertising services preparing, placing, publishing or disseminating political advertisements, creates barriers to the free movement of related services, distorts competition in the internal market, including between offline and online service providers, and requires complex compliance efforts and additional costs for relevant service providers.	(8) This situation leads to the fragmentation of the internal market, decreases legal certainty for providers of political advertising services preparing, placing, <u>promoting</u> , publishing, <u>delivering</u> or disseminating political advertisements, creates barriers to the free movement of related services, distorts competition in the internal market, including between offline and online <u>service providers as a consequence of the disparity in the level of obligations and compliance between those different types of</u> service providers, and requires complex compliance efforts and additional costs for relevant service providers.	(8) This situation leads to the fragmentation of the internal market, decreases legal certainty for providers of political advertising services preparing, placing, promoting , publishing or disseminating political advertisements, creates barriers to the free movement of related services, distorts competition in the internal market, including between offline and online service providers, and requires complex compliance efforts and additional costs for relevant service providers.		
Recital 9					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
19	(9) In this context, providers of political advertising services are likely to be discouraged from providing their political advertising services in cross-border situations. This is particularly true for microenterprises and SMEs, which often do not have the resources to absorb or pass on the high compliance costs connected to the preparation, placement, publication or dissemination of political advertising in more than one Member State. This limits the availability of services and negatively impacts the possibility for service providers to innovate and offer multi-medium and multi-national campaigns within the internal market.	(9) In this context, providers of political advertising services are likely to be discouraged from providing their political advertising services in cross-border situations. This is particularly true for microenterprises and SMEs, which often do not have the resources to absorb or pass on the high compliance costs connected to the preparation, placement, <u>promotion</u> , publication or dissemination of political advertising in more than one Member State. This limits the availability of services and negatively impacts the possibility for service providers to innovate and offer multi-medium and multi-national campaigns within the internal market.	(9) In this context, providers of political advertising services are likely to be discouraged from providing their political advertising services in cross-border situations. This is particularly true for microenterprises and SMEs, which often do not have the resources to absorb or pass on the high compliance costs connected to the preparation, placement, <u>promotion</u> , publication or dissemination of political advertising in more than one Member State. This limits the availability of services and negatively impacts the possibility for service providers to innovate and offer multi-medium and multi-national campaigns within the internal market.	(9) In this context, providers of political advertising services are likely to be discouraged from providing their political advertising services in cross-border situations. This is particularly true for microenterprises and SMEs, which often do not have the resources to absorb or pass on the high compliance costs connected to the preparation, placement, publication or dissemination of political advertising in more than one Member State. This limits the availability of services and negatively impacts the possibility for service providers to innovate and offer multi-medium and multi-national campaigns within the internal market. <u>Text Origin:</u> <u>Commission Proposal</u>	
Recital 10					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
20	(10) A consistent and high level of transparency of political advertising throughout the Union should therefore be ensured when political advertising services are provided, while divergences hampering the free circulation of related services within the internal market should be prevented, by laying down uniform transparency obligations for providers of political advertising services guaranteeing the uniform protection of rights of persons and supervision throughout the internal market based on Article 114 of the TFEU.	(10) A consistent and high level of transparency of political advertising throughout the Union should therefore be ensured when political advertising services are provided, while divergences hampering the free circulation of related services within the internal market should be prevented, by laying down uniform <u>harmonised rules on provision of political advertising services, and on transparency obligations for and due diligence for sponsors and</u> providers of political advertising services guaranteeing the uniform protection of rights of persons and supervision throughout the internal market based on Article 114 of the TFEU.	(10) A consistent and high level of transparency of political advertising throughout the Union should therefore be ensured when political advertising services are provided, while divergences hampering the free circulation of related services within the internal market should be prevented, by laying down uniform transparency obligations for providers of political advertising services guaranteeing the uniform protection of rights of persons and supervision throughout the internal market based on Article 114 of the TFEU.		
Recital 11					
21	(11) Member States should not maintain or introduce, in their national laws, provisions diverging from	(11) Member States should not maintain or introduce, in their national laws, provisions diverging from	(11) Member States should not maintain or introduce, in their national laws, provisions on the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	those laid down in this Regulation, in particular more or less stringent provisions to ensure a different level of transparency in political advertising. Full harmonisation of the transparency requirements linked to political advertisement increases legal certainty and reduces the fragmentation of the obligations that service providers meet in the context of political advertising.	those laid down in this Regulation, in particular more or less stringent provisions to ensure a different level of transparency in political advertising. Full harmonisation of the transparency <u>and due diligence</u> requirements linked to political advertisement increases legal certainty and reduces the fragmentation of the obligations that service providers meet in the context of political advertising.	transparency of political advertising that are diverging from those laid down in this Regulation, in particular more or less stringent provisions to ensure a different level of transparency in political advertising. Full harmonisation of the transparency requirements linked to political advertisement increases legal certainty and reduces the fragmentation of the obligations that service providers meet in the context of political advertising.		
Recital 12					
22	(12) Full harmonisation of the transparency requirements should be without prejudice to the freedom of providers of political advertising services to provide on a voluntary basis further information on political advertising, as part of the freedom of expression	(12) Full harmonisation of the transparency requirements should be without prejudice to the freedom of providers of political advertising services to provide on a voluntary basis further information on political advertising, as part of the freedom of expression	(12) Full harmonisation of the transparency requirements should be without prejudice to the freedom of providers of political advertising services to provide on a voluntary basis further information on political advertising, for instance clickthrough rate of a		

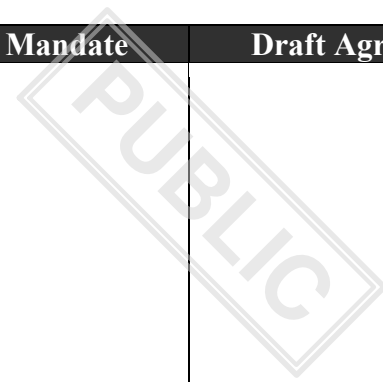
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	protected under Article 11 of the Charter of Fundamental Rights.	protected under Article 11 of the Charter of Fundamental Rights.	specific online political advertisement , as part of the freedom of expression and information protected under Article 11 of the Charter of Fundamental Rights.		
Recital 13					
23	(13) This Regulation should not affect the substantive content of political advertising nor rules regulating the display of political advertising including so-called silence periods preceding elections or referendums.	(13) This Regulation should not <i>neither</i> affect the substantive content of political advertising nor <u>Union or Member States</u> rules regulating the display <i>content</i> of political advertising, <u>presentation of political advertisements, electoral</u> including so-called silence periods preceding elections or referendums <i>and the conduct of political campaigning including advertising bans. Furthermore, this Regulation should not affect, in particular, the fundamental right to freedom of opinion and freedom of speech.</i>	(13) This Regulation should not affect the substantive <i>is limited to harmonising the rules on the transparency and the targeting and amplification of political advertising. It neither affects the</i> content of political advertising nor advertisements, nor Union or Member States' rules regulating aspects related to political advertising other than those covered by this Regulation. As such, this Regulation does not alter the rules regulating the conduct and financing the display of political campaigning, including general bans or		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			limitations on political advertising including during specified periods, the so-called silence periods, donations by individual campaign donors or prohibitions regarding the use of commercial advertising for election campaign purposes preceding elections or referendums.		
Recital 13a					
23a		<u>(13a) The specific needs of micro, small and medium-size enterprises should be taken into account in the application and enforcement of this Regulation, in line with the principle of proportionality. The notion of micro, small and medium-sized enterprises should be understood within the meaning of Directive 2013/34/EU.</u>	(13a) The specific needs of micro, small and medium-sized enterprises should be taken into account in the application and enforcement of this Regulation, in line with the principle of proportionality. The notion of micro, small and medium-sized enterprises should be understood in the meaning of Article 3 paragraphs 1 to 3 of Directive 2013/34/EU.		
Recital 14					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
24	(14) The Regulation should provide for harmonised transparency requirement applicable to economic actors providing political advertising and related services (i.e. activities that are normally provided for remuneration); those services consist in particular of the preparation, placement, promotion, publication and dissemination of political advertising. The rules of this Regulation that provide for a high level of transparency of political advertising services are based on Article 114 of the TFEU. This Regulation should also address the use of targeting and amplification techniques in the context of the publication, dissemination or promotion of political advertising that involve the processing of personal data. The rules of this Regulation that address the use of targeting and amplification	(14) The Regulation should provide for harmonised transparency requirement <u>and due diligence requirements</u> applicable to economic actors providing political advertising and related services (i.e. activities that are normally provided for remuneration); those services consist in particular of the preparation, placement, promotion, publication, <u>delivery</u> and dissemination of political advertising. The rules of this Regulation that provide for a high level of transparency of political advertising services are based on Article 114 of the TFEU. This Regulation should also address the use of targeting and amplification <u>ad delivery</u> techniques in the context of the <u>promotion</u>, publication, dissemination or promotion <u>delivery or dissemination</u> of political advertising that involve the	(14) The Regulation should provide for harmonised transparency requirement requirements applicable to economic actors providing political advertising and related services (i.e. activities that are normally provided for remuneration), which may include a benefit in kind; those services consist in particular of the preparation, placement, promotion, publication and dissemination of political advertising advertisements. - The rules of this Regulation that provide for a high level of transparency of political advertising services are based on Article 114 of the TFEU. This Regulation should also address the use of targeting and amplification techniques in the context of political advertising that are based on the processing of personal data, regardless of whether this involves a		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	are based on Article 16 of the TFEU. Political advertising directed to individuals in a Member State should include advertising entirely prepared, placed or published by service providers established outside the Union but disseminated to individuals in the Union. To determine whether a political advertisement is directed to individuals in a Member State, account should be taken of factors linking it to that Member State, including language, context, objective of the advertisement and its means of dissemination.	processing of personal data. The rules of this Regulation that address the use of targeting and amplification <u>ad delivery</u> are based on Article 16 of the TFEU. Political advertising directed to individuals in a Member State should include advertising entirely prepared, placed, <u>promoted, published delivered or disseminated</u> or published by service providers established outside the Union but disseminated to individuals in the Union. To determine whether a political advertisement is directed to individuals in a Member State, account should be taken of factors linking it to that Member State, including language, context, objective of the advertisement and its means of dissemination.	service. the publication, dissemination or promotion of political advertising that involve the processing of personal data. The rules of this Regulation that address the use of targeting and amplification are based on Article 16 of the TFEU. Political advertising directed to individuals in a Member State should include advertising entirely prepared, placed, promoted, published or disseminated or published by service providers established outside the Union but disseminated to individuals in the Union. To determine whether a political advertisement is directed to individuals in a Member State, account should be taken of factors linking it to that Member State, including language, context, objective of the advertisement and its means of dissemination.		
	Recital 14a				
Y	24a				Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>(14a) The specificities of the medium of publication or dissemination of the political advertisement should be taken into account in the application and enforcement of this Regulation.</u>	(14a) The specificities of the medium of publication or dissemination of the political advertisement should be taken into account in the application of this Regulation, in particular to adapt the modalities to television, radio and newspapers as the case may be in compliance with EU law.		
Recital 14b					
24b		<u>(14b) This Regulation should recall the importance of the principle of non-discrimination in the cross-border provision of political advertising services in the Union. Providers of political advertising services should not discriminate against sponsors legally established in the Union, including in the case of cross-border services to European political parties, as it would harm the possibility for the</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>conduction of cross-border political campaigns, essential to foster a European public sphere. However, refusal to provide services in a Member State where providers of political advertising services do not conduct business does not constitute discrimination as such service providers should not be compelled to conduct business in a Member State in which they are not economically active.</u>			
	Recital 14c				
R	24c	<u>(14c) A solid body of evidence shows that foreign actors have been actively interfering in the democratic functioning of the Union and its Member States, particularly during election and referendum periods. Considering that foreign interferences constitute a serious violation of values and principles on which the</u>			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>Union is funded and moreover, foreign interferences, information manipulation and disinformation are an abuse of the fundamental freedoms of expression and information as laid down in Article 11 of the Charter and threaten these freedoms, as well as undermining democratic processes in the EU and its Member States, such as the holding of free and fair elections, it is necessary to take appropriate measures to combat disinformation and prevent such interferences by means of advertisements sponsored by actors coming from outside the Union. To support the enforcement of national rules concerning external interference in elections, it is necessary to ensure that political advertising sponsored, prepared, placed, promoted, published, delivered or disseminated in the Union, or directed to</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>individuals in one or more Member States, regardless of the place of establishment of service providers, can be supplied only to sponsors who are citizens of the Union, and to service providers acting on behalf of such sponsors, in addition to natural or legal persons residing or established in the Union. For the purposes of determining the place of establishment of a sponsor, the place of establishment of entities ultimately controlling the sponsor should be taken into account.</u>			
Recital 15					
25	(15) There is no existing definition of political advertising or political advertisement at Union level. A common definition is needed to establish the scope of application of the harmonised transparency obligations and rules on targeting and amplification.	(15) There is no existing definition of political advertising or political advertisement at Union level. A common definition is needed to establish the scope of application of the harmonised transparency obligations and rules on targeting and	(15) There is no existing definition of political advertising or political advertisement at Union level. A common definition is needed to establish the scope of application of the harmonised transparency obligations and rules on targeting and amplification.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	This definition should cover the many forms that political advertising can take and any means and mode of publication or dissemination within the Union, regardless of whether the source is located within the Union or in a third country.	amplification <u>ad delivery</u> . This definition should cover the many forms that political advertising can take and any means and mode of publication or dissemination within the Union, regardless of whether the source is located within the Union or in a third country.	This definition should cover the many forms that political advertising can take and any means and mode of publication or dissemination within the Union, regardless of whether the source is located within the Union or in a third country.		
Recital 16					
26	(16) The definition of political advertising should include advertising published or disseminated directly or indirectly by or published or disseminated directly or indirectly for or on behalf of a political actor. Since advertisements by, for or on behalf of a political actor cannot be detached from their activity in their role as political actor, they can be presumed to be liable to influence the political debate, except for messages of purely private or purely commercial nature.	(16) The definition of political advertising should include advertising <u>prepared, placed, promoted, delivered</u> or disseminated directly or indirectly by or <u>prepared, placed, promoted, delivered</u> or disseminated <u>by any means</u> directly or indirectly for or on behalf of a political actor. Since advertisements by, for or on behalf of a political actor cannot be detached from their activity in their role as political actor, they can be presumed to be	(16) The definition of political advertising should include advertising prepared, placed, promoted , published or disseminated directly or indirectly by or prepared, placed, promoted , published or disseminated directly or indirectly for or on behalf of a political actor. Political advertising is usually directly or indirectly under the control of a sponsor, which could be a political actor, and which would in particular be able to determine the political		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		liable to influence the political debate, <u>or the outcome of an election or referendum</u>, except for messages of purely private or purely commercial nature. <u>In order to determine that a message is of a purely private or purely commercial nature, account should be taken of all relevant factors, such as its content, the language used to convey it, the context in which it is conveyed, its objective and the means by which it is promoted, published or disseminated. Messages concerning a political actor's family status or business activities can be purely private or purely commercial. In addition, the definition of political advertising should include prepared, placed, promoted, published, delivered or disseminated messages which are liable to influence the outcome of an election or referendum or a legislative</u>	nature, content or publication of the political advertising being prepared, placed, promoted, published or disseminated. Sometimes another entity may ultimately exercise effective control over relevant decision making of the sponsor, by providing funding or by other forms of control, including corporate control. It should therefore be ensured that the transparency standards provided by this Regulation cover such situations. Since advertisements by, for or on behalf of a political actor cannot be detached from their activity in their role as political actor, they can be presumed to be liable to influence the political debate, except for messages of purely private or purely commercial nature. In order to determine that a message is of a purely private or		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>or regulatory process or voting behaviour. Those messages cannot be considered as purely private or purely commercial. Those messages can originate from any natural or legal person, including from official sources, such as governments, public authorities, institutions or bodies. However, if their messages are strictly limited to the announcement of elections or referendums or of the modalities for participation into elections or referendums, they shall be excluded from the scope.</u>	purely commercial nature, account should be taken of all relevant factors such as its content, the language used to convey the message, the context in which the message is conveyed, including the period of dissemination, the objective of the message and the means by which the message is promoted, that are published or disseminated and the targeted audience. Messages for or on behalf of a political actor, promoted, published or disseminated to a potentially unlimited number of third parties should not be considered as purely private.		
Recital 17					
27	(17) The publication or dissemination by other actors of a message that is liable to influence the outcome of an election or referendum, legislative or	(17) The <u>promotion, delivery</u> or dissemination by other actors of a message that is liable to influence the outcome of an election or	(17) The promotion , publication or dissemination by other actors of a message that is liable and designed to influence the outcome of an		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
regulatory process or voting behaviour should also constitute political advertising. In order to determine whether the publication or dissemination of a message is liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, account should be taken of all relevant factors such as the content of the message, the language used to convey the message, the context in which the message is conveyed, the objective of the message and the means by which the message is published or disseminated. Messages on societal or controversial issues may, as the case may be, be liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.	referendum, legislative or regulatory process or voting behaviour <u>or the public opinion on societal or controversial issues at Union, national, regional, local or at a political party level</u> should also constitute political advertising. <u>A legislative or regulatory process should include decision making having binding effects of general application at the local, regional, national or European level.</u> In order to determine whether the publication, <u>promotion</u> or dissemination of a message is liable to influence, the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, account should be taken of all <u>factors</u> relevant <u>factors at the time the message was promoted, published, delivered or disseminated,</u> such as the <u>identity of the sponsor of the message, the form and the</u> content of the message, the <u>spoken or</u>	election or referendum, or voting behaviour, or legislative or regulatory process at Union, national, regional, local or at a political party level, or voting behaviour should also constitute political advertising. In order to determine whether the publication or dissemination of a A clear and substantial link should exist between the message is liable and its potential to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour. In order to determine the existence of such a link, account should be taken of all relevant factors such as the sponsor of the message, the content of the message, the language used to convey the message, the context in which the message is conveyed, including the period of dissemination such as an electoral period, the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>written</u> language used to convey the message, the context in which the message is conveyed, the objective of the message and the means by which the message is published or disseminated. Messages on societal or controversial issues may <u>promoted, published, delivered or disseminated, as the case may be, be liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour</u> <u>the audience targeted and the objective of the message.</u>	objective of the message and, the means by which the message is promoted, published or disseminated, and the targeted audience. Messages on societal or controversial issues may, as the case (so called 'issue-based ads') may be, be liable liable and designed to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.		
Recital 17a					
27a		<u>(17a) Communication of a political party with its current or former members is an inherent part of the membership in a political party and should not constitute political advertising.</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Recital 17b				
27b		<u>(17b) Commercial advertising and marketing practices can legitimately affect consumers' perceptions of products and services or their buying behaviour, including through brand differentiation based on company actions in the field of corporate social responsibility, delivering social impact, or any other types of purpose-driven engagement. Commercial advertising in some cases may be liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, in which case this Regulation should apply.</u>			
	Recital 17c				
27c		<u>(17c) For the effective implementation of the requirements of this</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>Regulation, and in particular to support the sponsors of advertising and service providers acting on behalf of the sponsors in declaring political advertising, and to support providers of political advertising services in facilitating and appropriately administering such declarations, it is necessary for the Commission to draw up common guidance.</u>			
Recital 18					
28	(18) Practical information from official sources regarding the organisation and modalities for participation in the elections or referendums should not constitute political advertising.	(18) Practical information from official sources regarding the organisation <u>and strictly limited to the announcement of elections or referendums or of the</u> modalities for participation in the elections or referendums should not constitute political advertising.	(18) In the interest of effective communication with the general public, public communication by, for or on behalf of any public authority of a Member state, including members of Government, for example, press releases or conferences announcing legislative or regulatory initiatives and explaining the policy choice underpinning such		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			initiatives, should not constitute political advertising, provided they are not designed to influence the outcome of an election or referendum, voting behaviour or a legislative or regulatory process. Similarly, practical information from official sources of Member States or the Union regarding exclusively the organisation and modalities for participation in the elections or referendums, including the candidacies or the subject of the question put to the referendum, should also not constitute political advertising.		
	Recital 18a				
Y	28a		(18a) This Regulation should not apply where a specified public space for the presentation of candidates is explicitly provided by law and allocated free of charge,		Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			for example by allocating space for such presentation in the municipalities and other public areas or a particular broadcasting time on the television, where this is done in a fair and non-discriminatory manner, on the basis of transparent and objective criteria.		
Recital 19					
29	(19) Political views expressed in the programmes of audiovisual linear broadcasts or published in printed media without direct payment or equivalent remuneration should not be covered by this Regulation.	(19) Political views expressed <u>The media contribute to the well-functioning of democratic processes and play an essential role</u> in the programmes of audiovisual linear broadcasts or published in printed media without direct payment or equivalent remuneration <u>freedom of expression and right to information, particularly during election periods. They provide a space for public debate and</u>	(19) Political views expressed <u>opinion</u> expressed <u>d in any media under editorial responsibility including but not limited to</u> in the programmes of audiovisual media services in the meaning of Article 1(1)(a) of Directive 2010/13/EU, in linear broadcasts or and non linear radio broadcasting, published in printed or in online media, unless specific remuneration is provided for or in connection with		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>contribute to public opinion-forming. This Regulation should not affect the editorial freedom of the media. Political views and opinions or other editorial content expressed or disseminated for journalistic purposes or under the editorial responsibility of a media service provider should not be considered political advertising and</u> should not be covered by this Regulation, <u>if no payment or other remuneration is provided by third parties specifically for the expression of the views or opinions. Such political views and opinions which are additionally promoted, published or disseminated by service provider should in any case be considered to be political advertising. Journalistic practices established either in national law or by media and press councils in accordance with Union law, including the Charter</u>	expressing that political opinion without direct payment or equivalent remuneration should not be covered by this Regulation.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>of Fundamental Rights, should apply. Any form of surreptitious advertising should be prohibited.</u>			
Recital 19a					
29a		<u>(19a) Media literacy is central to allow individuals to use media effectively and safely. It is also an essential skill for the public to benefit from the access to information on political advertisement provided by this Regulation. Therefore, it is important to promote the development of media literacy in Member States and at Union level, in all sections of the society, for individuals of all ages.</u>			
Recital 20					
30	(20) For the purpose of this Regulation, election should be understood as the elections to the European Parliament as well as all elections or referendums	(20) For the purpose of this Regulation, election should be understood as the elections to the European Parliament as well as all elections or referendums	(20) For the purpose of this Regulation, election should be understood as the elections to the European Parliament as well as all elections or referendums		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	organised at national, regional and local level in the Member States and elections to establish political party leadership. It should not include other forms of elections such as privately organised ballots.	organised at national, regional and local level in the Member States and elections to establish political party leadership. It should not include other forms of elections such as privately organised ballots.	organised at national, regional and local level in the Member States and elections to establish political party leadership. It should not include other forms of elections such as professional or privately organised ballots.		
Recital 21					
31	(21) It is necessary to define political advertisement as an instance of political advertising. Advertisements include the means by which the advertising message is communicated, including in print, by broadcast media or via an online platforms service.	(21) It is necessary to define political advertisement as an instance of political advertising. Advertisements include the means by which the advertising message is communicated, including in print, by broadcast media, <u>online media portals, on web pages showing results from search engine queries</u> or via an online platforms service.	(21) It is necessary to define political advertisement as an instance of political advertising. Advertisements include the means by which the advertising message is communicated, including in print, by broadcast media or via an online platforms service.		
Recital 22					
32	(22) Political actors within the meaning of this Regulation should refer to	(22) Political actors within the meaning of this Regulation should refer to	(22) Political actors within the meaning of this Regulation should refer to		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	concepts defined under Union law, as well as under national law in line with international legal instruments such as those of the Council of Europe. The concept of political parties should include their affiliated and subsidiary entities established, with or without legal personality, in order to support them or pursue their objectives, for instance by engaging with a specific group of voters or for a specific electoral purpose.	concepts defined under Union law, as well as under national law in line with international legal instruments such as those of the Council of Europe. The concept of political parties should include their affiliated and subsidiary entities established, with or without legal personality, in order to support them or pursue their objectives, for instance by engaging with a specific group of voters or for a specific electoral purpose.	concepts defined under Union law, as well as under national law in line with international legal instruments such as those of the Council of Europe. The concept of political partiesactors should include their affiliated and subsidiary entities of a political party established, with or without legal personality, in order to support them or pursue their objectives, for instance by engaging with a specific group of voters or for a specific electoral purpose.		
Recital 23					
33	(23) The concept of political actors should also include unelected officials, elected officials, candidates and members of Government at European, national, regional or local level. Other political organisations should also be included in that	(23) The concept of political actors should also include unelected officials, elected officials, candidates and members of Government at European, national, regional or local level. Other political organisations should also be included in that	(23) The concept of political actors should also include unelected officialscandidates for or holders of any elected officials, candidates-office, and members of the Government at Europeanof Member States at national, regional or local		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	definition.	definition.	level. Other political organisations should also be included in that definition or of Union institutions, with the exception of the Court of Justice of the European Union, the European Central Bank and the Court of Auditors.		
Recital 24					
34	(24) An advertising campaign should refer to the preparation, publication and dissemination of a series of linked advertisements in the course of a contract for political advertising, on the basis of common preparation, sponsorship and funding. It should include the preparation, placement, promotion, publication and dissemination of an advertisement or versions of an advertisement on different media and at different times within the same electoral cycle.	(24) An advertising campaign should refer to the preparation, <u>placement, promotion, delivery</u> and dissemination of a series of linked advertisements in the course of a contract for political advertising <u>services</u> , on the basis of common preparation, sponsorship and funding. It should include the preparation, placement, promotion, publication, <u>delivery</u> and dissemination of an advertisement or versions of an advertisement on different media and at different times	(24) An advertising campaign should refer to the preparation, placement, promotion , publication and dissemination of a series of linked advertisements in the course of a contract for political advertising, on the basis of common preparation, sponsorship and funding. It should include the preparation, placement, promotion, publication and dissemination of an advertisement or versions of an advertisement on different media and at different times within the same electoral cycle.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		within the same electoral cycle <u>or legislative process</u> .			
Recital 25					
Y	35	(25) The definition of political advertising should not affect national definitions of political party, political aims or campaign periods at national level.	(25) The definition of political advertising should not affect national definitions of political party, political aims or <u>political</u> campaign periods at national level.	(25) The definition of political advertising should not affect national definitions of political party, political aims, or campaigns nor alter or interfere with or campaign periods rules , at national level.	Y
Recital 25a					
Y	35a		(25a) The definition of political actor does not interfere with national rules on who can conduct a political campaign and should not oblige Member States to define such rules.		Y
Recital 26					
R	36	(26) In order to cover the broad range of relevant service providers connected	(26) In order to cover the broad range of relevant service providers connected	(26) In order to cover the broad range of relevant service providers connected	R

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
to political advertising services, providers of political advertising services should be understood as comprising providers involved in the preparation, placement, promotion, publication and dissemination of political advertising.	to political advertising services, providers of political advertising services should be understood as comprising providers involved in the preparation <u>such as the design and planning of an advertisement or campaign, or in the placement, promotion, publication, delivery and dissemination of political advertising. For example, providers of political advertising services may initiate political advertising services on behalf of sponsors. The provision of targeting and ad delivery techniques in the context of political advertising should be understood to be a political advertising service.</u>	to political advertising services, providers of political advertising services should be understood as comprising providers involved in the preparation, placement, promotion, publication and dissemination of political advertisement. Providers that provide purely ancillary services in relation to political advertising services should not be understood as providers of political advertising services in the meaning of this Regulation. Ancillary services are services that typically depend on and complement a political advertising service but have no direct influence on the content or presentation of political advertisement, nor direct control over its preparation, placement, promotion, publication or dissemination. Such services include, for instance, postal services,		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			printing services, graphic, sound or photographic design, "mere conduit", "caching" and "cloud computing" services, within the meaning of Regulation (EU) 2022/xxx [the DSA].		
Recital 26a					
36a		<u>(26a) Providers of purely ancillary services in relation to political advertising, which are provided in addition to and which merely complement the preparation, placement, promotion, publication and dissemination of political advertising, should not be understood as providers of political advertising services within the meaning of this Regulation. Ancillary services are services that typically depend on and complement a political advertising service. Such services can include transportation, financing</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>and investment, purchasing, sales, catering, marketing, computer services, cleaning and maintenance.</u>			
Recital 26b					
36b		<u>(26b) A sponsor should be understood as the person on whose behalf political advertising is prepared, placed, promoted, published or disseminated, for instance an individual candidate in an election or a political party or political organisation.</u>	(26a) A sponsor should be understood as the person or entity on whose behalf political advertisement is prepared, placed, promoted, published or disseminated, for instance an individual candidate in an election, a registered third party or a political party, and who is normally the person or entity providing remuneration in exchange for political advertising services.		
Recital 26c					
36c		<u>(26c) Political advertising publishers should be understood as providers of political advertising</u>	(26b) Political advertising publishers should be understood as providers of political		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>services, usually at the end of the chain of service providers, promoting, publishing, delivering or disseminating political advertising by broadcasting, making it available through an interface or otherwise bringing it to the public.</u>	advertising services, normally at the end of the chain of service providers, publishing and disseminating political advertising by broadcasting, making available through an interface or otherwise bringing it to the public domain.		
Recital 27					
37	(27) The notion of political advertising services should not include messages that are shared by individuals in their purely personal capacity. Individuals should not be considered as acting in their personal capacity if they are publishing messages the dissemination or publication of which is paid for by another.	(27) The notion of political advertising services should not include messages that are shared by individuals in their purely personal capacity. Individuals should not be considered as acting in their personal capacity if they are publishing messages the dissemination or publication of which is paid for by another <u>involves remuneration or benefits in kind from third parties.</u>	(27) The notion of political advertising services should not include messages that are shared by individuals in their purely personal capacity. However, individuals should not be considered as acting in their personal capacity if they are publishing messages the dissemination or publication of which is paid for by another a third party.-		
Recital 28					
38					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	(28) Once an advertisement is indicated as being connected to political advertising, this should be clearly indicated to other service providers involved in the political advertising services. In addition, once an advertisement has been identified as political advertisement, its further dissemination should still comply with transparency requirements. For instance, when sponsored content is shared organically, the advertising should still be labelled as political advertising.	(28) Once an advertisement is indicated as being connected to <u>the sponsor declares an advertisement to be</u> political advertising, this should be clearly <u>and without delay</u> indicated to other service providers involved in the political advertising services. In addition, once an advertisement has been identified as political advertisement, its further dissemination should still comply with transparency <u>and due diligence</u> requirements. For instance, when sponsored content <u>political advertisement</u> is shared organically, the advertising <u>it</u> should still be labelled as political advertising.	(28) Once an advertisement is indicated the sponsor declares advertising as being connected to political advertising, this should be clearly indicated to other service providers involved in the political advertising services. The sponsor should make this declaration truthfully. In addition, once an advertisement advertising has been identified as political advertisement, its further dissemination should still comply with transparency requirements. For instance, when sponsored content political advertisement, as defined in this regulation, is shared organically, the advertising should still be labelled as political advertising. In the framework of a contract, failure to act in good faith should engage contractual responsibility.		
Recital 28a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
38a		<u>(28a) To guarantee the effectiveness of the transparency and due diligence requirements, sponsors and providers of advertising services acting on behalf of sponsors should transmit in good faith relevant information in a timely, clear, complete and accurate manner to enable the other providers of services in the chain to comply with the Regulation. When the political advertising publisher is the only provider of political advertising services, the sponsor should communicate such information to the political advertising publisher.</u>	(28a) In view of the importance of guaranteeing in particular the effectiveness of the transparency requirements, sponsors and providers of political advertising services acting on behalf of sponsors should transmit in good faith relevant information in a complete and accurate manner, and without undue delay, to enable the other providers of political advertising services in the chain to comply with this Regulation. When the political advertising publisher is the only provider of political advertising services, the sponsor should communicate such information to the political advertising publisher. In case of a declaration or information that is manifestly erroneous,		

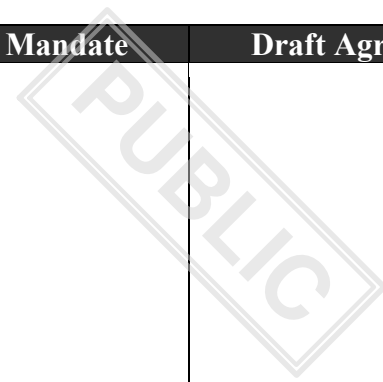
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			providers of advertising services should request the sponsors and the providers of advertising services acting on behalf of sponsors to correct their declaration.		
Recital 28b					
38b		<u>(28b) Where providers of political advertising services become aware of a manifest error, inaccuracy or incompleteness in the declaration that advertising is or is not political, or in the information communicated, providers of political advertising services should require the sponsors to ensure that such manifest error, inaccuracy or incompleteness is corrected.</u>			
Recital 28c					
38c		<u>(28c) A declaration or information should be</u>	(28b) A declaration or information should be		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>considered manifestly erroneous if it is apparent from the advertising, the sponsor, or the context in which the relevant service is provided, without further verifications or fact-finding exercises.</u>	considered manifestly erroneous if it is apparent from the content of the advertisement, the identity of the sponsor, or the context in which the relevant service is provided, without further verifications or fact-finding exercises.		
Recital 28d					
38d		<u>(28d) Reasonable efforts should include diligent and objective measures, such as contacting the sponsor or the service providers concerned to complete or correct the information. Account should be taken of the nature and importance of the erroneous or missing information in relation to the requirements laid down by this Regulation. Reasonable efforts should also be reflected in the contractual arrangements among service providers and with the sponsor, where relevant. The</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>provider of political advertising services should not be required to engage in excessive or costly fact-finding exercises or complex contact with the sponsor or the providers of political advertising services concerned.</i></u>			
Recital 29					
39	(29) The rules on transparency laid down in this Regulation should only apply to political advertising services, i.e. political advertising that is normally provided against remuneration, which may include a benefit in kind. The transparency requirements should not apply to content uploaded by a user of an online intermediary service, such as an online platform, and disseminated by the online intermediary service without consideration for the placement, publication or dissemination for the specific message, unless the	(29) The rules on transparency, <u><i>due diligence and data protection</i></u> laid down in this Regulation should only apply to political advertising services, i.e. political advertising that is normally provided against remuneration, which may include a benefit in kind. The transparency requirements should not apply to content uploaded by a user of an online intermediary service, such as an online platform, and disseminated by the online intermediary service without consideration for the placement, publication,	(29) The rules on transparency laid down in this Regulation should only apply to political advertising services, i.e. political advertising that is normally provided against remuneration, which may include a benefit in kind. The transparency requirements should not apply to content uploaded by a user of an online intermediary service, such as an online platform, and disseminated by the online intermediary service without consideration for the placement, publication or dissemination for the specific message, unless the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	user has been remunerated by a third party for the political advertisement.	<u>delivery</u> or dissemination for the specific message, unless the user has been remunerated, <u>or received benefit in kind</u> , by a third party for the political advertisement.	user has been remunerated by a third party for the political advertisement.		
Recital 30					
40	(30) The transparency requirements should also not apply to the sharing of information through electronic communication services such as electronic message services or telephone calls, as long as no political advertising service is involved.	(30) The transparency requirements should also not apply to the sharing of information through electronic <u>interpersonal</u> communication services such as electronic message services or telephone calls, as long as no political advertising service is involved.	(30) The transparency requirements should also not apply to the sharing of information through electronic communication services such as electronic message services or telephone calls, as long as no political advertising service is involved.		
Recital 31					
41	(31) Freedom of expression as protected by Article 11 of the Charter of Fundamental Rights covers an individual's right to hold political opinions, receive and impart political information and share	(31) Freedom of expression as protected by Article 11 of the Charter of Fundamental Rights covers an individual's right to hold political opinions, receive and impart political information and share	(31) Freedom of expression and information as protected by Article 11 of the Charter of Fundamental Rights covers an individual's right to hold political opinions, receive and impart political		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	political ideas. Every limitation to it has to comply with Article 52 of the Charter of Fundamental Rights and that freedom can be subject to modulations and restrictions where they are justified by the pursuit of a legitimate public interest and comply with the general principles of EU law, such as proportionality and legal certainty. That is inter alia the case where the political ideas are communicated through advertising service providers.	political ideas. Every limitation to it has to comply with Article 52 of the Charter of Fundamental Rights and that freedom can be subject to modulations and restrictions where they are <u>necessary and</u> justified by the pursuit of a legitimate public interest and comply with the general principles of EU law, such as proportionality and legal certainty. That is inter alia the case where the political ideas are communicated through advertising service providers. <u>Freedom of expression is one of the cornerstones of a lively democratic debate.</u>	information and share political ideas. Every limitation to it this freedom has to comply with Article 52 of the Charter of Fundamental Rights. This and that freedom can be subject to modulations and restrictions where they are justified by the pursuit of a legitimate public interest and comply with the general principles of EU law, such as proportionality and legal certainty. That is inter alia the case where the political ideas are communicated through advertising service providers.		
Recital 31a					
41a		<u>(31a) Given the importance of political advertising, it is essential that this Regulation ensures a regulatory framework which ensures full, equal and unrestricted access to political</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>advertising services and their required transparency information for all recipients, including persons with disabilities. Therefore, it is important that accessibility requirements for providers of political advertising services are consistent with existing Union law, such as the European Accessibility Act and the Web Accessibility Directive and that Union law is further developed, so that no one is left behind as result of digital innovation.</u>			
Recital 31a					
41b			(31a) This Regulation should not have the effect of requiring Member States to take measures in contravention of fundamental principles relating to freedom of expression, in particular freedom of the press and the freedom of expression in other media as they result from constitutional		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			traditions or rules governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.		
Recital 32					
42	(32) As regards online intermediaries, Regulation (EU) 2021/XX [Digital Services Act] applies to political advertisements published or disseminated by online intermediaries through horizontal rules applicable to all types of online advertising, including commercial and political advertisements. Based on the definition of political advertising established in this Regulation, it is appropriate to provide additional granularity of the transparency requirements laid out for advertising publishers falling under the	(32) As regards online intermediaries, Regulation (EU) 2021/XX <u>2022/2065</u> [Digital Services Act] applies to political advertisements published or disseminated by online intermediaries through horizontal rules applicable to all types of online advertising, including commercial and political advertisements. Based on the definition of political advertising established in this Regulation, it is appropriate to provide additional granularity of the transparency requirements laid out for advertising publishers falling under the	(32) As regards online intermediaries, Regulation (EU) 2021/XX <u>2022/XX</u> [Digital Services Act] applies to political advertisements published or disseminated by online intermediaries through horizontal rules applicable to all types of online advertising, including commercial and political advertisements. Based on the definition of political advertising established in this Regulation, it is appropriate to provide additional granularity of the transparency requirements laid out for advertising publishers falling under the		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
scope of Regulation (EU) 2021/XX [Digital Services Act], notably very large platforms. This concerns in particular information related to the funding of political advertisements. The requirements of this Regulation leave unaffected the provisions of the Digital Services Act, including as regards risk assessment and mitigation obligations for very large online platforms as regards their advertising systems.	scope of Regulation (EU) 2021/XX <u>2022/2065</u> (Digital Services Act), notably very large <u>online</u> platforms. This concerns in particular information related to the funding of political advertisements. The requirements of this Regulation leave unaffected the provisions of the Digital Services Act, including as regards <u>but should inform the</u> risk assessment and mitigation obligations for very large online platforms as regards their advertising systems <u>including the targeting and ad delivery techniques of political advertising services employed. To assist Member States and service providers, the Commission should provide guidelines on the interaction between and complementary nature of different Union legal acts and this Regulation and on the interpretation of any similar requirements therein.</u>	scope of Regulation (EU) 2021/XX <u>2022/XX</u> [Digital Services Act], notably very large online platforms. This concerns in particular information related to the funding of political advertisements. The requirements of this Regulation leave unaffected the provisions of the Digital Services Act, including as regards risk assessment and mitigation obligations for very large online platforms as regards their advertising systems.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Recital 33					
43	(33) The preparation, placement, promotion, publication and dissemination of political advertising can involve a complex chain of service providers. This is the case in particular where the selection of advertising content, the selection of targeting criteria, the provision of data used for the targeting of an advertisement, the provisions of targeting techniques, the delivery of an advertisement and its dissemination may be controlled by different service providers. For instance, automated services can support matching the profile of the user of an interface with the advertising content provided, using personal data collected directly from the user of the service and from the users' online conduct, as well as inferred data.	(33) The preparation, placement, promotion, publication, <u>delivery</u> and dissemination of political advertising can involve a complex chain of service providers. This is the case in particular where the selection of advertising content, the selection of targeting <u>and ad delivery</u> criteria, the provision of data used for the targeting <u>and delivery</u> of an advertisement, the provisions of targeting <u>and ad delivery</u> techniques, the delivery of an advertisement and its dissemination may be controlled by different service providers. For instance, automated services can support matching the profile of the user of an interface with the advertising content provided, using personal data collected directly from the user of the service and from the users' online	(33) The preparation, placement, promotion, publication and dissemination of political advertisingadvertisements can involve a complex chain of service providers. This is the case in particular where the selection of advertising content, the selection of targeting and amplification criteria, the provision of data used for the targeting and amplification of an advertisement, the provisions of targeting and amplification techniques, the delivery of an advertisement and its dissemination may be controlled by different service providers. For instance, automated services can support matching the profile of the user of an interface with the advertising content provided, using personal data collected directly from		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		conduct, as well as inferred data.	the user of the service and from the users' online conduct, as well as inferred data.		
Recital 34					
44	(34) In view of the importance of guaranteeing in particular the effectiveness of the transparency requirements including to ease their oversight, providers of political advertising services should ensure that the relevant information they collect in the provision of their services, including the indication that an advertisement is political, is provided to the political advertising publisher which brings the political advertisement to the public. In order to support the efficient implementation of this requirement, and the timely and accurate provision of this information, providers of political advertising services should consider	(34) In view of the importance of guaranteeing in particular the effectiveness of the transparency <u>and due diligence</u> requirements including to ease their oversight, <u>sponsors and where relevant providers of political advertising services acting on behalf of sponsors should ensure the accuracy of information that they provide.</u> Providers of political advertising services should ensure that the relevant information they collect in the provision of their services, including the indication that an advertisement is political, is <u>complete, and it is</u> provided to the political advertising publisher which brings <u>disseminates</u> the	(34) In view of the importance of guaranteeing in particular the effectiveness of the transparency requirements including to ease their oversight, providers of political advertising services should ensure that the relevant information they collect in the provision of their services, including the indication that an advertisement is political, is complete and accurate and is provided to the political advertising publisher which brings the political advertisement to the public. In order to support the efficient implementation of this requirement, and the timely and accurate provision of this information, providers of political advertising		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
and support automating the transmission of information among providers of political advertising services.	political advertisement to the public . In order to support the efficient implementation of this requirement, and the timely and accurate provision of this information, providers of political advertising services should <u>transmit this information at the same time with the provision of the relevant service, and</u> consider and support automating the transmission of information among providers of political advertising services <u>by adapting their online interfaces to facilitate compliance.</u> <u>When providers of political advertising services become aware that information which they have transmitted has been updated, they should ensure that this updated information is communicated to the relevant political advertising publisher.</u>	services should transmit that information at the same time with the provision of the relevant service and consider and support automating the transmission of information among providers of political advertising services. Where a provider of political advertising services becomes aware that information which it has transmitted has been updated, it should ensure that this updated information is communicated to the relevant political advertising publisher.		
Recital 34a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Y 44a			(34a) Providers of political advertising services should be considered as being aware that information should be updated when the sponsor or the service provider acting on its behalf informs the provider of political advertising services of a relevant change. Political advertising publisher may also become aware of such need to update through the notification mechanism provided for in this Regulation.		
Recital 34b					
Y 44b			(34b) If providers of political advertising services become aware of a manifest error, inaccuracy or incompleteness in the information communicated, providers of political advertising services should make reasonable efforts to		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			ensure that such manifest error, inaccuracy or incompleteness are corrected, in particular through confirmation of information provided by the provider of political advertising services, or where relevant the sponsor itself. This should not amount to a general obligation for the provider of political advertising services to monitor the truthfulness of declarations concerning the political nature of advertisements or to engage in excessive or costly fact-finding exercises. Reasonable efforts may also be reflected in the contractual arrangements among providers of political advertising services and with the sponsor, where relevant. Contractual arrangements among service providers and sponsors should enable the transmission of		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			information between publisher and the sponsor, for instance in case of missing information or the discontinuation of political advertising.		
Recital 34c					
44c			(34c) Reasonable efforts should include diligent and objective measures such as contacting the sponsor or the provider of political advertising services concerned, to complete or correct the information. Account should be taken of the nature and importance of the erroneous or missing information in relation to the requirements laid down by this Regulation.		
Recital 35					
45	(35) Where an artificial commercial or contractual construction risks circumventing the	(35) Where an artificial commercial or contractual construction risks circumventing the	(35) Where an artificial commercial or contractual construction risks circumventing the	(35) Where an artificial commercial or contractual construction risks circumventing the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	effectiveness of the transparency obligations laid down in the Regulation, those obligations should apply to the entity or entities that in substance provide the advertising service.	effectiveness of the transparency obligations laid down in the Regulation, those obligations should apply to the entity or entities that in substance provide the advertising service.	effectiveness of the transparency obligations laid down in the <u>this</u> Regulation, those obligations should apply to the entity or entities that in substance provide the advertising service.	effectiveness of the transparency obligations laid down in the <u>this</u> Regulation, those obligations should apply to the entity or entities that in substance provide the advertising service. Text Origin: Council Mandate	
Recital 36					
46	(36) Steps could also include providing an efficient mechanism for individuals to indicate that a political advertisement is political, and taking effective action in response to such indications.	(36) Steps could also include <u>advertising publishers</u> providing an efficient mechanism for individuals to indicate that a political <u>an</u> advertisement is political, and taking effective action in response to such indications.	<i>deleted</i>		
Recital 37					
47	(37) While providing for specific requirements, none of the obligations laid down in this Regulation should be understood as imposing a general monitoring	(37) While providing for specific requirements, none of the obligations laid down in this Regulation should be understood as imposing a general monitoring	(37) While providing for specific requirements, none of the obligations laid down in this Regulation should be understood as imposing a general monitoring		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	obligation on intermediary service providers for political content shared by natural or legal persons, nor should they be understood as imposing a general obligation on intermediary service providers to take proactive measures in relation to illegal content or activities which those providers transmit or store.	obligation on intermediary service providers for political content <u>organically</u> shared by natural or legal persons, nor should they be understood as imposing a general obligation on intermediary service providers to take proactive measures in relation to illegal content or activities which those providers transmit or store.	obligation on intermediary service providers for political content shared by natural or legal persons, nor should they be understood as imposing a general obligation on intermediary service providers to take proactive measures in relation to illegal content or activities which those providers transmit or store.		
Recital 38					
48	(38) Transparency of political advertising should enable citizens to understand that they are confronted with a political advertisement. Political advertising publishers should ensure the publication in connection to each political advertisement of a clear statement to the effect that it is a political advertisement and of the identity of its sponsor. Where appropriate, the name of the sponsor could include a political logo.	(38) Transparency of political advertising should enable citizens <u>individuals</u> to understand that they are confronted with a political advertisement. Political advertising publishers should ensure the publication in connection to each political advertisement of a clear statement to the effect that it is a political advertisement and , of the identity of its sponsor <u>and of the political campaign it is part of</u> . Where appropriate, the name of	(38) Transparency of political advertising should enable citizens to understand that they are confronted with a political advertisement. Political advertising publishers should ensure the publication in connection together with each political advertisement of a clear statement to the effect that it is a political advertisement and of the identity of its sponsor. Where appropriate, the name of the sponsor could		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Political advertising publishers should make use of labelling which is effective, taking into account developments in relevant scientific research and best practice on the provision of transparency through the labelling of advertising. They should also ensure the publication in connection to each political advertisement of information to enable the wider context of the political advertisement and its aims to be understood, which can either be included in the advertisement itself, or be provided by the publisher on its website, accessible through a link or equivalent clear and user-friendly direction included in the advertisement.	the sponsor could include a political logo. Political advertising publishers should <u>ensure that advertisements that are political should be correctly labelled as such</u> and to make use of labelling which is effective, taking into account developments in relevant scientific research and best practice on the provision of transparency through the labelling of advertising. They should also ensure the publication in connection to each political advertisement of information to enable the wider context of the political advertisement and its aims to be understood, which can either be included in the advertisement itself, or be provided by the publisher on its website, accessible through a link or equivalent clear and user-friendly direction included in the <u>In light of technological and other developments in</u>	include a political logo. Each political advertisement, where applicable, should be made available together with a statement to the effect that the political advertisement has been targeted or amplified. Political advertising publishers should make use of labelling which is effective, taking into account developments in relevant scientific research and best practice on the provision of transparency through the labelling of advertising. They The presentation of the statement and the name of the sponsor may vary depending on the means used. For radio broadcasting services, use could be made for instance of an upstream or downstream statement. Political advertising publishers should also ensure the publication in connection to together with each political		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>relevant scientific research and market practices, the Commission should adopt a delegated act establishing harmonised and efficient labelling techniques for political</u> advertisement.	advertisement of information to enable the wider context of the political advertisement and its aims to be understood, which can either be included in the advertisement itself, or be provided by the publisher on its website, accessible through a link, a Quick Response codes (or "QR code") , or equivalent clear and user-friendly direction included in the advertisement.		
Recital 39					
49	(39) This information should be provided in a transparency notice which should also include the identity of the sponsor, in order to support accountability in the political process. The place of establishment of the sponsor and whether the sponsor is a natural or legal person should be clearly indicated. Personal data concerning individuals	(39) This information should be provided in a transparency notice which should also include the identity of the sponsor <u>and where applicable, the entity ultimately controlling the sponsor</u> , in order to support accountability in the political process. The place of establishment of the sponsor and whether the sponsor is a natural or legal	(39) This information should be provided in a transparency notice which should also include the identity of the sponsor and, where applicable, of the entity ultimately controlling the sponsor , in order to support accountability in the political process. The place of establishment of the sponsor and whether the sponsor is a natural or legal		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	involved in political advertising, unrelated to the sponsor or other involved political actor should not be provided in the transparency notice. The transparency notice should also contain information on the dissemination period, any linked election, the amount spent for and the value of other benefits received in part or full exchange for the specific advertisement as well for the entire advertising campaign, the source of the funds used and other information to ensure the fairness of the dissemination of the political advertisement. Information on the source of the funds used concerns for instance its public or private origin, the fact that it originates from inside or outside the European Union. Information concerning linked elections or referendums should include, when possible, a link to information from	person should be clearly indicated. Personal data concerning individuals involved in political advertising, unrelated to the sponsor or other involved political actor should not be provided in the transparency notice. The transparency notice should also contain information on the dissemination period, any linked election, the amount spent for and the value of other benefits received in part or full exchange for the specific advertisement as well for the entire advertising campaign, the source of the funds used and other information to ensure the fairness of the dissemination of the political advertisement. Information on the source of the funds used concerns for instance its public or private origin, the fact that it originates from inside or outside the European Union. Information concerning linked elections	person should be clearly indicated. Personal data concerning individuals involved in political advertising, unrelated to the sponsor or other involved political actor should not be provided in the transparency notice. The transparency notice should also contain information on the dissemination period, any linked election, the amount spent for and the value of other benefits received in part or full exchange for the specific advertisement as well for the entire advertising campaign, the source of the funds used and other information to ensure the fairness of the dissemination of the political advertisement. Information on the source of the funds used concerns for instance its public or private origin, and the fact that it originates from inside or outside the European Union. Information concerning		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	official sources regarding the organisation and modalities for participation or for promoting participation in those elections or referendums. The transparency notice should further include information on how to flag political advertisements in accordance with the procedure established in this Regulation. This requirement should be without prejudice to provisions on notification according to Article 14, 15 and 19 of Regulation (EU) 2021/XXX [Digital Services Act].	or referendums should include, when possible, a link to information from official sources regarding the organisation and modalities for participation or for promoting participation in those elections or referendums. The transparency notice should <u>be available at the moment the advertising is published or disseminated, and the information it contains should be kept up to date. The transparency notice should</u> further include information on how to flag political advertisements in accordance with the procedure established in this Regulation. This requirement should be without prejudice to provisions on notification according to Article 14, 15 and 19<u>16 and 17</u> of Regulation (EU) 2021/XXX<u>2022/2065</u> (Digital Services Act7).	linked elections or referendums should include, when possible, a link to information from official sources regarding the organisation and modalities for participation or for promoting participation in those elections or referendums. The transparency notice should be available immediately when the advertising is published or disseminated, and the information it presents should be kept up to date, as relevant. The transparency notice should further include information on how to flag political advertisements in accordance with the procedure established in this Regulation. This requirement should be without prejudice to provisions on notification according to Article 14, 15 and 19 of Regulation (EU) 2021/XXX2022XXX [Digital Services Act]. Providers of political		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			advertising services should make reasonable efforts to ensure that the information is complete and accurate.		
Recital 40					
50	(40) The information to be included in the transparency notice should be provided in the advertisement itself or be easily retrievable on the basis of an indication provided in the advertisement. The requirement that the information about the transparency notice is to be inter alia clearly visible should entail that it features prominently in or with the advertisement. The requirement that information published in the transparency notice is to be easily accessible, machine readable where technically possible, and user friendly should entail that it addresses the needs of people with disabilities.	(40) The information to be included in <u>Political advertising publishers should ensure that each political advertisement contains a clear indication of where</u> the transparency notice should be provided in the advertisement itself or be easily retrievable <u>could be easily retrieved. The presentation of the information may vary depending on the basis of an indication provided means used. In order to easily retrieve the information in the advertisement transparency notice, use could be made for instance of a link to a dedicated webpage, onscreen or via audio means, a Quick Response code (QR code), or</u>	(40) The information to be included in the transparency notice should be provided in the advertisement itself or be easily retrievable on the basis of an indication provided in the advertisement. The presentation of the information may vary depending on the means used. In order to easily retrieve the information in the transparency notice in offline advertisement, use could be made for instance of a dedicated webpage link, a Quick Response code (or "QR code"), or equivalent user-friendly technical measures. The requirement that the information about the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Annex I of Directive 2019/882 (European Accessibility Act) contains accessibility requirements for information, including digital information that should be used to render political information accessible for persons with disabilities.	<u>equivalent user-friendly technical measures</u> . The requirement that the information about the transparency notice is to be inter alia clearly visible should entail that it features prominently in or with the advertisement. The requirement that information published in the transparency notice is to be easily accessible, machine readable where technically possible, and user friendly should entail that it addresses the needs of people with disabilities. Annex I of Directive <u>(EU)</u> 2019/882 (European Accessibility Act) contains accessibility requirements for information, including digital information that should be used to render political information accessible for persons with disabilities.	transparency notice is to be inter alia clearly visible should entail that it features prominently in or with the advertisement. The requirement that information published in the transparency notice is to be easily accessible, machine readable where technically possible, and user friendly should entail that it addresses the needs of people with disabilities. Annex I of Directive 2019/882 (European Accessibility Act) contains accessibility requirements for information, including digital information that should be used to render political information accessible for persons with disabilities.		
	Recital 41				
51	(41) Transparency notices should be designed to raise	(41) Transparency notices should be designed to raise	(41) Transparency notices should be designed to raise		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	user awareness and help the clear identification of the political advertisement as such. They should be designed to remain in place or remain accessible in the event a political advertisement is further disseminated for instance posted on another platform or forwarded between individuals. The information included in the transparency notice should be published when the publication of the political advertisements start and be retained for a period of one year after the last publication. The retained information should also include information about political advertising which was terminated or which was taken down by the publisher.	user awareness and help the clear identification of the political advertisement as such. They should be designed to remain in place or remain accessible in the event a political advertisement is further disseminated for instance posted on another platform or forwarded between individuals. The information included in the transparency notice should be published when the publication of the political advertisements start and be retained for a period of <u>ten years</u> one year after the last publication. The retained information should also include information about political advertising which was terminated or which was taken down by the publisher <u>and the reason for the removal.</u>	user awareness and help the clear identification of the political advertisement as such. They should be designed to remain in place, where technically possible, or remain accessible in the event a political advertisement is further disseminated for instance posted on another platform or forwarded between individuals. The information included in the transparency notice should be published when the publication of the political advertisements start and be retained starts and until the end of its publication . Political advertising publishers should retain and make available upon request their transparency notices together with any modification for a period of one year five years after the last publication.- The retained information should also include information about political advertising which was terminated or		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			which was taken down by the publisher. Providers of political advertising services which are not very large online platforms within the meaning of Regulation (EU) 2022/XXX [Digital Services Act] should be able to decide the format to retain this information.		
Recital 42					
52	(42) Since political advertising publishers make political advertisements available to the public, they should publish or disseminate that information to the public together with the publication or dissemination of the political advertisement. Political advertising publishers should not make available to the public those political advertisements not fulfilling the transparency requirements under this Regulation. In addition, political advertising	(42) Since political advertising publishers make political advertisements available to the public, they should publish or disseminate that information to the public together with the publication or dissemination of the political advertisement. <u>Where</u> political advertising publishers should not make available to the public those <u>become aware that a political advertisement does not fulfil</u> the transparency requirements	(42) Since political advertising publishers make political advertisements available to the public, they should publish or disseminate that information to the public together with the publication or dissemination of the political advertisement. Where political advertising publishers should not make available to the public those becomes aware by any means that a political advertisement does not		

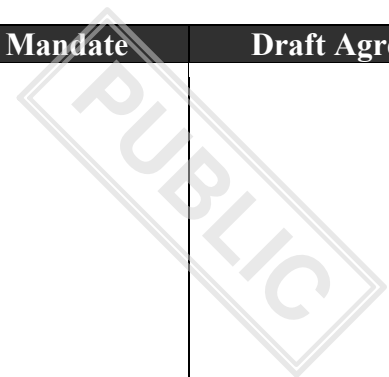
Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
publishers which are very large online platforms within the meaning of Regulation (EU) 2021/XXX [Digital Services Act] should make the information contained in the transparency notice available through the repositories of advertisements published pursuant to Article 30 Regulation [Digital Services Act] . This will facilitate the work of interested actors including researchers in their specific role to support free and fair elections or referendums and fair electoral campaigns including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape.	under this Regulation. In addition, political advertising publishers which are very large online platforms within the meaning of Regulation (EU) 2021/XXX [Digital Services Act] should make the information contained in the transparency notice available through the repositories of advertisements published pursuant to Article 30 Regulation [Digital Services Act] . This will facilitate the work of interested actors including researchers in their specific role to support free and fair elections or referendums and fair electoral campaigns including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape. <u>they should make best efforts to fulfil the requirements under this Regulation. When the information cannot be completed or corrected</u>	fulfil the transparency requirements under this Regulation. In addition, political advertising publishers which are very large online platforms within the meaning of, for instance following an individual notification, it should make reasonable efforts to fulfil the requirements under this Regulation. When the information cannot be completed or corrected without undue delay, political advertising publishers (EU) 2021/XXX [Digital Services Act] should not make available or should discontinue the publication or dissemination to the public of the political make the information contained in the transparency notice available through the repositories of advertisements published pursuant to Article 30 not fulfilling the transparency requirements under this		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>without undue delay, political advertising publishers should not make available or should discontinue the placement, promotion, publication, delivery or dissemination to the public of the political advertisements not fulfilling the transparency requirements under this Regulation. In such situation, political advertising publishers should inform the provider of services concerned and, where relevant the sponsor, of the reasonable steps taken to fulfil the requirements under this Regulation.</u>	Regulation. In such situation, political advertising publishers should inform the providers of political advertising services concerned and, where relevant the sponsor, of the reasonable steps taken to fulfil the requirements under this Regulation. The publisher should inform the sponsor or the service provider acting on behalf of the sponsor if [Digital Services Act]. This will facilitate the work of interested actors including researchers in their specific role to support free and fair elections or referendums and fair electoral campaigns including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape it sponsors is not made available or is discontinued.		
Recital 42a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
52a		<u>(42a) When complying with these obligations, providers of political advertising services should act with due regard to fundamental rights, and other rights and legitimate interests. Providers of political advertising services should in particular pay due regard to freedom of expression and access to information, including media freedom and pluralism.</u>			
Recital 42a					
52b			(42a) When the sponsor or the provider of political advertising services becomes aware that the information transmitted to or published by the political advertising publisher is incomplete or inaccurate, it should contact, without undue delay, the political advertising publisher concerned and, as relevant, should transmit		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			completed or corrected information to the political advertising publisher.		
Recital 42b					
52c		<u>(42b) This Regulation should facilitate the work of interested actors, including researchers, in their specific role to support free and fair elections or referendums and fair electoral campaigns, including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape. Therefore, political advertising publishers which are Very Large Online Platforms (VLOPs) within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) and Very Large Online Search Engines (VLOSEs) as defined in Regulation (EU) 2022/2065 (Digital Services Act) should make</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>the information contained in the transparency notice available and update it, in real time, through the repositories of advertisements published pursuant to Regulation (EU) 2022/2065 (Digital Services Act).</i></u>			
	Recital 42b				
Y	52d		(42b) Contractual arrangements may include a clause allowing to charge a reasonable fee for the measures taken to correct or complete the information.		
	Recital 42c				
R	52e	<u><i>(42c) The Commission should establish a European repository for online political advertisements to support political advertising publishers that are not VLOPs within the meaning of Regulation (EU) 2022/2065 (Digital</i></u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>Services Act) and VLOSEs as defined in Regulation (EU) 2022/2065 (Digital Services Act) to comply with the provisions of this Regulation. Political advertising publishers which are not VLOPs within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) and VLOSEs as defined in Regulation (EU) 2022/2065 (Digital Services Act) should ensure that the information contained in the transparency notice is made available in the European repository for online political advertisements without undue delay, and no later than 24 hours. Information made available on the interface of political advertising publishers should be provided in a machine readable format according to common data structure and standards, developed by the Commission in</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>consultation with relevant stakeholders. Information in the repositories of VLOPs and VLOSEs and information in the European repository for online political advertisements should be connected via a common application programming interface and be publicly accessible via a single portal.</u>			
Recital 42c					
52f			(42c) When complying with their obligations under this Regulation, providers of political advertising services should act in an impartial manner and with due regard to fundamental rights, and other rights and legitimate interests. Providers of political advertising services should in particular pay due regard to freedom of expression and access to information, including media freedom and		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			pluralism.		
Recital 42a					
52g			(42d) In addition, political advertising publishers which are very large online platforms within the meaning of Regulation (EU) 2022/XXX [Digital Services Act] should ensure that for each political advertisement, the information contained in the transparency notice is made available immediately in the repositories of advertisements published pursuant to Article 39 Regulation [Digital Services Act]. Such information should be kept updated and provided according to an agreed industry standard for accessibility, data structure and access by means of a common publically available application programming interface. It is		(42a) Council mandate: Includes part of recital 50 of original Commission proposal.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			appropriate to provide additional granularity of the transparency requirements laid out for the repositories referred to Article 39 Regulation (EU) 2021/XX [Digital Services Act. This mainly concerns information about removed political advertisement and the reason for its withdrawal, in particular information about cases in which political advertisements have been wrongly labelled or illegally targeted. In addition, very large online platforms may publish other information regarding the influence of the advertisement including clickthrough rate information. Other provider of the political advertising service should be encouraged to establish similar repositories of political advertisements. This will facilitate the work of interested actors		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			including researchers in their specific role to support free and fair elections or referendums and fair electoral campaigns including by scrutinising the sponsors of political advertisement and analysing the political advertisement landscape.		
Recital 43					
53	(43) Where the provider of the political advertising service which hosts or otherwise stores and provides the content of a political advertisement is separate from the provider of the political advertising service which controls the website or other interface which eventually displays the political advertisement, these should be considered together as advertising publishers, with respective responsibility in respect of the specific service they provide, to ensure that labelling is provided and that the transparency notice	(43) Where the provider of the political advertising service which hosts or otherwise stores and provides the content of a political advertisement is separate from the provider of the political advertising service which controls the website or other interface which eventually displays the political advertisement, these should be considered together as advertising publishers, with respective responsibility in respect of the specific service they provide, to ensure that labelling is provided and that the transparency notice	(43) Where the provider of the political advertising service which hosts or otherwise stores and provides the content of a political advertisement is separate from the provider of the political advertising service which controls the website or other interface which eventually displays presents the political advertisement, these should be considered together as advertising publishers, with respective responsibility in respect of the specific service they provide, to ensure that labelling is provided and		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	and relevant information is available. Their contractual arrangements should reflect the way they organise compliance with this Regulation.	and relevant information is available. Their contractual arrangements should reflect the way they organise compliance with this Regulation.	that the transparency notice and relevant information is available. Their contractual arrangements should reflect the way they organise enable compliance with this Regulation.		
Recital 44					
54	(44) Information about the amounts spent on and the value of other benefits received in part or full exchange for political advertising services can usefully contribute to the political debate. It is necessary to ensure that an appropriate overview of political advertising activity can be obtained from the annual reports prepared by relevant political advertising publishers. To support oversight and accountability, such reporting should include information about expenditure on the targeting of political advertising in the relevant period, aggregated to	(44) Information about the amounts spent on and the value of other benefits received in part or full exchange for political advertising services can usefully contribute to the political debate. It is necessary to ensure that an appropriate overview of political advertising activity can be obtained from the annual reports prepared by relevant political advertising publishers. To support oversight and accountability, such reporting should include information about expenditure on the targeting <u>or delivery</u> of political advertising in the relevant period, aggregated	(44) Information about the amounts spent on and the value of other benefits received in part or full exchange for political advertising services can usefully contribute to the political debate. It is necessary to ensure that an appropriate overview of political advertising activity can be obtained from the annual reports prepared by relevant providers of political advertising publishers services . To support oversight and accountability, such reporting should include information about expenditure on the targeting or amplification of political advertising in		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	campaign or candidate. To avoid disproportionate burdens, those transparency reporting obligations should not apply to enterprises qualifying under Article 3(3) of Directive 2013/34/EU.	to campaign or candidate. To avoid disproportionate burdens, those transparency reporting obligations should not apply to enterprises qualifying under Article 3(3) <u>3, paragraphs 1 to 3</u> , of Directive 2013/34/EU.	the relevant period, aggregated to campaign or candidate. To avoid disproportionate burdens, those transparency reporting obligations should not apply to enterprises qualifying under Article 3(3) <u>3, paragraphs 1 to 3</u> of Directive 2013/34/EU.		
Recital 45					
55	(45) Political advertising publishers providing political advertising services should put in place mechanisms to enable individuals to report to them that a particular political advertisement which they have published does not comply with this Regulation. The mechanisms to report such advertisement should be easy to access and use, and should be adapted to the form of advertising distributed by the advertising publisher. As far as possible, these	(45) Political advertising publishers providing political advertising services should put in place mechanisms to enable individuals to report to them that a particular political advertisement which they have published does not comply with this Regulation. The mechanisms to report such advertisement should be easy to access and use, and should be adapted to the form of advertising distributed by the advertising publisher. As far as possible, these	(45) Political advertising publishers providing political advertising services should put in place mechanisms to enable individuals natural or legal persons to report to them that a particular political advertisement which they have published does not comply with this Regulation. The mechanisms to report such advertisement should be easy to access and use, and should be adapted to the form of advertising distributed by the advertising publisher. As		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
mechanisms should be accessible from the advertisement itself, for instance on the advertising publisher's website. Political advertising publishers should be able to rely on existing mechanisms where appropriate . Where political advertising publishers are online hosting services providers within the meaning of the Digital Services Act, with regards to the political advertisements hosted at the request of the recipients of their services, the provisions of Article 14 of the Digital Services Act continue to apply for notifications concerning non-compliance of such advertisements with this Regulation.	mechanisms should be accessible from the advertisement itself, for instance on the advertising publisher's website. Political advertising publishers should be able to rely on existing mechanisms where appropriate-. Where political advertising publishers are online hosting services providers within the meaning of the Digital Services Act, with regards to the political advertisements hosted at the request of the recipients of their services, the provisions of Article 14 ¹⁶ of the Digital Services Act continue to apply for notifications concerning non-compliance of such advertisements with this Regulation. <u>Where political advertising publishers are online hosting services providers within the meaning of Regulation (EU) 2022/2065 (Digital Services Act), with regard to the political</u>	far as possible, these mechanisms should be accessible from the advertisement itself, for instance on the advertising publisher's website. Where necessary, political advertising publishers should put in place technical measures for ensuring minimum information technology security standards including measures to protect from automated notification. Political advertising publishers should be able to rely on existing mechanisms where appropriate. For instance,- where political advertising publishers are online hosting services providers within the meaning of the Digital Services Act, with regards to the political advertisements hosted at the request of the recipients of their services, political advertising publishers may rely on the notice mechanism drawn by them pursuant to the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>advertisements hosted at the request of the recipients of their services, political advertising publishers should be able to rely on the notice mechanism pursuant to Regulation (EU) 2022/2065 (Digital Services Act) for notifications concerning non-compliance of such advertisements with this Regulation.</u>	provisions of Article 14 of the Digital Services Act continue to apply for notifications concerning non-compliance of such advertisements with this Regulation.		
Recital 45a					
55a		<u>(45a) Where a particular advertisement does not comply with this Regulation, mechanisms provided by the publisher should enable individuals to flag the advertisement concerned. Where those mechanisms are not available, individuals should be able to report such political advertisement directly to the competent authorities.</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Recital 45a					
Y	55b		(45a) Political advertising publishers may set out specific forms for the notification mechanisms under this Regulation, requiring the completion of data fields such as information enabling the identification of the alleged non-compliant advertisement, an explanation of the reasons justifying the notification, the name and an electronic mail address of the natural or legal person submitting the notification, and a statement confirming the good faith belief that information contained therein is accurate.		
Recital 45b					
R	55c	<u>(45b) The political advertising publishers should make reasonable efforts to address in a timely, diligent and</u>	(45b) The political advertising publishers should make reasonable efforts to address in a diligent and objective		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>objective manner the notifications received pursuant to this Regulation, by contacting the relevant service providers and, as relevant, the sponsor. The political advertising publisher should inform the author of the notification and the service providers concerned of the follow up given to the notification and provides information on redress possibilities, including under Directive (EU) 2020/1828 of the European Parliament and of the Council^{1a}, in respect of the advertisement to which the notification relates. Where a notification contains sufficient information to enable a diligent provider of political advertising services to identify, without a detailed examination and complex contact process, that it is clear that information is missing or incomplete, the political advertising publisher</u>	manner and without undue delay the notifications received pursuant to this Regulation. Where a notification contains sufficient information to enable a diligent political advertising publisher to identify, without a detailed examination, that an information is missing or inaccurate, the political advertising publisher should be considered as being aware of the inaccuracy or incompleteness and should act without undue delay by contacting the relevant service providers and, as relevant, the sponsor. At least upon request, the political advertising publisher should inform the persons which made the notification of the follow up given to it.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>should act without undue delay.</i></u> <u><i>1^a Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).</i></u>			
Recital 45c					
55d		<u><i>(45c) In order to ensure the effectiveness of the transparency and due diligence requirements during an election or a referendum, political advertising publishers should process, within the last month preceding the election or the referendum, any notification that they receive about an advertisement linked to this vote without undue delay and no later than 48 hours, by contacting the services providers</i></u>	(45c) In order to ensure the effectiveness of the transparency requirements during an election or a referendum, political advertising publishers which are very large online platforms within the meaning of Regulation (EU) 2022/XXX [Digital Services Act] should address, within the last month preceding the election or the referendum, any notification that they		

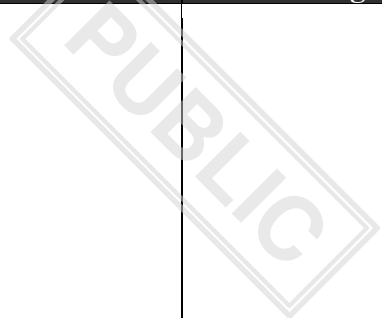
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>concerned and, where relevant, the sponsor. Political advertising publishers that are micro and small enterprises should process any such notification without undue delay.</u>	receive about advertisement linked to this election or referendum within 48 hours, by contacting the providers of political advertising services concerned and, as relevant, the sponsor.		
	Recital 45d				
Y	55e	<u>(45d) Any action taken by a political advertising publisher should strictly target the correction, completion or removal of specific items of information not in compliance with this Regulation. In doing so, it should have due regard for freedom of expression and information, and other fundamental rights.</u>	(45d) Any action taken by a political advertising publisher should be strictly targeted, in the sense that it should first and foremost serve to correct, complete the required information and only as a last resort, remove the specific items of information not complying with this Regulation, with due regard for freedom of expression and information, and other fundamental rights.		
	Recital 46				
Y	56				Y

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
(46) In order to allow specific entities to play their role in democracies, it is appropriate to lay down rules on the transmission of information published with the political advertisement or contained in the transparency notice to interested actors such as vetted researchers, journalists, civil society organisations and accredited election observers, in order to support the performance of their respective roles in the democratic process. Providers of political advertising services should not be required to respond to requests which are manifestly unfounded or excessive. Further, the relevant service provider should be allowed to charge a reasonable fee in case of repetitive and costly requests, taking into account the administrative costs of providing the information.	(46) In order to allow specific entities to play their role in democracies, it is appropriate to lay down rules on the transmission of information published with the political advertisement or contained in the transparency notice to interested actors such as vetted researchers, journalists, civil society organisations and accredited election observers, in order to support the performance of their respective roles in the democratic process. Providers of political advertising services should not be required to respond to requests which are manifestly unfounded or excessive <u>unclear, excessive or concern information not within control of the service provider</u>. Further, the relevant service provider should be allowed to charge a reasonable fee in case of repetitive and costly requests, taking into account the administrative	(46) In order to allow specific entities to play their role in democracies, it is appropriate to lay down rules on the transmission of information published with the political advertisement or contained in the transparency notice to interested actors such as vetted researchers, journalists, civil society organisations and accredited recognised election observers, in order to support the performance of their respective roles in the democratic process. Providers of political advertising services should not be required to respond to requests which are manifestly unfounded, unclear or excessive. Further, the relevant service provider should be allowed to charge a reasonable fee in case of repetitive and costly requests, taking into account the administrative costs of providing the information.		

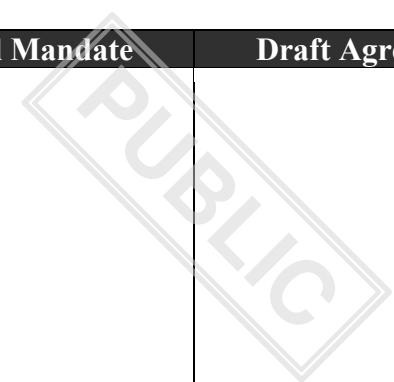
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		costs of providing the information.			
Recital 47					
57	(47) Personal data collected directly from individuals, or indirectly such as inferred data, when grouping individuals according to their assumed interests or derived through their online activity, behavioural profiling and other analysis techniques, is increasingly used to target political messages to groups or individual voters or individuals, and to amplify their impact. On the basis of the processing of personal data, in particular data considered sensitive under Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council ² , different groups of voters or individuals can be segmented and their	(47) Personal data collected directly from individuals, or indirectly such as <u>observed or</u> inferred data, when grouping individuals according to their assumed interests or derived through their online activity, behavioural profiling and other analysis techniques, is increasingly used to target political messages to groups or individual voters or individuals, and to amplify their impact. On the basis of the processing of personal data, in particular data considered sensitive under Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council ² , different groups of voters or individuals can be	(47) Personal data collected directly from individuals, or indirectly such as inferred data, when grouping individuals according to their assumed interests or derived through their online activity, behavioural profiling and other analysis techniques, is increasingly used to target political messages to groups or individual voters or individuals, and to amplify their impact. On the basis of the processing of personal data, in particular data considered sensitive special categories of personal data under Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council ² , different groups of voters or individuals can be		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	characteristics or vulnerabilities exploited for instance by disseminating the advertisements at specific moments and in specific places designed to take advantage of the instances where they would be sensitive to a certain kind of information/message. That has specific and detrimental effects on citizens' fundamental rights and freedoms with regard to the processing of their personal data and their freedom to receive objective information, to form their opinion, to make political decisions and exercise their voting rights. This negatively impacts the democratic process. Additional restrictions and conditions compared to Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 should be provided. The conditions set out in this Regulation on the use of targeting and amplification techniques	segmented and their characteristics or vulnerabilities exploited for instance by disseminating the advertisements at specific moments and in specific places designed to take advantage of the instances where they would be sensitive to a certain kind of information/message. That has specific and detrimental effects on citizens' fundamental rights and freedoms with regard to the processing of their personal data and their freedom to <u>be treated fairly and equally, not to be manipulated, to</u> receive objective information, to form their opinion, to make political decisions and exercise their voting rights. This <u>furthermore</u> negatively impacts the democratic process. Additional restrictions <u>and as it enables a fragmentation of the public debate about important societal issues.</u>	segmented and their characteristics or vulnerabilities exploited for instance by disseminating the advertisements at specific moments and in specific places designed to take advantage of the instances where they would be sensitive to a certain kind of information/message. That has specific and detrimental effects on citizens' fundamental rights and freedoms with regard to the processing of their personal data and their freedom to receive objective information, to form their opinion, to make political decisions and exercise their voting rights. This negatively impacts the democratic process. Additional restrictions and conditions compared to Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 should be provided. The conditions set out in this Regulation on the use of targeting and		

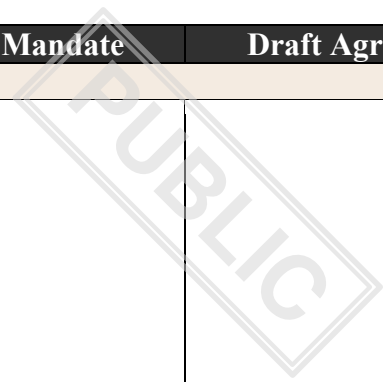
Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
involving the processing of personal data in the context of political advertising should be based on Article 16 TFEU. 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	<u>predatory voter analysis, selective outreach and, ultimately, the manipulation of the electorate. It also increases the risk of the spreading of disinformation, and has been used for foreign electoral interference especially by non-democratic foreign entities. Misleading or obscure advertising for political purposes is a risk because it influences the core mechanisms that enable the functioning of our democratic society. All this takes place despite already existing conditions compared to Regulation for the processing of personal data, including for targeting and ad delivery, provided for in Regulations</u> (EU) 2016/679 and Regulation (EU) 2018/1725 should be provided. The conditions set out in this Regulation on the use of targeting and amplification <u>ad delivery</u> techniques involving the	amplification techniques involving the processing of personal data in the context of political advertising should be based on Article 16 TFEU. 1. [1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. [2] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).		



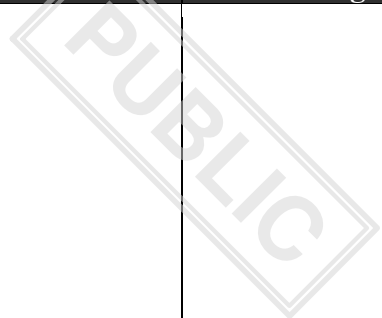
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		processing of personal data in the context of political advertising should be based on Article 16 TFEU. 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).			
	Recital 47a				
R 57a		<u>(47a) The existing avenues under Regulation (EU) 2016/679 for lawfully tailoring and addressing advertising to individuals</u>			R



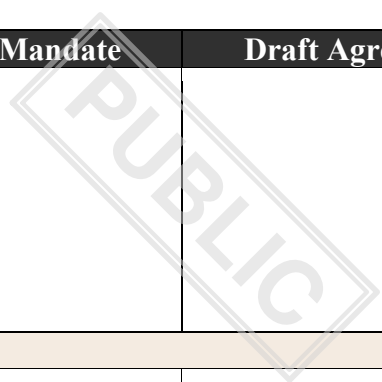
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>are subject to systemic abuse, especially with regard to collecting the free and informed consent of individuals, which cannot be solved under the current regulatory framework.</u>			
Recital 47b					
57b		<u>(47b) Dark patterns on online interfaces of online platforms are practices that materially distort or impair, either on purpose or in effect, the ability of users of the service to make autonomous and informed choices or decisions concerning the personal data they provide for the purpose of political advertising. Providers of online platforms should therefore be prohibited from nudging users of the service and from distorting or impairing the autonomy, decision-making, or choice of the users.</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Recital 47c				
R57c		<u>(47c) This should also include repeatedly requesting a user of the service to make a choice where such a choice has already been made, making the procedure of cancelling a service significantly more cumbersome than signing up to it, or making certain choices more difficult or time-consuming than others or by default settings that are very difficult to change, and so unreasonably bias the decision making of the user of the service, in a way that distorts and impairs their autonomy, decision-making and choice. However, rules preventing dark patterns should not be understood as preventing providers to interact directly with users of the service and to offer new or additional services to them. The systematic use of dark patterns.</u>			

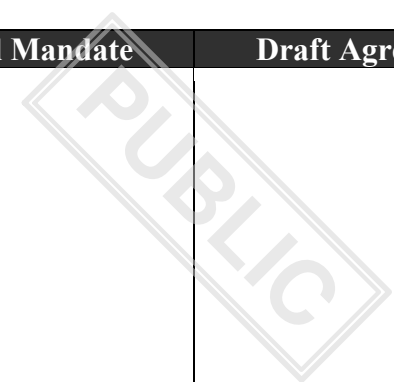


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>unclear consent agreements, misleading information, and insufficient time to read terms and conditions are common practices to make it difficult for users of the service to have clear information and control in the context of the surveillance-based online advertising industry.</u>			
Recital 47d					
57d		<u>(47d) In order to protect individuals with regards to the way and purposes for which their personal data is processed, and in particular in contexts relevant for influencing their democratic choices and their involvement in the public debate, as well as to protect democracy and the integrity of elections, it is necessary to complement Regulations (EU) 2016/679 and (EU) 2018/1725 by adding further restrictions, which should take the form of</u>			

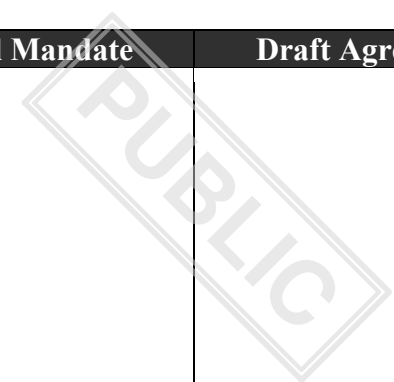


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>strict limitations on the processing of personal data for targeting and ad delivery of online political advertising, based on Article 16 of the TFEU.</i></u>			
Recital 47e					
57e		<u><i>(47e) Targeting and ad delivery techniques based on certain conditions and on strictly limited amount of provided personal data that are not special categories of personal data within the meaning of Article 9 of Regulation (EU) 2016/679 or of Article 10 of Regulation (EU) 2018/1725 can be useful in disseminating political advertising and information and in reaching out and informing citizens.</i></u>			
Recital 47f					
57f		<u><i>(47f) Targeting and ad delivery techniques that involve the processing of</i></u>			

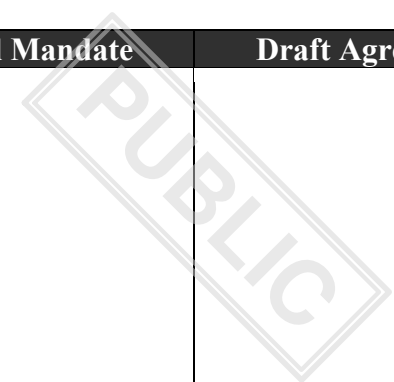
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>personal data should only be allowed based on personal data which are explicitly provided by the data subject to the advertising publisher for the specific and sole purpose of receiving targeted political advertisement. Providers should 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 that the data subjects refuses to consent, or has withdrawn consent, he or she should be given other fair and reasonable options to access information society services. Refusing consent should not be more difficult or time consuming to the data subject than its giving. The processing of observed or inferred personal data, in line with the European</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>Data Protection Board Guidelines 8/2020 on the targeting of social media users, should not be allowed. Without such restriction imposed on targeting and ad delivery techniques, the targeting and ad delivery of political advertising based on personal data would be likely to result in a high risk to the rights and freedoms of natural persons.</u>			
	Recital 47g				
57g		<u>(47g) Provided personal data should only include categories of personal data explicitly and actively provided by the data subject for the specific and sole purpose of being targeted with political advertisement by the data controller to whom it has been provided. Data subjects should not be targeted with political advertisements by data controllers to whom they</u>			

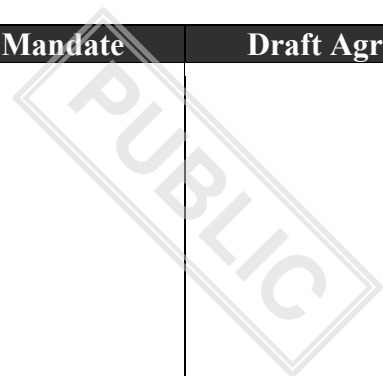


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>have not provided their personal data. When providing the data to the publisher, it should be entered into the publisher's interface or settings. The processing of any data concerning the data subjects which would otherwise be processed in the course of the normal use of the service, such as metadata, traffic and location data or the content of communications, whether personal or public, should therefore be excluded.</u>			
Recital 47h					
57h		<u>(47h) Some well-resourced political candidates or parties might circumvent the restrictions on targeting techniques with in-house services that conduct large-scale political marketing. Therefore, when sponsors process personal data for direct targeted political marketing, such as</u>			

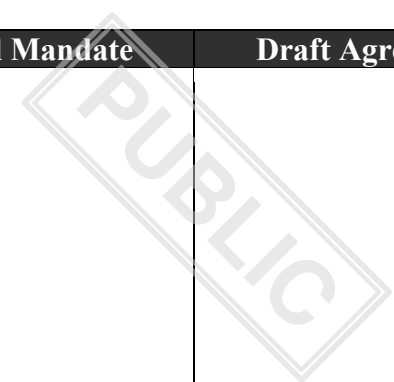


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>sending targeted electronic mail or text messages, at a large-scale and on a systematic basis, the restrictions on targeting techniques should apply, regardless of whether a service is involved or not. This does not affect the fact that the restrictions on targeting and ad delivery techniques should not apply to merely direct communication, including personalized electronic mails or text messages that are not targeted direct marketing at a large scale, and organic content published by using online intermediary services without consideration for the placement, publication or dissemination for the specific message.</u>			
	Recital 47i				
57i		<u>(47i) In order to protect elections and referendums and prevent any undue interference, manipulation and disinformation, it is</u>			

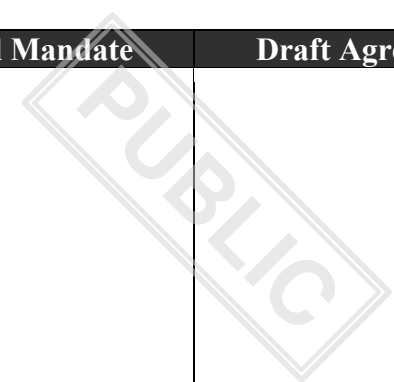
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>necessary to add further restrictions regarding targeting and ad delivery in the period immediately preceding the election or referendum .In the 60 days preceding any election or referendum, targeting and ad delivery techniques in the context of political advertising that involve provided personal data should be strictly limited to using location and the languages spoken by the data subject. The fact that a person is a first time voter could also be used as it is important to reach out to such persons and provide them with information regarding the election or referendum. The location of the data subject used to deliver targeted political advertisement should be understood being at the level of the constituency which is applicable in the relevant election or referendum. However, in the Member States which</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>have only one national level constituency for European Parliament elections, the location of the data subject could be understood being at regional or equivalent level in accordance with national law, for political advertising related to those elections.</u>			
	Recital 47j				
57j		<u>(47j) The prohibition and restrictions regarding the processing of personal data for political advertising should not prevent sponsors, political advertising publishers or providers of advertising services, including online platforms, from displaying online political advertising based on contextual information, including keywords. This limitation is proportionate in light of the fact that sponsors have access to other avenues for their political advertising, notably through contextual</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>targeting online and through alternative media offline. This limitation complies with the right to impart information and ideas of general interest which the public is entitled to receive because this right may be circumscribed in some circumstances, if the circumscription is carried out reasonably, carefully and in good faith, and if it is proportionate and justified by relevant and sufficient reasons, in particular, for the protection of the rights of others.</u>			
Recital 47k					
57k		<u>(47k) When selecting targeting parameters, sponsors delineate a potential audience for their political advertising. However, depending on the budget they dedicate to their advertising campaign, their political advertisement will not</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>necessarily reach such entire potential audience. The publisher will have to select whom, from that potential audience, will actually receive the political advertisement. In order to prevent the creation of echo chambers and filter bubbles and to prevent demographic skews along race or gender, resulting in forms of discrimination, online platforms should not be allowed to selectively deliver political advertisement within the targeted potential audiences based on further processing of personal data. The actual recipients of the political advertisement should therefore only be randomly selected by the publisher, without any further processing of personal data.</u>			
	Recital 47I				
R	57I	<u>(47I) The extensive</u>			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>transparency obligations provided for in this Regulation will also be helping to make it impossible to proclaim, unnoticed, opposing and polarizing messages to specific parts of the electorate, because watchdogs, civil society, journalists and other parts of the electorate will be able to perform their scrutiny.</u>			
Recital 48					
58	(48) Targeting and amplification techniques in the context of political advertising involving the processing of data referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 should therefore be prohibited. The use of such techniques should only be allowed when carried out by the controller, or someone acting on its behalf, on the basis of the	(48) Targeting and amplification techniques in the context of political advertising involving the processing of data referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 should therefore be prohibited. The use of such techniques should only be allowed when carried out by the controller, or someone acting on its behalf, on the basis of the	(48) Targeting and amplification techniques in the context of political advertising involving the processing special categories of data referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 should therefore be prohibited. The use of such techniques should only be allowed when carried out by the controller controllers , or		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
explicit consent of the data subject or in the course of their legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical or religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects. This should be accompanied by specific safeguards. Consent should be understood as consent within the meaning of Regulation (EU) 2016/679 and Regulation (EU) 2018/1725. Therefore, it should not be possible to rely on the exceptions as laid down in Article 9(2), points(b), (c), (e), (f), (g), (h), (i) and (j) of Regulation	explicit consent of the data subject or in the course of their legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical or religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects. This should be accompanied by specific safeguards. Consent should be understood as consent within the meaning of Regulation (EU) 2016/679 and Regulation (EU) 2018/1725. Therefore, it should not be possible to rely on the exceptions as laid down in Article 9(2), points(b), (c), (e), (f), (g), (h), (i) and (j) of Regulation	someone acting on its their behalf, on the basis of the explicit consent of the data subject or in the course of their legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical or religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects. This should be accompanied by specific additional safeguards. Consent should be understood as consent within the meaning of Regulation (EU) 2016/679 and Regulation (EU) 2018/1725. Therefore, it It should not be possible to rely on the exceptions as		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	(EU) 2016/679 and Article 10(2), points(b), (c), (e), (f), (g), (h), (i) and (j) of Regulation (EU) 2018/1725 respectively for using techniques targeting and amplification techniques to publish, promote or disseminate political advertising involving the processing of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and 10(1) of Regulation (EU) 2018/725.	(EU) 2016/679 and Article 10(2), points(b), (c), (e), (f), (g), (h), (i) and (j) of Regulation (EU) 2018/1725 respectively for using techniques targeting and amplification techniques to publish, promote or disseminate political advertising involving the processing of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and 10(1) of Regulation (EU) 2018/725.	laid down in Article 9(2), points(b), (c), (e), (f), (g), (h), (i) and (j) of Regulation (EU) 2016/679 and Article 10(2), points(b), (c), (e), (f), (g), (h), (i) and (j) of Regulation (EU) 2018/1725 respectively for using techniques targeting and amplification techniques to publish, promote or disseminate political advertising involving the processing of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and 10(1) of Regulation (EU) 2018/725 2018/1725 The application of other provisions of Regulations (EU) 2016/679 and (EU) 2018/1725 including those related to giving and withdrawal of consent, automated individual decision-making including profiling and the right to object, remain unaffected by this Regulation. For the purposes of implementing the requirements of this		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			Regulation, explicit consent within the meaning of Regulations (EU) 2016/679 and (EU) 2018/1725 should be provided separately and specifically for the purpose of the political advertising. In accordance with the Union law, controllers should ensure that individual decision making is not affected by dark patterns which distort or impair autonomous and informed decision making, including pre-ticked boxes and other biased and untransparent techniques which drive or prompt individuals to particular decisions which they might otherwise not have made. In particular, the mechanism for obtaining decisions from individuals should be clear and easy to use, and the relative prominence of the alternatives should not seek to influence the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			individual's decision. Information provided to individuals in this regard should be succinct and drafted in plain and intelligible language and made easily, prominently and directly available.		
	Recital 48a				
Y	58a		(48a) Internal communication from a political party to its members should not be regarded as using targeting techniques in the context of political advertising as long as such communication is limited to its members and is based on personal data provided by those members expressly for that purpose.		Y
	Recital 48b				
Y	58b		(48b) A particularly vulnerable group which can be exploited through the misuse of targeting		Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			and amplification techniques are very young people. While not yet entitled to vote, such individuals can be targeted specifically in order to manipulate the debate. Targeting or amplification techniques that involve the processing of personal data of a subject that is known with reasonable certainty to be at least one year under the voting age established by national rules, in the context of political advertising, should therefore be prohibited.		
Recital 49					
59	(49) In order to ensure enhanced transparency and accountability, when making use of targeting and amplification techniques in the context of political advertising involving the processing of personal data, controllers should implement additional	(49) In order to ensure enhanced transparency and accountability, when making use of targeting and amplification ad delivery techniques in the context of political advertising involving the processing of personal data, controllers should implement	(49) In order to ensure enhanced transparency and accountability, and regardless of whether the political advertising involves a service or not, additional safeguards should be implemented when making use of targeting and amplification		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	safeguards. They should adopt and implement a policy describing the use of such techniques to target individuals or amplify their content and keep record of their relevant activities. When publishing, promoting or disseminating a political advertisement making use of targeting and amplification techniques, controllers should provide, together with the political advertisement, meaningful information to allow the concerned individual to understand the logic involved and main parameters of the targeting used, and the use of third-party data and additional analytical techniques, including whether the targeting of the advertisement was further optimised during delivery.	additional safeguards. They should adopt and implement a policy describing the use of such techniques to target individuals or amplify <u>deliver the content of their content</u> <u>ad, make annual risk assessments of the use of those techniques on the fundamental rights and freedoms of individuals and the society as a whole</u> and keep record of their relevant activities. When publishing, promoting, <u>delivering</u> or disseminating a political advertisement making use of targeting and amplification techniques, controllers should provide, together with the political advertisement, meaningful information to allow the concerned individual to understand the logic involved and main parameters of the targeting used, and the use of third-party data and additional analytical techniques, including whether the	techniques in the context of political advertising involving the processing of personal data which is not prohibited by the Regulation. Such additional transparency and accountability requirements should apply on the one hand to processing involving special categories of data when the data subject has given explicit consent or when the processing is carried out in the course of its legitimate activities, as referred in Article 9(2)(a) and (d) of Regulation (EU) 2016/679 and Article 10(2)(a) and (d) of Regulation (EU) 2018/1725, and, on the other hand, to processing of personal data in the context of political advertising, which does not involve special categories of data. Those additional requirements; controllers should implement additional complement		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		targeting of the advertisement was further optimised during delivery.	existing safeguards. They should adopt and implement a policy describing the use of such techniques to target individuals or amplify their content including those concerning automated decision-making in accordance with Article 22 of Regulation (EU) 2016/679 and Article 24 of Regulation (EU) 2018/1725. The controllers should adopt, implement and make publicly available a policy describing how such techniques are used and keep record of their relevant activities. When publishing, promoting or disseminating a political advertisement making use of targeting and amplification techniques, controllers should provide, together with the political advertisement, meaningful information to allow the concerned individual to understand the logic involved and main		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			parameters of the targeting used, and the use of third-party data and additional analytical techniques, including whether the targeting of the advertisement was further optimised during delivery.		
Recital 50					
60	(50) Political advertising publishers making use of targeting or amplification techniques should include in their transparency notice information necessary to allow the concerned individual to understand the logic involved and main parameters of the technique used, and the use of third-party data and additional analytical techniques used and a link to the relevant policy of the controller. In case the controller is different from the advertising publisher the controller should transmit to political advertising publisher the internal policy or a reference to it.	(50) Political advertising publishers making use of targeting or amplification <u>ad delivery</u> techniques should include in their transparency notice information necessary to allow the concerned individual to understand the logic involved and main parameters of the technique used, and the use of third-party data and additional analytical techniques used and a link to the relevant policy of the controller <u>political advertising service provider</u> . In case the controller <u>political advertising service provider</u> is different from	(50) Political advertising publishers making use of targeting or amplification techniques should include in their transparency notice information necessary to allow the concerned individual to understand the logic involved and main parameters of the technique used, and the use of third-party data and additional analytical techniques used and a link to the relevant policy of the controller. In case the controller is different from the advertising publisher the controller should transmit to political advertising publisher the internal policy or a reference to it.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Providers of advertising services should, as necessary, transmit to the political advertising publisher the information necessary to comply with their obligations under this Regulation. The provision of such information could be automated and integrated in the ordinary business processes on the basis of standards.	the advertising publisher the controller <u>service provider</u> should transmit to <u>the</u> political advertising publisher the internal policy or a reference to it. Providers of advertising services should, as necessary, transmit to the political advertising publisher the information necessary to comply with their obligations under this Regulation. The provision of such information could be automated and integrated in the ordinary business processes on the basis of standards.	Providers of advertising services should, as necessary, transmit to the political advertising publisher the information necessary to comply with their obligations under this Regulation. The provision of such information could be automated and integrated in the ordinary business processes on the basis of standards.		
Recital 50a					
R 60a			(50a) The transparency and accountability requirements should apply to all controllers irrespective of whether the controller acts in their own capacity, jointly with the provider of political advertising services or is the same entity as political advertising		R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			publisher. In case the controller is different from the advertising publisher, the controller should transmit to the political advertising publisher the internal policy and ensure that other information necessary to comply with this Regulation is communicated to the political advertising publisher in a timely and accurate manner Covers part of recital 50 of the original Commission proposal.		
Recital 50b					
60b			(50b) Providers of advertising services should transmit to the political advertising publishers the information necessary to comply with their obligations under this Regulation. The transmission of such information could be		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			automated and integrated in the ordinary business processes on the basis of standards. Covers part of recital 50 of the original Commission proposal.		
Recital 51					
61	(51) In order to further empower individuals to exercise their data protection rights, political advertising publishers should provide additional information and effective tools to the concerned data subject to support the exercise of their rights under the EU data protection legal framework including to object or withdraw their consent when targeted with a political advertisement. This information should also be easily accessible directly from the transparency notice. The tools made available to the individuals to support the	(51) In order to further empower individuals to exercise their data protection rights, political advertising publishers should provide additional information and effective tools to the concerned data subject to support the exercise of their rights under the EU data protection legal framework including to object or withdraw their consent when targeted with a political advertisement. This information should also be easily accessible directly from the transparency notice. The tools made available to the individuals to support the	(51) In order to further empower individuals to exercise their data protection rights, political advertising publishers should provide additional information and effective tools to the concerned data subject to support the exercise of their rights under the EU data protection legal framework including to object or withdraw their consent when targeted with a political advertisement. This information should also be easily accessible directly from the transparency notice. The tools made available to the individuals to support the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	exercise of their rights should be effective to prevent an individual from being targeted with political advertisements, as well as to prevent targeting on the basis of specific criteria and by one or several specific controllers.	exercise of their rights should be effective to prevent an individual from being targeted with political advertisements, as well as to prevent targeting on the basis of specific criteria and by one or several specific controllers.	exercise of their rights should be effective to prevent an individual from being targeted with political advertisements, as well as to prevent targeting on the basis of specific criteria and by one or several specific controllers.		
Recital 52					
62	(52) The Commission should encourage the drawing up of codes of conduct as referred to in Article 40 of Regulation (EU) 2016/679 to support the exercise of data subjects' rights in this context.	(52) The Commission should encourage the drawing up of codes of conduct as referred to in Article 40 of Regulation (EU) 2016/679 <u>draw up guidelines</u> to support the exercise of data subjects' rights in this context.	(52) The Commission should encourage the drawing up of codes of conduct as referred to in Article 40 of Regulation (EU) 2016/679 to support the exercise of data subjects' rights in this context.		
Recital 53					
63	(53) Information to be provided in accordance with all requirements applicable to the use of targeting and amplification techniques under this Regulation should be presented in a format which	(53) Information to be provided in accordance with all requirements applicable to the use of targeting and amplification <u>ad delivery</u> techniques under this Regulation should be	(53) Information to be provided in accordance with all requirements applicable to the use of targeting and amplification techniques under this Regulation should be presented in a format which		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	is easily accessible, clearly visible and user-friendly, including through the use of plain language.	presented in a format which is easily accessible, <u>complete</u> , clearly visible and user-friendly, including through the use of plain language <u>and suitable for persons with disabilities</u> .	is easily accessible, clearly visible and user-friendly, including through the use of plain language.		
Recital 54					
64	(54) It is appropriate to lay down rules on the transmission of information on targeting to other interested entities. The applicable regime should be consistent with the regime for the transmission of information linked to the transparency requirements.	(54) It is appropriate to lay down rules on the transmission of information on targeting <u>and ad delivery</u> to other interested entities. The applicable regime should be consistent with the regime for the transmission of information linked to the transparency requirements.	(54) It is appropriate to lay down rules on the transmission of information on targeting to other interested entities. The applicable regime should be consistent with the regime for the transmission of information linked to the transparency requirements.		
Recital 55					
65	(55) Providers of political advertising services established in a third country that offer services in the Union should designate a mandated legal representative in the Union to allow for effective	(55) Providers of political advertising services established in a third country that offer services in the Union should designate a mandated legal representative in the Union <u>that is registered with the</u>	(55) Providers of political advertising services established in a third country that offer services in the Union should designate a mandated legal representative in the Union to allow for effective		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	oversight of this Regulation in relation to those providers. The legal representative could be the one designated on the basis of Article 27 of Regulation (EU) 2016/679 or the representative designated on the basis of Article 11 of Regulation (EU) 2021/xxx [the DSA].	<u>national single contact point</u> , to allow for effective oversight of this Regulation in relation to those providers. The legal representative could be the one designated on the basis of Article 27 of Regulation (EU) 2016/679 <u>2016/679</u> or the representative designated on the basis of Article 11 <u>13</u> of Regulation (EU) 2021/xxx [the DSA] <u>2022/2065 (Digital Services Act). Member States should keep a publicly available register of all legal representatives registered on their territory under this Regulation, and the Commission should keep a publicly available and easily accessible database of legal representatives registered within the Union.</u>	oversight of this Regulation in relation to those providers. The legal representative could be the one designated on the basis of Article 27 of Regulation (EU) 2016/679 or the representative designated on the basis of Article 11 of Regulation (EU) 2021/xxx <u>2022/xxx</u> [the DSA].		
	Recital 55a				
65a			(55a) The designated legal representative should register with one competent authority		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			designated for those purposes. In the interests of providing easily retrievable information about the designated legal representatives of political advertising services providers established outside the territory of the Union, the relevant competent authority should publish online and regularly update the information on legal representatives on their territory. The Commission should establish a portal linking to the websites provided by the Member States.		
Recital 56					
66	(56) In the interest of the effective supervision of this Regulation, it is necessary to entrust oversight authorities with the competence to monitor and enforce the relevant rules. Depending on the legal system of each Member State and in line with	(56) In the interest of the effective supervision of this Regulation, it is necessary to entrust oversight authorities with the competence to monitor and enforce the relevant rules <u>and endow them with resources commensurate with such additional</u>	(56) In the interest of the effective supervision of this Regulation, it is necessary to entrust oversight authorities with the competence to monitor and enforce the relevant rules. Depending on the legal system of each Member State and in line with		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	existing Union law including Regulation (EU) 2016/679 and Regulation (EU) 2021/xxx [Digital Services Act], different national judicial or administrative authorities may be designated to that effect.	<u>competences</u> . Depending on the legal system of each Member State and in line with existing Union law including Regulation (EU) 2016/679 and Regulation (EU) 2021/xxx <u>2022/2065</u> (Digital Services Act), different national judicial or administrative authorities may be designated to that effect.	existing Union law including Regulation (EU) 2016/679 and Regulation (EU) 2021/xxx <u>2022/xxx</u> [Digital Services Act], different national judicial or administrative authorities may be designated to that effect.		
Recital 57					
67	(57) As regards the supervision of online intermediary services under this Regulation, Member States should designate competent authorities and ensure that such supervision is coherent with the competent authorities designated pursuant to Article 38 of Regulation (EU) [Digital Services Act]. Digital Services Coordinators, pursuant to Regulation (EU) Digital Services Act, in each Member State should in any event be	(57) As regards the supervision of online intermediary services under this Regulation, Member States should designate competent authorities and ensure that such supervision is coherent with the competent authorities designated pursuant to Article 38 of Regulation (EU) 2022/2065 (Digital Services Act), Digital Services Coordinators, pursuant to Regulation (EU) <u>2022/2065</u> (Digital Services Act), in each	(57) As regards the supervision of online intermediary services under this Regulation, Member States should designate competent authorities and ensure that such supervision is coherent with the competent authorities designated pursuant to Article 38 of Regulation (EU) [Digital Services Act]. Digital Services Coordinators, pursuant to Regulation (EU) Digital Services Act, in each Member State should in any event be		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	responsible for ensuring coordination at national level in respect to those matters and engage, where necessary, cross-border cooperation with other Digital Services Coordinators following the mechanisms laid down in Regulation (EU) [Digital Services Act]. In the framework of application of this Regulation, this mechanism should be limited to the national cooperation across Digital Services Coordinators [and should not include the escalation to the Union level as provided by the Regulation (EU) [Digital Services Act].	Member State should in any event be responsible for ensuring coordination at national level in respect to those matters and engage, where necessary, cross-border cooperation with other Digital Services Coordinators following the mechanisms laid down in Regulation (EU) f 2022/2065 (Digital Services Act) f . In the framework of application of this Regulation, this mechanism should be limited to the national cooperation across Digital Services Coordinators f and should not include the escalation to the Union level as provided by the Regulation (EU) f 2022/2065 (Digital Services Act) f .	responsible for ensuring coordination at national level in respect to those matters and engage, where necessary, cross-border cooperation with other Digital Services Coordinators following the mechanisms laid down in Regulation (EU) [Digital Services Act]. In the framework of application of this Regulation, this mechanism should be limited to the national cooperation across Digital Services Coordinators [and should not include the escalation to the Union level as provided by the Regulation (EU) [Digital Services Act].		
Recital 58					
68	(58) For the oversight of those aspects of this Regulation that do not fall within the competence of the supervisory authorities	(58) For the oversight of those aspects of this Regulation that do not fall within the competence of the supervisory authorities	(58) For the oversight of those aspects of this Regulation that do not fall within the competence of the supervisory authorities		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
under Regulation (EU) 2016/679, Regulation (EU) 2018/725 Member States should designate competent authorities. To support the upholding of fundamental rights and freedoms, the rule of law, democratic principles and public confidence in the oversight of political advertising it is necessary that such authorities are structurally independent from external intervention or political pressure and are appropriately empowered effectively monitor and take the measures necessary to ensure compliance with this Regulation, in particular the obligations laid down in Article 7. Member States may designate, in particular, the national regulatory authorities or bodies under Article 30 of Directive 2010/13/EU of the European Parliament and of the Council¹. 1. Directive 2010/13/EU of the European Parliament and of the	under Regulation (EU) 2016/679, Regulation (EU) 2018/725 <u>and Regulation (EU) 2022/2065 (Digital Services Act)</u>, Member States should designate competent authorities <u>to monitor and enforce relevant rules</u>. To support the upholding of fundamental rights and freedoms, the rule of law, democratic principles and public confidence in the oversight of political advertising it is necessary that such authorities are structurally independent from external intervention or political pressure and are appropriately empowered effectively monitor and take the measures necessary to ensure compliance with this Regulation, in particular the obligations laid down in Article 7. Member States may designate, in particular, the national regulatory authorities or bodies under Article 30 of Directive 2010/13/EU of	under Regulation (EU) 2016/679, and Regulation (EU) 2018/725 2018/1725, Member States should designate relevant competent authorities. To support the upholding of fundamental rights and freedoms, the rule of law, democratic principles and public confidence in the oversight of political advertising it is necessary that such authorities are impartial, structurally independent from external intervention or political pressure and are appropriately empowered to effectively monitor and take the measures necessary to ensure compliance with this Regulation, in particular the obligations laid down in Article 7. While Member States may designate, in particular, the national regulatory authorities or bodies under Article 30 of Directive 2010/13/EU of the European Parliament and of the Council¹, they		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive (OJ L 95, 15.4.2010, p. 1).	the European Parliament and of the Council ¹ . 1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive (OJ L 95, 15.4.2010, p. 1).	could also designate other authorities, such as election or judicial authorities. 1. [1] Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive (OJ L 95, 15.4.2010, p. 1).		
	Recital 58a				
R	68a	<u><i>(58a) For the purpose of the exercise of their powers under this Regulation, the competent authorities referred to in Article 15 and the European Data Protection Board should be provided with sufficient resources.</i></u>			
	Recital 59				
G	69	(59) Where rules already exist under Union law	(59) Where rules already exist under Union law	(59) Where rules already exist under Union law	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	regarding the provision of information to competent authorities and cooperation with and between those authorities such as Article 9 of Regulation (EU) 2021/xxx [Digital Services Act], or those contained in Regulation (EU) 2016/679, those rules should apply mutatis mutandis to the relevant provisions of this Regulation.	regarding the provision of information to competent authorities and cooperation with and between those authorities such as Article 9 of Regulation (EU) 2021/xxx <u>2022/2065</u> (Digital Services Act 7), or those contained in Regulation (EU) 2016/679, those rules should apply mutatis mutandis to the relevant provisions of this Regulation.	regarding the provision of information to competent authorities and cooperation with and between those authorities such as Article 9 of Regulation (EU) 2021/xxx [Digital Services Act], or those contained in Regulation (EU) 2016/679, those rules should apply mutatis mutandis to the relevant provisions of this Regulation.	regarding the provision of information to competent authorities and cooperation with and between those authorities such as Article 9 of Regulation (EU) 2021/xxx <u>2022/2065</u> (Digital Services Act 7), or those contained in Regulation (EU) 2016/679, those rules should apply mutatis mutandis to the relevant provisions of this Regulation. Text Origin: EP Mandate	
Recital 59a					
69a			(59a) To support the effective application, supervision and enforcement of the provisions of this Regulation, and without prejudice to Regulation (EU) 2016/679, Regulation (EU) 2018/1725 and the Digital Services Act, it is necessary to establish which competent		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			authority should be responsible where services are provided in more than one Member State, or where the service provider conducts its main activities outside the Member State where its main establishment or designated representative is located. Where a service provider is providing political advertising services in more than one Member State, the competent authority or authorities of the Member State where the main establishment of the political advertising services provider is located should normally be responsible for the effective application, supervision and enforcement of the provisions of this Regulation. In determining where a service provider has its main establishment, the competent authorities should have regard to		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			where the provider has its head office or registered office within which the principal financial functions and operational control are exercised.		
Recital 59b					
69b			(59b) In carrying out their investigatory and enforcement powers, the competent authorities of all Member States should cooperate with and assist each other as necessary. If the suspected infringement of this Regulation only involves the competent authority or authorities where the provider of political advertising services does not have its main establishment, the relevant competent authority or authorities should notify the competent authority of the main establishment, which should accordingly assess the matter and, as applicable, take the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			necessary enforcement measures.		
Recital 59c					
69c			(59c) To further facilitate effective application and enforcement of this Regulation in case of the provision of cross-border services, where the investigation of an alleged infringement concerns the provision of political advertising services in one or more Member States in which the provider does not have its main establishment, the competent authority of the main establishment may launch and lead a joint investigation with the participation of the competent authority or authorities concerned.		
Recital 60					
70	(60) Authorities competent for the oversight of this Regulation should	(60) Authorities competent for the oversight of this Regulation should	(60) Authorities competent for the oversight of this Regulation should		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	cooperate with each other both at national and at EU level making best use of existing structures including national cooperation networks, the European Cooperation Network on Elections as referred to in Recommendation C(2018) 5949 final, and the European Regulators Group for Audiovisual Media Services established under Directive 2010/13/EU. Such cooperation should facilitate the swift, 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.	cooperate with each other both at national and at EU level making best use of existing structures including national cooperation networks, the European Cooperation Network on Elections as referred to in Recommendation C(2018) 5949 final, <u>the European Board for Digital Services as referred to in Regulation (EU) 2022/2065 (Digital Services Act)</u> and the European Regulators Group for Audiovisual Media Services established under Directive 2010/13/EU. Such cooperation should facilitate the swift, secured exchange of information on issues connected to the exercise of their supervisory and enforcements<u>enforcement</u> tasks pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise, and liaising on the application	cooperate with each other both at national and at EU level making best use of existing structures including national cooperation networks, the European Cooperation Network on Elections as referred to in Recommendation C(2018) 5949 final, and the European Regulators Group for Audiovisual Media Services established under Directive 2010/13/EU. Such cooperation should facilitate the swift, 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.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		and enforcement of relevant rules.			
Recital 60a					
R 70a		<u>(60a) Within the framework of the European Cooperation Network on Elections, a permanent Network of National Contact Points should be established to serve as platform for the regular exchange of information, and for structured cooperation, between national contact points and the Commission concerning all aspects of this Regulation. It should work in close cooperation with the European Regulators Group for Audiovisual Media Services and other relevant authorities and networks.</u>	(60a) For the purposes of ensuring effective and structured cooperation among all competent authorities, experts designated by Member States should meet periodically at Union level, in particular in the framework of the European Cooperation Network on Elections working in close cooperation with the European Regulators Group for Audiovisual Media Services, and other relevant networks. In order to strengthen the cooperation and exchange of information and practices at the Union level, the European Cooperation Network on Elections should cooperate closely with the European Regulators Group for Audiovisual		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			Media Services, particularly with respect to the reporting on the discussions held regarding this Regulation.		
Recital 61					
71	(61) With a view to facilitating the effective application of the obligations set out in the regulation, it is necessary to empower national authorities to request from the services providers the relevant information on the transparency of political advertisement. Information to be transmitted to competent authorities could concern an advertising campaign, be aggregated by years or concern specific advertisements. In order to ensure that the requests for such information can be complied with in an effective and efficient manner, and at the same time that the providers of political advertising services are not subject to	(61) With a view to facilitating the effective application of the obligations set out in the regulation, it is necessary to empower national authorities to request from the services providers the relevant information on the transparency of political advertisement. Information to be transmitted to competent authorities could concern an advertising campaign, be aggregated by years or concern specific advertisements. In order to ensure that the requests for such information can be complied with in an effective and efficient manner, and at the same time that the providers of political advertising services are not subject to	(61) With a view to facilitating the effective application of the obligations set out in the regulation, it is necessary to empower national authorities to request from the services providers providers of political advertising services the relevant information on the transparency of political advertisement. Information to be transmitted to competent authorities could concern an advertising campaign, be aggregated by years or concern specific advertisements. In order to ensure that the requests for such information can be complied with in an effective and efficient manner, and at the same		

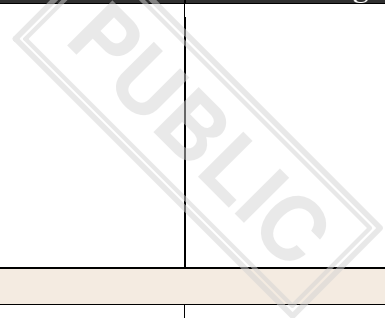
Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
any disproportionate burdens, it is necessary to set certain conditions that those requests should meet. In the interest of the timely oversight of an election process in particular, providers of political advertising services should quickly respond to requests from competent authorities, and always within 10 working days upon receipt of the measure. In the interest of legal certainty and in compliance with the rights of defence, requests to provide information from a competent authority should contain an adequate statement of reasons and information about available redress. Providers of political advertising services should designate contact points for the interaction with the competent authorities. Such contact points could be electronic.	any disproportionate burdens, it is necessary to set certain conditions that those requests should meet. In the interest of the timely oversight of an election process in particular, providers of political advertising services should quickly respond to requests from competent authorities, and always within 10 working days upon receipt of the measure. In the <u>last month preceding an election or a referendum, an infringement of this Regulation should be deemed to negatively and severely affect individuals' rights and therefore providers of political advertising services should provide the requested information without undue delay and, in case they are not micro or small enterprises, no later than 48 hours.</u> In the interest of legal certainty and in compliance with the rights of defence, requests to provide information from a	time that the providers of political advertising services are not subject to any disproportionate burdens, it is necessary to set certain conditions that those requests should meet. In the interest of the timely oversight of an election process in particular, providers of political advertising services should quickly respond to requests from competent authorities, and always within 10 ten working days upon receipt of the measure. During the last month of the electoral campaign, infringement of these obligations should be considered to negatively and severely affect citizen's right and therefore providers of political advertising services should provide the requested information within 48 hours. Providers of political advertising services qualifying under Article 3 paragraphs 1 to 3 of Directive 2013/34/EU		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		competent authority should contain an adequate statement of reasons and information about available redress. Providers of political advertising services should designate contact points for the interaction with the competent authorities. Such contact points could be electronic.	should make reasonable efforts to provide the requested information without undue delay and where possible before the date of the election or referendum. In the interest of legal certainty and in compliance with the rights of defence, requests to provide information from a competent authority should contain an adequate statement of reasons and information about available redress. Providers of political advertising services should designate contact points for the interaction with the competent authorities. Such contact points could be electronic.		
Recital 62					
72	(62) Member States should designate a contact point at Union level for the purpose of this Regulation. The contact point should, if possible, be a member of the European Cooperation	(62) Member States should designate a <i>national</i> contact point at Union level for the purpose of this Regulation. The contact point should, if possible, be a member of the European	(62) Member States should designate a contact point at Union level for the purpose of this Regulation. The contact point should, if possible, be a member of the European Cooperation		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Network on Elections. The contact point should facilitate cooperation among competent authorities between Member States in their supervision and enforcement tasks, in particular by intermediating with the contact points in other Member States and with the competent authorities in their own.	Cooperation Network on Elections. The contact point should facilitate cooperation among competent authorities between Member States in their supervision and enforcement tasks, in particular by intermediating with the contact points in other Member States and with the other competent authorities in their own.	Network on Elections. The contact point should facilitate cooperation among competent authorities between Member States in their supervision and enforcement tasks, in particular by intermediating with the contact points in other Member States and with the competent authorities in their own its own Member State .		
Recital 63					
73	(63) Member States authorities should ensure that infringements of the obligations laid down in this Regulation are sanctioned by administrative fines or financial penalties. When doing so, they should take into account the nature, gravity, recurrence and duration of the infringement in view of the public interest at stake, the scope and kind of activities carried out, as well as the	(63) Member States authorities should ensure that infringements of the obligations laid down in this Regulation are sanctioned by administrative fines or financial penalties. When doing so, they should take into account the nature, gravity, recurrence and duration of the infringement in view of the public interest at stake, the scope and kind of activities carried out, as well as the	(63) Member States authorities should ensure that infringements of the obligations laid down in this Regulation are sanctioned by administrative fines or financial penalties and, as appropriate, other remedies .- When doing so, they should take into account the nature, gravity, recurrence and duration of the infringement in view of the public interest at stake, the scope and kind of		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
economic capacity of the infringer. In that context, the crucial role played by the obligations laid down in Article 7 for the effective pursuit of the objectives of the present Regulation should be taken into account. Furthermore, they should take into account whether the service provider concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, including by delaying the provision of information to interested entities, as well as, where relevant, whether the provider of political advertising services is active in several Member States. Financial penalties and administrative fines shall in each individual case be effective, proportionate and dissuasive, with due regard to the provision of sufficient and accessible procedural safeguards, and	<u>size and</u> economic capacity of the infringer. In that context, the crucial role played by the obligations laid down in Article <u>Articles 3a, 5, 7, 7a, 7b and 12</u> for the effective pursuit of the objectives of the present Regulation should be taken into account <u>and infringements of those Articles should be regarded as particularly serious</u> . Furthermore, they should take into account whether the service provider concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, including by delaying the provision of information to interested entities, as well as, where relevant, whether the provider of political advertising services is active in several Member States. Financial penalties and administrative fines shall in each individual case be effective,	activities carried out, as well as, where applicable , the economic capacity of the infringer. In that context, the crucial role played by the obligations laid down in Article Articles 5 and 7 for the effective pursuit of the objectives of the present Regulation should be taken into account. Furthermore, they should take into account whether the provider of political advertising services or sponsor-service provider concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, including by delaying the provision of information to interested entities, as well as, where relevant, whether the provider of political advertising services is active in several Member States. Financial penalties, finances and other remedies should and administrative fines shall in each		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	in particular to ensure that the political debate remains open and accessible.	proportionate and dissuasive, with due regard to the provision of sufficient and accessible procedural safeguards, and in particular to ensure that the political debate remains open and accessible.	individual case be effective, proportionate and dissuasive, with due regard to the provision of sufficient and accessible procedural safeguards, and in particular the need to ensure that the political debate remains open and accessible.		
	Recital 63a				
73a		<u>(63a) Member States should lay down rules on penalties, including administrative fines and financial penalties, applicable to infringements of this Regulation and should ensure that those rules are effectively enforced. The fines and penalties provided for should be effective, proportionate and dissuasive. Member States may also impose periodic penalty payments for serious and repeated violation of this Regulation. At Union level, the Network of</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>National Contact Points should facilitate the development of a harmonised approach on sanctions applicable at national level.</u>			
Recital 63a					
Y	73b		(63a) In line with the general principles of liability, a provider of political advertising services may not be sanctioned where it acted on the basis of inaccurate or false information received from the sponsor, which was not manifestly erroneous, provided that it did not become aware of the error at a later stage.		Y
Recital 63b					
R	73c		(63b) In order to support the application and monitoring of this Regulation, competent authorities should address notifications they receive		R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			from any natural or legal person concerning a possible infringement of this Regulation and, at least upon request, inform the person who made the notification of the follow-up given to it. During the last month preceding an election or a referendum, any notification received in relation to political advertising linked to that election or referendum should be addressed without undue delay.		
Recital 64					
74	(64) The exercise by the competent authorities of their powers under this Regulation should be subject to appropriate procedural safeguards in accordance with Union and national law, including effective judicial remedy and due process.	(64) The exercise by the competent authorities of their powers under this Regulation should be subject to appropriate procedural safeguards in accordance with Union and national law, including effective judicial remedy and due process.	(64) The exercise by the competent authorities of their powers under this Regulation should be subject to appropriate procedural safeguards in accordance with Union and national law, including effective judicial remedy and due process.	(64) The exercise by the competent authorities of their powers under this Regulation should be subject to appropriate procedural safeguards in accordance with Union and national law, including effective judicial remedy and due process. Text Origin: Commission Proposal	

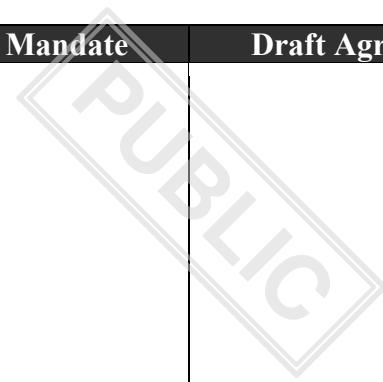
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Recital 65					
75	(65) Member States should publish the exact duration of their electoral periods, established according to their electoral traditions, sufficiently in advance of the beginning of the electoral calendar.	(65) Member States should publish the exact duration of their electoral periods, established according to their <u>legislation and</u> electoral traditions, sufficiently in advance of the beginning of the electoral calendar.	(65) To support compliance with this Regulation, service providers and other interested entities should be provided with timely and easily accessible information about the dates of national elections and referendums. Member States should therefore publish the exact duration dates of their electoral periods, established according to their electoral traditions, sufficiently in advance of the beginning of the electoral calendar elections and referendums. This information should be easily accessible and timely. They should also provide this information to the public through a portal made available by the Commission, immediately after their announcement.		
Recital 65a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Y	75a		(65a) To support the effective implementation of this Regulation, the Commission is encouraged to draw-up guidelines, as necessary, on the identification of political advertising and on the application of sanctions.		
Recital 66					
R	76	(66) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of Article 7(7) to further specify the form in which the requirements for the provision of information in the transparency notices according to that Article should be provided; and in respect of Article 12(8) to further specify the form in which the requirements of the provision of	(66) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of Article 7(7) to further specify the form in which the requirements for the provision of information in the transparency notices according to that Article should be provided; and in respect of Article 12(8) to further specify the form in which the requirements of the provision of	(66) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of Article 7(7) 7(8) to further specify the form in which the requirements for the provision of information in the transparency notices according to that Article should be provided; and in respect of Article 12(8) 12a(6) to further specify the form in which the requirements of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	information about targeting should be provided. It is of particular importance that the Commission carries out appropriate consultations, including of experts designated by each Member State, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	information about targeting should be provided. It is of particular importance that the Commission carries out appropriate consultations, including of experts designated by each Member State, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	provision of information about targeting should be provided. It is of particular importance that the Commission carries out appropriate consultations; including of with the experts designated by each Member State, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.		
	Recital 67				
R	77				R

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
(67) Within two years after each election to the European Parliament, the Commission should submit a public report on the evaluation and review of this Regulation. In preparing that report the Commission should also take into account the implementation of this Regulation in the context of other elections and referendums taking place in the Union. The report should review inter alia the continued suitability of the provisions of this Regulation's annexes and consider the need for their revision.	(67) Within two years after each election to the European Parliament, the Commission should submit a public report on the evaluation and review of this Regulation. In preparing that report the Commission should also take into account the implementation of this Regulation in the context of other elections and referendums taking place in the Union. The report should review inter alia the continued suitability of the provisions of this Regulation's and its annexes and consider the need for their revision. <u><i>In particular, the Commission should assess the appropriateness of the scope and definitions and the effectiveness of the obligations, the governance and enforcement provisions, including in the light of technological progress, market developments and new scientific evidence.</i></u>	(67) Within two years after each election to the European Parliament, the Commission should submit a public report on the evaluation and review of this Regulation. In preparing that report the Commission should also take into account the implementation of this Regulation in the context of other elections and referendums taking place in the Union and the impact of this Regulation on small and medium-sized media actors. The report should evaluate in particular the effectiveness of the Regulation as regards specific means of political advertising, further restricting the processing of personal data for the purposes of the targeting and amplification techniques regulated under this Regulation, the type and amount of sanctions imposed by the Member States, and the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			requirement to establishing ad public repositories for all online political advertising. The report should review inter alia the continued suitability of the provisions of this Regulation's annexes and consider the need for their revision.		
	Recital 68				
G	78	(68) Complementary obligations on the use of political advertising by European political parties are provided in Regulation (EU) 1141/2014 on the statute and funding of European political parties and foundations.	(68) Complementary obligations on the use of political advertising by European political parties are provided in Regulation (EU) 1141/2014 on the statute and funding of European political parties and foundations.	(68) Complementary obligations on the use of political advertising by European political parties are provided in Regulation (EU) 1141/2014 on the statute and funding of European political parties and foundations. Text Origin: Commission Proposal	G
	Recital 68a				
R	78a		<u><i>(68a) In the interest of ensuring that a high level of transparency and strengthened individual</i></u>		R



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>personal data protections are provided for political advertising in the context of the European Parliament elections 2024, political advertising service providers should ensure that the labelling and transparency notice requirements are complied with immediately, notwithstanding the availability of supplementary elements to be provided by the Commission. Political advertising publishers should make best efforts to ensure the availability of transparency notices notwithstanding the availability of a European repository for online political advertising.</u>			
Recital 69					
79	(69) Since the objectives of this Regulation, namely the contribution to the proper functioning of the internal market for political advertising and related	(69) Since the objectives of this Regulation, namely the contribution to the proper functioning of the internal market for political advertising and related	(69) Since the objectives of this Regulation, namely the contribution to the proper functioning of the internal market for political advertising and related	(69) Since the objectives of this Regulation, namely the contribution to the proper functioning of the internal market for political advertising and related	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	services and the establishment of rules on the use of targeting in the context of the publication and dissemination of political advertising, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt this Regulation, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	services and the establishment of rules on the use of targeting in the context of the publication and dissemination of political advertising, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt this Regulation, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	services and the establishment of rules on the use of targeting in the context of the publication and dissemination of political advertising, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt this Regulation, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	services and the establishment of rules on the use of targeting in the context of the publication and dissemination of political advertising, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt this Regulation, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives. Text Origin: Commission Proposal	
Recital 70					
80	(70) This Regulation is without prejudice to the rules laid down in particular by Directive 2000/31/EC, including the	(70) This Regulation is without prejudice to the rules laid down in particular by Directive 2000/31/EC, including the	(70) This Regulation is without prejudice to the rules laid down in particular by Directive 2000/31/EC, including the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	liability rules for intermediary service providers in Articles 12 to 15 of that Directive as modified by Regulation (EU) 2021/xxx [the Digital Services Act], Regulation (EU) 2021/xxx [the Digital Markets Act], Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation], as well as Directive (EU) 2010/13, Directive 2000/31/EC, Directive 2002/58/EC, Directive 2005/29/EC, Directive 2011/83/EU, Directive 2006/114/EC, Directive 2006/123/EC and Regulation (EU) 2019/1150.	liability rules for intermediary service providers in Articles 12 to 15 of that Directive as modified by Regulation (EU) 2021/xxx [the <u>2022/2065</u> (Digital services Act], Regulation (EU) 2021/xxx [the <u>2022/1925</u> (Digital Markets Act], Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation], as well as Directive (EU) 2010/13 <u>2010/13/EU</u> , Directive 2000/31/EC, Directive 2002/58/EC, Directive 2005/29/EC, Directive 2011/83/EU, Directive 2006/114/EC, Directive 2006/123/EC and Regulation (EU) 2019/1150. <u>This Regulation should complement the Union data protection acquis, in particular Regulations (EU) 2016/679 and (EU) 2018/1725 and Directive 2002/58/EC and provide for specific data protection rules thereto. This Regulation does not</u>	liability rules for intermediary service providers in Articles 12 to 15 of that Directive as modified by Regulation (EU) 2021/xxx [the Digital Services Act], Regulation (EU) 2021/xxx [the Digital Markets Act], Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation], as well as Directive (EU) 2010/13, Directive 2000/31/EC, Directive 2002/58/EC, Directive 2005/29/EC, Directive 2011/83/EU, Directive 2006/114/EC, Directive 2006/123/EC and Regulation (EU) 2019/1150.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>provide for a legal ground that satisfies the requirements of Article 6 of Regulation (EU) 2016/679 or Article 5 of Regulation (EU) 2018/1725 for the processing of personal data for the purpose of political advertising.</u>			
Recital 71					
81	(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on XX XX 2022.	(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on XX XX <u>20 January</u> 2022.	(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on XX XX 2022.	(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on XX XX <u>20 January</u> 2022. Text Origin: EP Mandate	
Formula					
82	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: Text Origin: Commission Proposal	
CHAPTER I					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
G	83	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS Text Origin: Commission Proposal	G
Article 1					
G	84	Article 1 Subject matter and scope	Article 1 Subject matter and scope objectives	Article 1 Subject matter and scope objectives Text Origin: Council Mandate	G
Article 1(1)					
G	85	1. This Regulation lays down:	1. This Regulation lays down <u>harmonised rules</u> <u>on</u> :	1. This Regulation lays down: Text Origin: Commission Proposal	G
Article 1(1), point (a)					
Y	86	(a) harmonised transparency obligations for providers of political advertising and related services to retain, disclose and publish information	(a) harmonised <u>the</u> <u>provision of political</u> <u>advertising services, and</u> <u>on</u> transparency obligations for <u>and due diligence for</u> <u>sponsors and</u> providers of	(a) harmonised transparency <u>and due</u> <u>diligence obligations for</u> <u>provision</u> obligations for providers of political advertising and related	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	connected to the provision of such services;	political advertising and related services to <u>services, that require them to provide, collect,</u> retain, disclose and publish information connected to the provision <u>in the internal market</u> of such services;	connected to the provision of such services;	services <u>and, where applicable, for sponsors,</u> to retain, disclose and publish information connected to the provision <u>in the internal market</u> of such services; May need to be expanded to cover elements in Article 3a, should a provisional agreement be reached EP: include reference to 'collect'.	
Article 1(1), point (b)					
87	(b) harmonised rules on the use of targeting and amplification techniques in the context of the publication, dissemination or promotion of political advertising that involve the use of personal data.	(b) harmonised rules on the use of targeting and amplification <u>ad delivery techniques in connection with the preparation, placement, promotion, the context of the publication, delivery or dissemination or promotion of political advertising, in the context of the provision</u> of political advertising <u>services, that involves the processing that involve the use</u> of personal data.;	(b) harmonised rules on the use of targeting and amplification techniques in the context of political advertising that involve the processing of personal data, and regardless whether the political advertising involves a service. the publication, dissemination or promotion of political advertising that involve the use of personal data.		(b) This point remains open pending solution on services.

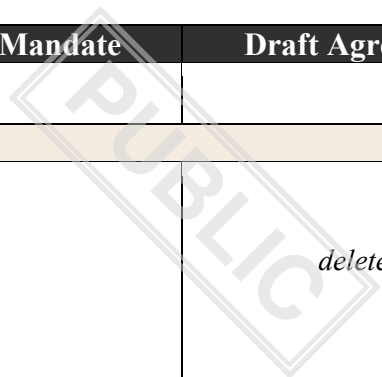
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 1(1), point (ba)				
87a		<u>(ba) the supervision and enforcement of this Regulation, including as regards the cooperation and coordination between the competent authorities.</u>		<u>(ba) rules on the supervision and enforcement of this Regulation, including as regards the cooperation and coordination between the competent authorities.</u>	
	Article 1(2)				
88	2. This Regulation shall apply to political advertising prepared, placed, promoted, published or disseminated in the Union, or directed to individuals in one or several Member States, irrespective of the place of establishment of the advertising services provider, and irrespective of the means used.	2. This Regulation shall apply to political advertising <u>that is sponsored</u> , prepared, placed, promoted, published, <u>delivered</u> or disseminated in the Union, or <u>that is</u> directed to individuals in one or several Member States, irrespective of the place of establishment of the <u>sponsor or the</u> advertising services provider <u>concerned</u> , and irrespective of the means used.	deleted	deleted	2. Moved to article 1a - see row 101e Proposal to follow Council structure
	Article 1(2a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
R	88a	<u>2a. Political views and opinions and other editorial content expressed under the editorial responsibility of a media service provider 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.</u>		see row 107b	2a. Presidency suggestion (20/09): Provisionally agree to move this exclusion here as follows: "2a. Political opinions and other editorial content expressed in any media under the editorial responsibility as well as in personal capacity shall not be considered political advertising unless specific payment or other remuneration is provided for or in connection with their preparation, placement, promotion, publication, delivery or dissemination by third parties." EP to check
Article 1(3)					
G	89	3. The aims of this Regulation are:	3. The aims of this Regulation are:	3. The aims of this Regulation are: Text Origin:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				Commission Proposal	
Article 1(3), point (a)					
90	(a) to contribute to the proper functioning of the internal market for political advertising and related services;	(a) to contribute to the <u>harmonisation and</u> proper functioning of the <u>transparent, safe, predictable and trusted</u> internal market for political advertising and related services;	(a) to contribute to the proper functioning of the internal market for political advertising and related services;	(a) to contribute to the proper functioning of the internal market for political advertising and related services;	
Article 1(3), point (b)					
91	(b) to protect natural persons with regard to the processing of personal data.	(b) <u>to protect the fundamental rights and freedoms enshrined in the Union and national law, including those enshrined in the Charter of Fundamental Rights, and, in particular,</u> to protect natural persons with regard to <u>the right to privacy and</u> the processing of personal data.	(b) to protect natural persons with regard to the processing of personal data.	(b) <u>to protect the fundamental rights and freedoms enshrined in the Charter of Fundamental Rights and</u> to protect natural persons with regard to <u>the right to privacy and</u> the processing of personal data.	
Article 1(4)					
92	4. This Regulation is	4. This Regulation is			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	without prejudice to the rules laid down in the following:	without prejudice to the rules laid down in the following:	deleted <i>Council mandate: moved to Article 1a (3) (rows 101g - 101p)</i>	deleted	
Article 1(4), point (a)					
93	(a) Directive 2000/31/EC;	(a) Directive 2000/31/EC;	deleted	deleted	
Article 1(4), point (b)					
94	(b) Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation];	(b) Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation];	deleted	deleted	
Article 1(4), point (c)					
95	(c) Directive 2005/29/EC;	(c) Directive 2005/29/EC;	deleted	deleted	
Article 1(4), point (d)					
96	(d) Directive 2006/114/EC;	(d) Directive 2006/114/EC;	deleted	deleted	
Article 1(4), point (e)					
97					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	(e) Directive 2006/123/EC;	(e) Directive 2006/123/EC;	<i>deleted</i>	<i>deleted</i>	
Article 1(4), point (f)					
98	(f) Directive (EU) 2010/13;	(f) Directive (EU) <u>2010/13</u> <u>2010/13/EU</u> ;	<i>deleted</i>	<i>deleted</i>	
Article 1(4), point (g)					
99	(g) Directive 2011/83/EU;	(g) Directive 2011/83/EU;	<i>deleted</i>	<i>deleted</i>	
Article 1(4), point (h)					
100	(h) Regulation (EU) 2019/1150;	(h) Regulation (EU) 2019/1150;	<i>deleted</i>	<i>deleted</i>	
Article 1(4), point (i)					
101	(i) Regulation (EU) 2021/xxx [the Digital Services Act].	(i) Regulation (EU) 2021/xxx <u>the 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+)</u> , <u>OJ L 277, 27.10.2022, p.1;</u>	<i>deleted</i>	<i>deleted</i>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 1(4), point (ia)				
G 101a		<u>(ia) 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.</u>		deleted	no text.
	Article 1(4), point (ib)				
G 101b		<u>4a. 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.</u>		deleted EP proposal merged with 101f.	No text.
	Article 1(4), point (ic)				
G 101c					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>4b. 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.</u>		EP proposal merged with row 101f.	no text.
	Article 1a				
G	101d		Article 1a Scope	<u>Article 1a Scope</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 1(4), point (id)				
101e			1. This Regulation shall apply to political advertising where the political advertisement is disseminated in the Union, or is directed to individuals or brought to the public domain in one or several Member States, irrespective of the place of establishment of the provider of political advertising services, and irrespective of the means used.		1 EP compromise proposal: <i>This Regulation shall apply to political advertising irrespective of the means used [in] for its publication where it is:</i> <i>a) sponsored, prepared, placed, promoted, published, delivered or disseminated in the Union and directed to individuals in one or several Member States, or to Union citizens; or</i> <i>b) directed to individuals in one or several Member States, or to Union citizens, irrespective of the place of establishment of the sponsor or the provider of political advertising services.</i> Pres counter proposal: 1. This Regulation shall apply to political advertising where the political advertisement is

PUBLIC

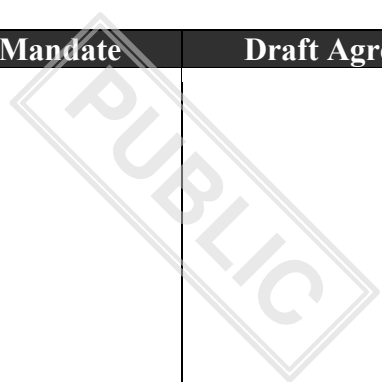
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					disseminated in the Union, or is brought to the public domain in one or several Member States or is directed to Union citizens, irrespective of the place of establishment of the provider of political advertising services, and irrespective of the means used. EP to check.
Article 1a(2)					
G 101f			2. This Regulation shall neither affect the content of political advertisements nor Union or Member States rules regulating aspects other than those covered by this Regulation.	<u>2. This Regulation shall not affect the content of political advertisements or Union or Member States rules regulating other aspects related to political advertising than those covered by this Regulation, including the rules on the organisation, financing and conduct of political campaigns, the general bans or limitations on political advertising during specified periods, and, where applicable, on electoral periods.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				merging 101b, 101c and 101f.	
	Article 1a(3)				
G	101g		3. This Regulation is without prejudice to the rules laid down in the following:	<u>3. This Regulation is without prejudice to the rules laid down in the following:</u> see comment in row 92.	G
	Article 1a(3), point (a)				
G	101h		(a) Directive 2000/31/EC;	<u>(a) Directive 2000/31/EC;</u>	G
	Article 1a(3), point (b)				
G	101i		(b) Directive 2002/58/EC and Regulation (EU) XXX [ePrivacy Regulation];	<u>(b) Directive 2002/58/EC;</u>	G
	Article 1a(3), point (c)				
G	101j		(c) Directive 2005/29/EC;	<u>(c) Directive 2005/29/EC;</u>	G
	Article 1a(3), point (d)				
G	101k				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			(d) Directive 2006/114/EC;	<u>(d) Directive 2006/114/EC;</u>	
	Article 1a(3), point (e)				
G	101l		(e) Directive 2006/123/EC;	<u>(e) Directive 2006/123/EC;</u>	G
	Article 1a(3), point (f)				
G	101m		(f) Directive (EU) 2010/13;	<u>(f) Directive (EU) 2010/13;</u>	G
	Article 1a(3), point (g)				
G	101n		(g) Directive 2011/83/EU;	<u>(g) Directive 2011/83/EU;</u>	G
	Article 1a(3), point (h)				
G	101o		(h) Regulation (EU) 2019/1150;	<u>(h) Regulation (EU) 2019/1150;</u>	G
	Article 1a(3), point (i)				
G	101p		(i) [Regulation (EU) 2022/xxx [the Digital Services Act]].	<u>(i) Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single</u>	G

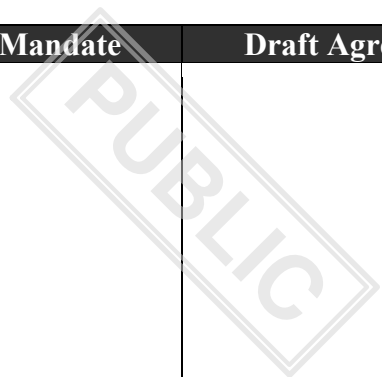
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<u>Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act);</u>	
Article 2					
G 102	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph					
G 103	For the purpose of this Regulation, the following definitions shall apply:	For the purpose of this Regulation, the following definitions shall apply:	For the purpose of this Regulation, the following definitions shall apply:	For the purpose of this Regulation, the following definitions shall apply:	
Article 2, first paragraph, point (1)					
G 104	1. 'service' means any self-employed economic activity, normally provided for remuneration, as referred to in Article 57 TFEU;	1. 'service' means any self-employed economic activity, normally provided for remuneration, as referred to in Article 57 TFEU;	1. 'service' means any self-employed economic activity; normally provided for remuneration; as referred to in Article 57 TFEU;	1. 'service' means any self-employed economic activity, normally provided for remuneration, as referred to in Article 57 TFEU;	
Article 2, first paragraph, point (2)					
R 105	2. 'political advertising' means the preparation, placement, promotion,	2. 'political advertising' means the preparation, placement, promotion,	2. 'political advertising' means the preparation, placement, promotion,		2. <i>Possible provisional agreement to include 'delivery'. Final text</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	publication or dissemination, by any means, of a message:	publication, <u>delivery</u> or dissemination, by any means, of a message:	publication or dissemination, by any means, of a message:		<i>pending outcome on scope of Chapter III:</i> ‘political advertising’ means the preparation, placement, promotion, publication, delivery or dissemination, by any means, of a message: Linked to scope of application of Chapter III
Article 2, first paragraph, point (2)(a)					
G	106	(a) by, for or on behalf of a political actor, unless it is of a purely private or a purely commercial nature; or	(a) by, for or on behalf of a political actor, unless it is of a purely private or a purely commercial nature; or	(a) by, for or on behalf of a political actor, unless it is of a purely private or a purely commercial nature; or	
Article 2, first paragraph, point (2)(b)					
R	107	(b) which is liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.	(b) which is liable to influence <u>voting behaviour</u> <u>or</u> the outcome of an election or referendum, <u>or</u> a legislative or regulatory process or voting behaviour .	(b) which is liable and designed to influence the outcome of an election or referendum, a voting behaviour or a legislative or regulatory process, at Union, national, regional or local level or voting behaviour .	(b) EP suggestion: "(b) which is liable to influence voting behaviour or the outcome of an election, referendum, or a legislative or regulatory process, at Union, national, regional or local level."



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					Presidency counter proposal (26 July): "(b) which is liable and designed to influence voting behaviour or the outcome of an election, referendum, or a legislative or regulatory process, at Union, national, regional or local level." Also linked to scope of application of Chapter III.
Article 2, first paragraph, point (2)(ba)					
R 107a			(ba) It shall not include:		(ba) It shall not include: Provisionally agreed subject to an agreement on definition.
Article 2, first paragraph, point (2)(ba)(i)					
R 107b			(i) political opinions expressed in any media under editorial responsibility unless specific remuneration is provided for or in	Council can provisionally agree to move to row 88a subject to agreement on text. See row 88a for comments.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			connection with expressing that political opinion.		
Article 2, first paragraph, point (2)(ba)(ii)					
107c			(ii) messages from official sources of Member States or the Union exclusively related to the organisation and modalities for participation in elections or referendums, including the candidacies and the question put to the referendum, or for promoting the participation in elections or referendums. Council Mandate: Based on last subparagraph of Article 2 of the Commission proposal. See row 126.		(ii) EP compromise: messages from official sources of Member States or the Union that are strictly limited to the announcement of elections or referendums, the modalities for participation in elections or referendums, including the candidacies and the question put to the referendum, or for promoting the participation in elections or referendums. Presidency counter proposal (26 July): "(ii) messages from official sources of Member States or the Union that are strictly limited to the organisation of elections or referendums, the modalities for participation in elections or referendums,



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					including the candidacies and the question put to the referendum, or for promoting the participation in elections or referendums." COM suggestion (12 September): "(ii) messages from official sources of Member States or the Union that are strictly limited to the organisation and modalities for participation in elections or referendums, including the announcement of candidacies or the question put to the referendum, or for promoting participation in elections or referendums." Co-legislators to consider COM proposal. Also linked to the scope of application of Chapter III.
	Article 2, first paragraph, point (2)(ba)(iii)				
R	107d				R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			(iii) public communication by, for or on behalf of any public authority of a Member States, including members of Government, provided they are not designed to influence the outcome of an election or referendum, voting behaviour or a legislative or regulatory process;		(iii) EP compromise suggestions: "public communication aiming to provide official information to the public by, for or on behalf of any public authority of a Member State or of the Union, including members of Government, provided they are not liable to influence the outcome of an election or referendum, voting behaviour or a legislative or regulatory process;" Presidency counter proposal (26 July) - keep "designed to": "(iii) public communication aiming to provide official information to the public by, for or on behalf of any public authority of a Member State or of the Union, including members of Government, provided they are not designed to influence the outcome of an election or referendum,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					voting behaviour or a legislative or regulatory process;" To discuss at political level. Also linked to the scope of application of Chapter III.
Article 2, first paragraph, point (2)(ba)(iv)					
R 107e			(iv) presentation of candidates in specified public spaces or in the media which is explicitly provided by law and allocated free of charge while ensuring equal treatment.		(iv) presentation of candidates in specified public spaces or in the media which is explicitly provided by law and allocated free of charge while ensuring equal treatment. Provisionally agreed subject to an agreement on definition.
Article 2, first paragraph, point (3)					
G 108	3. 'political advertisement' means an instance of political advertising;	3. 'political advertisement' means an instance of political advertising;	3. 'political advertisement' means an instance of political advertising published or disseminated by any means;;	3. 'political advertisement' means an instance of political advertising <u>published, delivered or disseminated by any means;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 2, first paragraph, point (4)				
109	4. 'political actor' means any of the following:	4. 'political actor' means any of the following:	4. 'political actor' means any of the following:	4. 'political actor' means any of the following: Text Origin: Commission Proposal	
	Article 2, first paragraph, point (4)(a)				
110	(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;	(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;	(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 to such a political party;	(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; Text Origin: Commission Proposal	
	Article 2, first paragraph, point (4)(b)				
111	(b) a political alliance within the meaning of Article 2(2) of Regulation (EU, Euratom) No 1141/2014;	(b) a political alliance within the meaning of Article 2(2) of Regulation (EU, Euratom) No 1141/2014;	(b) a political alliance within the meaning of Article 2(2) of Regulation (EU, Euratom) No 1141/2014;	(b) a political alliance within the meaning of Article 2(2) of Regulation (EU, Euratom) No 1141/2014; Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 2, first paragraph, point (4)(c)				
112	(c) a European political party within the meaning of Article 2(3) Regulation (EU, Euratom) No 1141/2014;	(c) a European political party within the meaning of Article 2(3) Regulation (EU, Euratom) No 1141/2014;	(c) a European political party within the meaning of Article 2(3) Regulation (EU, Euratom) No 1141/2014;	(c) a European political party within the meaning of Article 2(3) Regulation (EU, Euratom) No 1141/2014; Text Origin: Commission Proposal	
	Article 2, first paragraph, point (4)(d)				
113	(d) a candidate for any elected office at European, national, regional and local level, or for one of the leadership positions within a political party;	(d) a candidate for <u>or holder of</u> any elected office at European Union , national, regional and local level, or for one of the leadership positions within a political party;	(d) a candidate for or holder of any elected office at European Union , national, regional and local level, or for one of the any leadership positions within position of a political party;	(d) a candidate for <u>or holder of</u> any elected office at European Union , national, regional and local level, or for one of the any leadership positions position within a political party;	
	Article 2, first paragraph, point (4)(e)				
114	(e) an elected official within a public institution at European, national, regional or local level;	(e) an elected official within a public institution at European, national, regional or local level;	<i>deleted</i>	(e) an elected official within a public institution at European, national, regional or local level;	
	Article 2, first paragraph, point (4)(f)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
G	115	(f) an unelected member of government at European, national, regional or local level;	(f) an unelected member of government at European <u>Union</u> , national, regional or local level;	(f) an unelected member of government at a member of <u>Union institutions, with the exception of the Court of Justice of the European Union, the European Central Bank and the Court of Auditors, or of a government of Member States at</u> national, regional or local level; Text Origin: Council Mandate	
Article 2, first paragraph, point (4)(g)					
Y	116	(g) a political campaign organisation with or without legal personality, established to achieve a specific outcome in an election or referendum;	(g) a political campaign organisation with or without legal personality, established to achieve a specific <u>for the purpose of influencing the</u> outcome in <u>of</u> an election, <u>referendum or a legislative or regulatory process</u> or referendum ;	deleted	Co-legislators maintain their respective positions.
Article 2, first paragraph, point (4)(h)					
G	117	(h) any natural or legal	(h) any natural or legal	(h) any natural or legal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	person representing or acting on behalf of any of the persons or organisations in points (a) to (g), promoting the political objectives of any of those.	person representing or acting on behalf of any of the persons or organisations <u>referred to</u> in points (a) to (g), promoting the political objectives of any of those.	person representing or acting on behalf of any of the persons or organisations in points (a) to (g); and promoting the political objectives of any of those.	person representing or acting on behalf of any of the persons or organisations <u>referred to</u> in points (a) to (g), <u>and</u> promoting the political objectives of any of those.	
Article 2, first paragraph, point (5)					
118	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) of Regulation (EU) 2021/XXX [Digital Services Act] that is provided without consideration for the placement, publication or dissemination for the specific message;	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) <u>3, point (g)</u> of Regulation (EU) 2021/XXX <u>2022/2065</u> (Digital Services Act 7) that is provided without consideration for the <u>preparation</u> , placement, <u>promotion</u> , publication, <u>delivery</u> or dissemination for <u>of</u> the specific message;	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) of Regulation (EU) 2021/XXX <u>2022/XXX</u> [Digital Services Act] that is provided without specific remuneration consideration for the preparation , placement, promotion , publication or dissemination for the specific political message;	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) <u>3, point (g)</u> of Regulation (EU) 2021/XXX <u>2022/2065</u> (Digital Services Act 7) that is provided without consideration for the <u>preparation</u> , placement, <u>promotion</u> , publication, <u>delivery</u> or dissemination for the specific message;	
Article 2, first paragraph, point (5a)					
118a		<u>(5a) 'provider of political advertising services' means</u>	(5a) 'provider of political advertising services'	<u>(5a) 'provider of political advertising services'</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>a natural or legal person engaged in the provision of political advertising services, with the exception of purely ancillary services;</u>	means a natural or legal person providing political advertising services, with the exception of purely ancillary services.	<u>means a natural or legal person engaging in the provision of political advertising services, with the exception of purely ancillary services.</u>	
Article 2, first paragraph, point (6)					
R	119	6. 'political advertising campaign' means the preparation, placement, promotion, publication 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;	6. 'political advertising campaign' means the preparation, placement, promotion, publication or dissemination of a series of linked political advertisements in the course of a contract for political advertising, on the basis of common preparation, sponsorship or funding;		6. Provisional agreement subject to outcome of discussions on scope of Chapter III: "‘political advertising campaign’ means the preparation, placement, promotion, publication, delivery or dissemination of a series of linked political advertisements in the course of a contract for political advertising, on the basis of common preparation, sponsorship or funding;"
Article 2, first paragraph, point (6a)					
G	119a	<u>(6a) ‘very large online platform’ means an online platform designated as a</u>		<u>(6a) ‘very large online platform’ means an online platform designated as a</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>very large online platform pursuant to Article 33(4) of Regulation (EU) 2022/2065 (Digital Services Act);</u>		<u>very large online platform pursuant to Article 33(4) of Regulation (EU) 2022/2065 (Digital Services Act);</u> Text Origin: EP Mandate	
Article 2, first paragraph, point (6b)					
119b		<u>(6b) ‘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);</u>		<u>(6b) ‘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);</u> Text Origin: EP Mandate	
Article 2, first paragraph, point (7)					
120	7. ‘sponsor’ means the natural or legal person on whose behalf a political advertisement is prepared, placed, published or disseminated;	7. ‘sponsor’ means the natural or legal person on whose behalf a political advertisement is prepared, placed, <u>promoted</u> , published, <u>delivered</u> or disseminated;	7. ‘sponsor’ means the natural or legal person at whose request or on whose behalf a political advertisement is prepared, placed, promoted , published or disseminated;	7. ‘sponsor’ means the natural or legal person <u>at whose request or</u> on whose behalf a political advertisement is prepared, placed, <u>promoted</u> , published, <u>delivered</u> or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				disseminated;	
Article 2, first paragraph, point (8)					
121	8. ‘targeting or amplification techniques’ means techniques that are used either to address a tailored political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a political advertisement;	8. ‘targeting or amplification techniques’ means techniques that are used either to address a tailored <u>by sponsors, political advertising publishers or providers of advertising services to tailor a</u> political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a political advertisement <u>exclude them by processing personal data, in particular through the collection of their data;</u>	8. ‘targeting or amplification techniques’ means techniques that are used either to address a tailored political advertisement, usually with tailored content , only to a specific person or group of persons, based on the processing of personal data or to increase the circulation, reach or visibility of a political advertisement;		
Article 2, first paragraph, point (8a)					
121a			(8a) ‘amplification techniques’ means optimisation techniques, including ad delivery techniques, that are used to increase the circulation, reach or		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			visibility of a political advertisement based on the processing of personal data and which may serve to deliver the political advertisement only to a specific person or group of persons;		
Article 2, first paragraph, point (8a)					
121b		<u>(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;</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 2, first paragraph, point (9)				
122	9. 'electoral period' means the period preceding or during or immediately after an election or referendum in a Member State and during which the campaign activities are subject to specific rules;	9. 'electoral period' means the period preceding or during or immediately after an election or referendum in a Member State, <u>in accordance with national legislation</u> , and during which the campaign activities are subject to specific rules;	deleted	deleted Deletion provisionally greened. EP to check	
	Article 2, first paragraph, point (10)				
123	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;	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;	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 published or disseminated , which may be the entire electorate of a Member State;	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 <u>is placed, promoted, published, delivered or disseminated</u> , which may be the entire electorate of a Member State;	
	Article 2, first paragraph, point (11)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
124	11. 'political advertising publisher' means a natural or legal person that broadcasts, makes available through an interface or otherwise brings to the public domain political advertising through any medium;	11. 'political advertising publisher' means a natural or legal person that broadcasts, makes available through an interface or otherwise brings to the public domain <u>provider of political advertising service that places, promotes, publishes, delivers or disseminates</u> political advertising through any medium;	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 services that publishes or disseminates political advertising- through any medium;		11. Possible compromise: 'political advertising publisher' means a provider of political advertising service that places, promotes, publishes, delivers or disseminates political advertising through any medium; COM compromise (11 September): "11. 'political advertising publisher' means a provider of political advertising service that, publishes, delivers or disseminates political advertising through any medium;" New recital 27a <i>"Political advertising service providers have responsibilities which support the achievement of the objectives of this regulation. Certain political advertising service providers will broadcast, make available through an interface or otherwise</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					<i>bring to the public domain the political advertising, and will by virtue of this role be in a position to ensure that this is done compliantly with this regulation and provides a high standard of transparency. These service providers should therefore have specific responsibilities as political advertising publishers, and it is necessary that they are identified as such."</i> The Council can support Commission compromise proposal (11 September). EP to check.
Article 2, first paragraph, point (12)					
125	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.	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.	12. 'controller' means a controller according to Article 4(7) of Regulation (EU) 2016/679 or, where applicable, to Article 4(8)3 (8) of Regulation (EU) 2018/1725.	12. 'controller' means a controller according to Article 4(7) of Regulation (EU) 2016/679 or, where applicable, to Article 4(8)3 (8) of Regulation (EU) 2018/1725. Text Origin: Council	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				Mandate	
	Article 2, first paragraph, first paragraph				
R	126	For the purposes of the first paragraph, point (2) messages from official sources regarding the organisation and modalities for participation in elections or referendums or for promoting participation in elections or referendums shall not constitute political advertising.	For the purposes of the first paragraph, point (2) messages from official sources regarding the organisation and modalities for participation in <u>shall not constitute political advertising if they are strictly limited to the announcement of</u> elections or referendums or <u>of the modalities</u> for promoting participation in elections or referendums shall not constitute political advertising.	deleted Council mandate: Merged with definition of political advertising (point 2) - see row 107c	Provisionally agreed to merge in 107c, subject to an agreement on that definition.
	Article 2, first paragraph, first paragraph a				
G	126a		Article 2a Identification of a political advertisement	Possible provisional agreement to move Council text on Article 2a to Article 5a (see rows 135e - 135n)	
	Article 2a(1)				
G	126b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			1. For the purpose of determining whether a message constitutes political advertisement within the meaning of Article 2, point 2(b), account shall be taken of its relevant features, such as:		
	Article 2a(1), point (a)				
G	126c		(a) (a) the content of the message;		G
	Article 2a(1), point (b)				
G	126d		(b) (a) the sponsor of the message;		G
	Article 2a(1), point (c)				
G	126e		(c) (a) the language used to convey the message, the means by which the message is promoted, published or disseminated, and the targeted audience;		G
	Article 2a(1), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
G	126f		(d) (a) the context in which the message is conveyed, including the period of dissemination such as election or referendum periods and legislative or regulatory process;		
	Article 2a(1), point (e)				
G	126g		(e) (a) the objective of the message.		
	Article 2, first paragraph, sixteenth paragraph				
Y	126h		2. A clear and substantial link should exist between the message and its potential to influence the outcome of an election or referendum, voting behaviour or a legislative or regulatory process.		Linked to definition of political advertising.
	Article 3				
G	127	Article 3 Level of Harmonisation	Article 3 Level of Harmonisation	Article 3 Level of Harmonisation Internal	Article 3 Level of Harmonisation Internal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			Market principle	<u>Market principle</u>	
Article 3(1)					
G	128	1. Member States shall not maintain or introduce, on grounds related to transparency, provisions or measures diverging from those laid down in this Regulation.	1. Member States shall not maintain or introduce, on grounds related to transparency <u>of political advertising</u> , provisions or measures diverging from those laid down in this Regulation.	1. Member States shall not maintain or introduce, on grounds related to transparency <u>of political advertising</u> , provisions or measures diverging from those laid down in this Regulation.	
Article 3(2)					
Y	129	2. The provisions of political advertising services shall not be prohibited nor restricted on grounds related to transparency when the requirements of this Regulation are complied with.	2. The provisions provision of political advertising services shall not be prohibited nor restricted on grounds related to transparency when the requirements of this Regulation are complied with.		2. Possible compromise: The provision 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. Reference to 'including geographically' pending negotiations on EP proposal for Article 3a (rows 129a - 129d)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 3a				
Y	129a	<u>Article 3a</u> <u>Provision of political advertising services in the Union</u>			
	Article 3a(1)				
R	129b	<u>1. Providers of political advertising services shall not discriminate against sponsors on grounds of their place of residence or, where applicable, establishment, when those sponsors request, conclude or hold a contract for political advertising services.</u>			
	Article 3(2a)				
R	129c	<u>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</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>citizen of the Union, or a natural or legal person residing or established in the Union.</u>			
	Article 3(2b)				
129d		<u>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 restrictions other than those provided for by this Regulation or other acts of Union or national law, where applicable.</u>			
	CHAPTER II				
130	CHAPTER II TRANSPARENCY OBLIGATIONS FOR POLITICAL ADVERTISING SERVICES	CHAPTER II TRANSPARENCY <u>AND DUE DILIGENCE</u> OBLIGATIONS FOR POLITICAL ADVERTISING SERVICES	CHAPTER II TRANSPARENCY OBLIGATIONS FOR POLITICAL ADVERTISING SERVICES	CHAPTER II TRANSPARENCY <u>AND DUE DILIGENCE</u> OBLIGATIONS FOR POLITICAL ADVERTISING SERVICES	
	Article 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
131	Article 4 Transparency	Article 4 Transparency <u>and due diligence obligations for political advertising services</u>	Article 4 Transparency of political advertising services	Article 4 Transparency <u>and due diligence obligations for political advertising services</u>	
Article 4, first paragraph					
132	Political advertising services shall be provided in a transparent manner in accordance with the obligations laid down in Articles 5 to 11 and 14 of this Regulation.	Political advertising services shall be provided in a transparent manner in accordance with the obligations laid down in Articles 5 4 to 11 and <u>Article</u> 14 of this Regulation.	1. Political advertising services shall be provided in a transparent manner in accordance with the obligations laid down in Articles 5 to 11 and 14 Chapter II of this Regulation.	Political advertising services shall be provided in a transparent manner in accordance with the obligations laid down in Articles 5 4 to 11 and <u>Article</u> 14 of this Regulation.	
Article 4, paragraph 1a					
132a		<u>Providers of political advertising services shall ensure that the contracts concluded for the provision of political advertising services clearly set out how the relevant provisions of this Regulation, including regarding due diligence and allocation of responsibility for</u>	1a. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service enable compliance with the relevant provisions of this Regulation.	<u>1a. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service enable compliance with the relevant provisions of this Regulation, including those relating to allocation of responsibility as well as those relating to</u>	

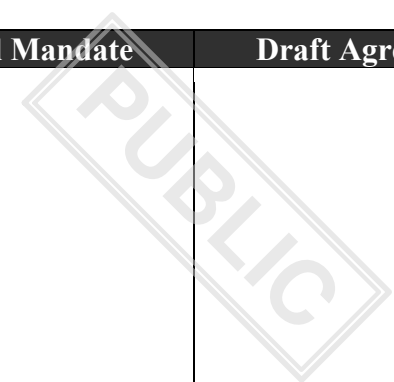
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>provision, as well as completeness and accuracy of information, are to be effectively complied with.</u>		<u>completeness and accuracy of information.</u>	
Article 5					
133	Article 5 Identification of political advertising services	Article 5 Identification of political advertising services	Article 5 Identification of political advertising services	Article 5 Identification of political advertising services	
Article 5(1)					
134	1. Providers of advertising services shall request sponsors and providers of advertising services acting on behalf of sponsors to declare whether the advertising service 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.	1. Providers of advertising services shall request sponsors and providers of advertising services acting on behalf of sponsors to declare whether the advertising service <u>that</u> 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 <u>in good faith and in clear terms, and shall be responsible for its</u>	1. Providers of advertising services shall request sponsors and providers of advertising services acting on behalf of sponsors to declare whether the advertising service 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 truthfully .	1. Providers of advertising services shall request sponsors and providers of advertising services acting on behalf of sponsors to declare whether the advertising service 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 <u>truthfully and shall be responsible for its accuracy</u> .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>accuracy.</u>			
Article 5(1a)					
134a		<u>1a. Providers of advertising services that receive a declaration, from a sponsor, or from a provider of advertising services acting on behalf of a sponsor, 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.</u>		Provisional agreement to merge in row 135.	
Article 5(2)					
135	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.	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 <u>require the sponsor and where applicable providers of</u>	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 <u>require the sponsor or providers of advertising services acting</u>	2. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service <u>require the sponsor or providers of advertising services acting on behalf of sponsors to provide the declaration referred to in paragraph 1</u>	Pending agreement on the overall package.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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.</u> <u>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).</u> <u>Sponsors, or where applicable providers of advertising services acting on behalf of sponsors shall ensure the accuracy of, and provide the information necessary to comply with Article 6(1), points (a), (b), (ba), (c) and (da) and Article 7a(1), points (c), (d) and (e).</u> <u>Sponsors and providers of advertising services acting on behalf of sponsors shall provide that information in a timely, complete and</u>	on behalf of sponsors to provide the relevant information necessary to comply with Article 6 paragraph 1. That information shall be transmitted in a complete and accurate manner and without undue delay .	<u>in compliance with all the requirements therein and specify how the relevant provisions of this Regulation are complied with information necessary to comply with Article 6(1), 7(1) and 7a(1). That information shall be transmitted in a complete and accurate manner and without undue delay.</u> <u>2a. Sponsors shall ensure the accuracy of, and provide the information necessary for the providers of political advertising services to comply with Article 6(1), points (a), (ca), (d) and (da), Article 7(1), points (a), (b) and (ba), and Article 7a(1), points (a), (b), (d) and (e).</u> <u>Where a sponsor becomes aware that information which it has transmitted has been updated, it shall ensure that this updated information is transmitted to the relevant provider of political advertising</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>accurate manner.</u>		<u>services in a timely, complete and accurate manner.</u> To double check cross references.	
Article 5(2a)					
135a		<u>2a. Providers of advertising services shall require 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 declaration or that information. Sponsors, or providers of advertising services acting on behalf of sponsors, shall act upon such a request without undue delay.</u>	2a. Where a provider of advertising services becomes aware or has actual knowledge that a declaration or information is manifestly erroneous, shall request the sponsor or the provider of advertising services acting on behalf of a sponsor to correct its declaration or information provided. Sponsors or providers of advertising services acting on behalf of sponsors shall make such corrections in a complete and accurate manner and without undue delay.	<u>2a. Providers of advertising services shall require 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 declaration or that information. Sponsors or providers of advertising services acting on behalf of sponsors shall make such corrections in a complete and accurate manner and without undue delay.</u> Provisional agreement subject to agreement on relevant recitals as follows:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				Merge recitals 28b, 28c and 28d (lines 38a, 38b and 38c). Recital 34b (line 44b)	
Article 5(2b)					
G 135b			2b. Where a provider of advertising services becomes aware or has actual knowledge that a declaration or information is manifestly erroneous, shall request the sponsor or the provider of advertising services acting on behalf of a sponsor to correct its declaration or information provided. Sponsors or providers of advertising services acting on behalf of sponsors shall make such corrections in a complete and accurate manner and without undue delay.	Provisional agreement to merge Council position in row 135a.	
Article 5(2b), point (a)					
Y 135c		<u>2b. Political advertising publishers that are also</u>			Commission compromise proposal (19 July):



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) shall diligently identify, analyse and assess any systemic risks that their political advertising services pose in the context of their risk assessments according to Article 34 of Regulation (EU) 2022/2065 (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.</i></u>			New recital: "Political advertising publishers that are also Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) should diligently identify, analyse and assess any systemic risks that their political advertising services pose in the context of their risk assessments according to Article 34 of Regulation (EU) 2022/2065 (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." EP can agree. Council to confirm.
Article 5(2c)					
G 135d		<u><i>2c. Where applicable, providers of advertising</i></u>		<u><i>2b. Providers of advertising services shall</i></u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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).</u>		<u>ensure that its online interface is designed and organised in a way that facilitates compliance by sponsors, and providers of advertising services acting on behalf of sponsors with their obligations as referred to in paragraph 1 of this Article and Article 6(1).</u>	
	Article 5a				
G	135e	<u>Article 5a</u> <u>Identification of a political advertisement</u>		<u>Article 5a</u> <u>Identification of a political advertisement</u>	G
	Article 5a(1)				
G	135f	<u>1. 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:</u>		<u>1. For the purpose of determining whether a message constitutes political advertising within the meaning of Article 2, point 2(b), account shall be taken of all its features, including:</u>	G
	Article 5a(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
135g		<u>(a) the content of the message;</u>		<u>(a) the content of the message;</u>	
Article 5a(1), point (b)					
135h		<u>(b) the sponsor of the message;</u>		<u>(b) the sponsor of the message;</u>	
Article 5(2b), point (b)					
135i		<u>(c) the spoken or written language used to convey the message;</u>		<u>(c) the language used to convey the message;</u> Compromise text on languages to be added in recital 17 (line 27) "Language should be understood to include any language used in the EU including regional dialects and sign languages using any means of communication, or codification such as braille, and other means."	
Article 5a(1), point (d)					
135j		<u>(d) the form of the message or the means by</u>		<u>(d) the means by which the message is prepared,</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>which the message is prepared, placed, promoted, published, delivered or disseminated;</u>		<u>placed, promoted, published, delivered or disseminated;</u>	
	Article 5a(1), point (e)				
G	135k	<u>(e) the targeted audience;</u>		<u>(e) the targeted audience;</u>	G
	Article 5a(1), point (f)				
G	135l	<u>(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;</u>		<u>(f) the context in which the message is conveyed, including the period of dissemination;</u>	G
	Article 5a(1), point (g)				
G	135m	<u>(g) the objective of the message.</u>		<u>(g) the objective of the message.</u>	G
	Article 5a(2)				
G	135n	<u>2. The Commission shall draw up common guidance</u>		<u>2. The Commission shall draw up common guidance</u>	G

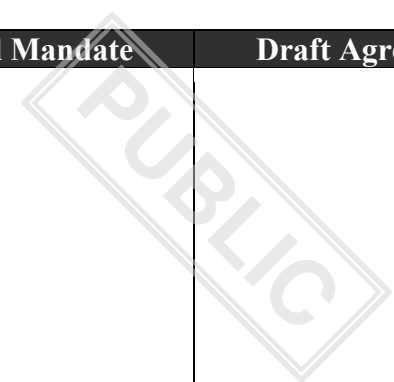
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>intended to contribute to the proper application of this Article.</i></u>		<u><i>intended to contribute to the proper application of this Article.</i></u>	
Article 6					
136	Article 6 Record-keeping and information transmission	Article 6 Record-keeping and <u><i>transmission of information</i></u> <i>transmission to the political advertising publisher</i>	Article 6 Record-keeping and information transmission	Article 6 Record-keeping and information transmission	
Article 6(1)					
137	1. Providers of political advertising services shall retain information they collect in the provision of their services, on the following:	1. Providers of political advertising services shall retain information they collect in the provision of their services, <u><i>to the extent necessary to comply with this Regulation,</i></u> on the following:	1. Providers of political advertising services shall retain information they collect in the provision of their services, on the following:	1. Providers of political advertising services shall retain information they collect in the provision of their services, <u><i>to the extent necessary to comply with this Regulation,</i></u> on the following:	
Article 6(1), point (a)					
138	(a) the political advertisement or political advertising campaign to which the service or services are connected;	(a) the political advertisement or political advertising campaign to which the service or services are connected;	(a) the political advertisement or political advertising campaign to which the service or services are connected;	(a) the political advertisement or political advertising campaign to which the service or services are connected;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 6(1), point (b)				
139	(b) the specific service or services provided in connection to the political advertising;	(b) the specific service or services <u>that they</u> provided in connection to <u>with</u> the political advertising;	(b) the specific service or services that they provided in connection to the political advertising;	(b) the specific service or services <u>that they</u> provided in connection to <u>with</u> the political advertising;	
	Article 6(1), point (ba)				
139a		<u>(ba) the starting date and, where available, the period during which the service or services were provided;</u>		No text.	
	Article 6(1), point (c)				
140	(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	(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	(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 their sources;	(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 Council amendment addressed in row 140a.	
	Article 6(1), point (ca)				
140a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>(ca) information on the public or private origin of those amounts and other benefits, as well as whether they originate from inside or outside of the Union;</u>		<u>(ca) information on the public or private origin of the amounts they invoiced for the service or services provided and other benefits received in part or full exchange for the service or services provided, as well as whether they originate from inside or outside of the Union;</u>	
Article 6(1), point (d)					
141	(d) where applicable, the identity of the sponsor and its contact details.	(d) <u>the identity of the sponsor of the political advertisement and its contact details and</u> , where applicable, the identity <u>and the contact details</u> of the <u>legal or natural person who ultimately controls the sponsor, and for legal persons, the place of establishment; and</u> and its contact details.	(d) the identity of the sponsor of the political advertisement and , where applicable, the identity of the entity ultimately controlling the sponsor, their contact details and, for legal persons, their place of establishment; and and its contact details.	(d) <u>the identity and the contact details of the sponsor of the political advertisement and</u> , where applicable, <u>of the entity ultimately controlling the</u> identity of the sponsor and, <u>for legal persons, their place of establishment; and</u> its contact details.	
Article 6(1), point (da)					
141a		<u>(da) where applicable, an indication of elections or</u>	(da) where applicable, an indication of the relevant	<u>(da) where applicable, an indication of election,</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>referendums to which the political advertisement is linked.</u>	elections or referenda with which the political advertisement is linked.	<u>referendum, legislative or regulatory process to which the political advertisement is linked.</u> Text aligned to 147a.	
Article 6(2)					
R 142	2. The information referred to in paragraph 1 shall be in writing and may be in electronic form. Such information shall be retained for a period of five years from the date of the last preparation, placement, publication or dissemination, as the case may be.	2. The information referred to in paragraph 1 shall be <u>both in written and in</u> writing and may be in electronic form. Such information shall be retained <u>in a machine-readable format</u> for a period of five <u>ten</u> years from the date of the last preparation, placement, <u>promotion</u> , publication, <u>delivery</u> or dissemination, as the case may be.	2. The information referred to in paragraph 1 shall be in writing and may be written or in electronic form. Such information shall be retained for a period of five years from the date of the last preparation, placement, promotion , publication or dissemination, as the case may be.	2. The information referred to in paragraph 1 shall be in writing and may be written or in electronic form. Such information shall be retained <u>in a machine-readable format</u> for a period of five <u>[5/10]</u> years from the date of the last preparation, placement, <u>promotion</u> , publication <u>[delivery]</u> or dissemination, as the case may be. Pending outcome on data retention period and techniques.	
Article 6(2a)					
R 142a			2a. This Article shall not apply to undertakings qualifying under Article		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			3, paragraph 1 of Directive 2013/34/EU if the provision of advertising services is purely marginal and ancillary to their main activities.		
Article 6(3)					
143	3. Providers of political advertising services shall ensure that the information referred to in paragraph 1 is communicated to the political advertising publisher which will disseminate the political advertisement 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.	3. Providers of political advertising services shall ensure that the information referred to in paragraph 1 is communicated <u>in a timely and accurate manner</u> to the political advertising publisher which will <u>place, promote publish, deliver or</u> disseminate the political advertisement, <u>so as</u> to enable political advertising publishers to comply with their obligations under this Regulation. <u>Providers of political advertising services shall make reasonable efforts to ensure that the</u> That information shall be transmitted, in a <u>timely retained pursuant to paragraph 1 is complete</u>	<i>deleted</i> <i>Council mandate: Moved to new Article 6a on transmission of information</i>	<i>provisional agreement to delete.</i>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		and accurate. <u>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</u> manner in accordance with best practice and industry standards, by means of a standardised automated process where technically possible.			
Article 6(3a)					
143a		<u>3a. When a provider of political advertising services provides a service, 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.</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 6(3b)				
G 143b		<u>3b. When providers of political advertising services become aware that information which they have transmitted to a political advertising publisher has been updated, they shall ensure that the updated information is communicated to the political advertising publisher.</u>		See row 143f	G
	Article 6a				
G 143c			Article 6a Transmission of information to the political advertising publisher	<u>Article 6a Transmission of information to the political advertising publisher</u>	G
	Article 6a(1)				
G 143d			1. Providers of political advertising services shall ensure that the information referred to in	<u>1. Providers of political advertising services shall ensure that the information referred to in</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			Article 6 paragraph 1 is communicated in a timely, complete and accurate manner to political advertising publishers which will publish or disseminate the political advertisement to enable political advertising publishers to comply with their obligations under this Regulation. Providers of political advertising services shall make reasonable efforts to ensure that the information retained pursuant to Article 6 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 publisher.	<u>Article 6 paragraph 1 is communicated in a timely, complete and accurate manner to political advertising publishers to enable them to comply with their obligations under this Regulation.</u> <u>Each provider of political advertising services shall transmit that information during the provision of the relevant service and in accordance with best practice and industry standards and, where technically possible, by means of a standardised automated process.</u> <u>Providers of political advertising services shall make reasonable efforts to ensure that the information retained pursuant to Article 6 paragraph 1 is complete and accurate.</u> <u>When the political advertising publisher is the only provider of political</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<u>advertising services, the sponsor shall communicate the relevant information to the publisher.</u>	
Article 6a(2)					
143e			2. Providers of political advertising services shall transmit that information at the same time with the provision of the relevant service in accordance with best practice and industry standards, by means of a standardised automated process where technically possible.	No text. Merged with row 143d	
Article 6a(3)					
143f			3. Where a provider of political advertising services becomes aware that information which it has transmitted has been updated, it shall ensure that this updated information is communicated to the relevant political	<u>2 Where a provider of political advertising services becomes aware that information which it has transmitted has been updated, it shall ensure that this updated information is communicated to the relevant political</u>	

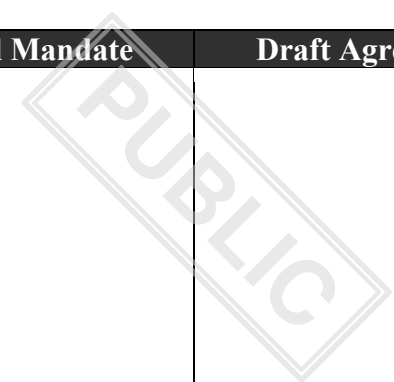
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			advertising publisher.	<u>advertising publisher.</u>	
Article 7					
144	Article 7 Transparency requirements for each political advertisement	Article 7 Transparency <u>Labelling</u> requirements for each political advertisement <u>advertisemen</u> <u>ts</u>	Article 7 Transparency requirements for each political advertisement	Article 7 <u>Labelling and</u> transparency requirements for each political advertisement	
Article 7(1), first subparagraph					
145	1. In the context of the provision of political advertising services, each political advertisement shall be made available with the following information in a clear, salient and unambiguous way:	1. In the context of the provision of political advertising services; <u>each Political advertising publishers shall ensure that every</u> political advertisement shall be made available <u>with</u> <u>contains</u> the following information in a clear, salient and unambiguous way:	1. In the context of the provision of The political advertising services; publisher shall make available, together with each political advertisement shall be made available with , the following information in a clear, salient and unambiguous way:	1. In the context of the provision of political advertising services; <u>Political advertising publishers shall ensure that</u> each political advertisement shall be <u>is</u> made available <u>together</u> with the following information in a clear, salient and unambiguous way:	
Article 7(1), first subparagraph, point (a)					
146	(a) a statement to the effect that it is a political advertisement;	(a) a statement to the effect <u>clear statement</u> that it is a political advertisement;	(a) a statement to the effect that it is a political advertisement;	(a) a statement to the effect that it is a political advertisement;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 7(1), first subparagraph, point (b)				
147	(b) the identity of the sponsor of the political advertisement and the entity ultimately controlling the sponsor;	(b) the identity of the sponsor of the political advertisement and, <u>where applicable</u> , the entity <u>or person</u> ultimately controlling <u>or financing</u> the sponsor;	(b) the identity of the sponsor of the political advertisement and, where applicable , -the entity ultimately controlling the sponsor;	(b) the identity of the sponsor of the political advertisement and, <u>where applicable</u> , the entity ultimately controlling the sponsor; Reference to 'financing' to be clarified in a recital.	Possible compromise to add to recital 16: "Corporate control includes instances where an entity has the right to appoint or dismiss a majority of the members of the administrative, management or supervisory organ of the sponsor; or where an entity is a shareholder or member of the sponsor having sole control of a majority of the voting rights of its shareholders. In exceptional circumstances, a situation of economic dependence may lead to control on a de facto basis where, for example, very important long-term supply agreements or credits provided by the entity, coupled with structural links, confer decisive influence over the sponsor."

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					further drafting to be provided by the EP
	Article 7(1), first subparagraph, point (ba)				
G	147a	<u>(ba) where applicable, the election, referendum, legislative or regulatory process to which the political advertisement is linked;</u>		<u>(ba) the election, referendum, legislative or regulatory process to which the political advertisement is linked;</u>	
	Article 7(1), first subparagraph, point (ba)				
Y	147b		(ba) where applicable, a statement to the effect that the political advertisement has been targeted or amplified;	<u>(ba) where applicable, a statement to the effect that the political advertisement has been targeted for amplified];</u> Text in square brackets pending outcome on delivery / amplifications techniques.	
	Article 7(1), first subparagraph, point (c)				
G	148	(c) a transparency notice to enable the wider context of the political advertisement and its aims to be understood, or a clear	(c) a transparency notice to enable the wider context <u>clear indication of where a permanent copy of the political advertisement</u>	(c) a transparency notice to enable the wider context of the political advertisement and its aims to be understood, or a clear	(c) a transparency notice to enable the wider context of the political advertisement and its aims to be understood, <u>containing the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	indication of where it can be easily retrieved.	and its aims to be understood, or a clear indication of <u>transparency notice containing the information referred to in Article 7a can be easily and directly retrieved, and, where it can be easily retrieved, necessary and possible, an update of that indication;</u>	indication of where it can be easily retrieved.	<u>information referred to in Article 7a(1)</u> or a clear indication of where it can be easily <u>and directly</u> retrieved.	
Article 7(1a)					
148a		<u>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.</u>		<u>(ca) Political advertising publishers shall ensure the completeness of information referred to in paragraphs 1a, 1b, 1ba. Political advertising publishers shall ensure the accuracy of the information on where the transparency notice referred to in paragraph 1(c) can be retrieved.</u>	
Article 7(1), second subparagraph					
149	In this regard, political advertising publishers shall use efficient and prominent	In this regard, political advertising publishers shall use efficient and prominent	In this regard, political advertising publishers shall use efficient and prominent		EP to suggest a possible compromise text.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	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.	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.	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.		
Article 7(1), second subparagraph a					
149a		<u>1a. The information referred to in points (a) to (c) of paragraph 1 shall be made available in the form of labels.</u> <u>Those labels shall be prominent, enable individuals to easily identify a political advertisement as such and remain in place in the event that the political advertisement is further disseminated.</u>		<u>1a. The information referred to in points (a) to (c) of paragraph 1 shall be made available in the form of labels [adapted to the medium used].</u> <u>Those labels shall be prominent, enable individuals to easily identify a political advertisement as such and remain in place in the event that the political advertisement is further disseminated.</u>	Council is open to the EP amendment and to a definition of ‘label’ in article 2 to clarify the possible formats of labels relevant to the different mediums of advertising. EP: Commission to suggest language in this provision instead of definition. Council maintains position pending proposal from the Commission.
Article 7(1), fourth subparagraph					
149b					



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>1b. By [12 months after the entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 19 in order to supplement paragraph 1a of this Article establishing standardised and efficient techniques for labelling of political advertising including for the audiovisual sector, printed media, online and offline advertising, taking into account the particular characteristics of the medium in which it is published.</i></u> <u><i>When adopting those delegated acts, the Commission shall take account of the latest technological and market developments, relevant scientific research and best practices.</i></u>			no delegated acts and part of the text directly in the operative part.
	Article 7(1c)				
R	149c	<u><i>1c. In order to ensure</i></u>			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>uniform conditions for the implementation of paragraphs 1 and 1a of this Article, the Commission shall adopt implementing acts establishing uniform labels.</u> <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19a(2).</u>			
Article 7(2)					
150	2. The transparency notice shall be included in each political advertisement or be easily retrievable from it, and shall include the following information:	2. The transparency notice shall be included in each political advertisement or be easily retrievable from it, and shall include the following information: Rest of Article 7. is moved to new articles 7a and 7b	2. The transparency notice shall be included in each political advertisement or be easily retrievable from it include, at least, and shall include the following information:	moved to row 163b.	Provisional agreement to split Article 7 in line with EP approach
Article 7(2), point (a)					
151	(a) the identity of the sponsor and contact details;	(a) the identity of the sponsor and contact	(a) the identity of the sponsor and, where	moved to 163c.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		details;	applicable, of the entity ultimately controlling the sponsor -contact details;		
Article 7(2), point (b)					
152	(b) the period during which the political advertisement is intended to be published and disseminated;	(b) the period during which the political advertisement is intended to be published and disseminated;	deleted	(b) the period during which the political advertisement is intended to be published and disseminated;	
Article 7(2), point (c)					
153	(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;	(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;	(c) based among others on information received in line with Article 6(3), information on the aggregated amounts spent or other benefits information on the aggregated amounts 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 and dissemination of political advertising services for	deleted <i>moved to row 163f</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			the relevant advertisement, and offer the political advertising campaign where relevant, and their sources;		
Article 7(2), point (d)					
154	(d) where applicable, an indication of elections or referendums with which the advertisement is linked;	(d) where applicable, an indication of elections or referendums with which the advertisement is linked;	(d) where applicable, an indication of elections or referendums with which the advertisement is linked;	deleted moved to 163g	
Article 7(2), point (e)					
155	(e) where applicable, links to online repositories of advertisements;	(e) where applicable, links to online repositories of advertisements;	(e) where applicable, links to online repositories of advertisements referred to in paragraph 6;	see row 163g	
Article 7(2), point (ea)					
155a			(ea) where applicable, the information specified in Article 12a(1) point (c) and (ca);		Linked to row 163j
Article 7(2), point (f)					
156	(f) information on how to	(f) information on how to			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	use the mechanisms provided for in Article 9(1).	use the mechanisms provided for in Article 9(1).	deleted	deleted moved to row 163h	
Article 7(2), point (g)					
157	(g) The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex I.	(g) The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex I.	(g) The information to be included in the transparency notice shall be provided using the specific data fields also contain the elements set out in Annex I.	deleted	
Article 7(2a)					
157a			2a. The transparency notice shall be included in each political advertisement or be easily retrievable from its first publication and until the end of its publication. Transparency notices shall be presented in a format which is easily accessible and, where technically possible, machine readable, clearly visible and user friendly, including by using plain language. Transparency	Linked to row 163p	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			notices which are machine readable shall be made accessible by means of a common publicly available application programming interface.		
Article 7(3)					
158	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.	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.	3. Political advertising publishers shall make reasonable efforts to ensure that the information referred to in paragraph 2 is complete, accurate and up to date. When the sponsor or the provider of political advertising services becomes aware that the information transmitted to or published by the political advertising publisher is incomplete or inaccurate, it shall contact, without undue delay, the political advertising publisher concerned and, as relevant, shall transmit completed or corrected information to the political advertising publisher. If the political		3. Moved to row 163o

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			advertising publisher becomes aware by any means that information referred to in paragraph 2 is incomplete or inaccurate, it shall make reasonable efforts including, as relevant, by contacting the sponsor or the service providers concerned, to complete or correct the information. Where the information cannot be completed or corrected without undue delay, the publisher 1 and 2 is complete, and where they find this is not the case, they shall not make available or shall discontinue the publication or dissemination of the political advertisement. The publisher shall inform the sponsor or the service provider acting on behalf of the sponsor if the political advertisement it sponsors is not made available or is discontinued.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 7(4)					
159	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.	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.	deleted		
Article 7(5)					
160	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.	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.	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. last publication.		5. Moved to 163q
Article 7(5a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
160a			5a. Paragraph 5 shall not apply to undertakings qualifying under Article 3, paragraph 1 of Directive 2013/34/EU, provided that the provision of advertising services is purely marginal and ancillary to their main activities.		If agreed, to be moved to Article 7a.
Article 7(6)					
161	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.	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.	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 for each political advertisement, the information set out in paragraph 2 of this Article is made the repositories that they make available pursuant to immediately in the repositories referred to in Article 30[39] of that regulation [Digital Services Act]. Such information shall be kept update and		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			provided according to an agreed industry standard for accessibility, data structure and access by means of a common publicly available application programming interface make available for each political advertisement in the repository the information referred to in paragraph 2.		
Article 7(7)					
162	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.	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.	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.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 7(8)				
G 163	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.	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.	8. The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend Annex I by adding, modifying or removing or modifying elements from the list of information to be provided pursuant to paragraph 2 where, in the light of technological developments, therein in the light of technological developments, relevant scientific research, developments in supervision by competent authorities and relevant guidance issued by competent bodies, and provided that the elements set out in paragraph 2 of this Article are maintained and that such an amendment is necessary for the wider context of the political advertisement and its aims to be understood.	no text, see row 163r	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 7a				
G	163a	<u>Article 7a</u> <u>Transparency notices</u>		<u>Article 7a</u> <u>Transparency notices</u> Text Origin: EP Mandate	G
	Article 7a(1)				
G	163b	<u>1. The transparency notice referred to in Article 7(1)(c) shall be made available by the political advertising publishers and shall include the following information:</u>		<u>1. Political advertising publishers shall ensure that the transparency notice referred to in Article 7(1)(c) includes the following information:</u> moved from row 150	G
	Article 7a(1), point (a)				
G	163c	<u>(a) the identity, the address or the place of establishment and contact details of the sponsor;</u>		<u>(a) the identity of the sponsor and where applicable, of the entity ultimately controlling the sponsor, including their name, e-mail address, and, where made public, address, and when the sponsor is not a natural</u>	G

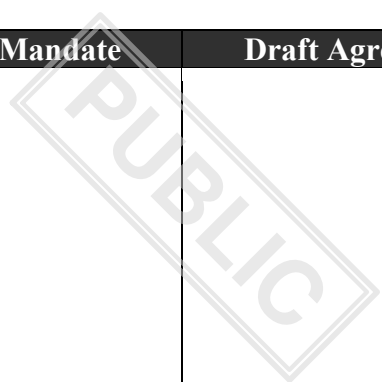
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<u>person, also the address of its establishment;</u> <u>(aa) the information required under point (a) on the natural or legal person which provides remuneration in exchange for the political advertisement if this person is different from the sponsor or the entity ultimately controlling sponsor;</u> Moved from rows 151, 264, 264a. Linked to recital on financing, to be agreed.	
Article 7a(1), point (b)					
163d		<u>(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;</u>		<u>- no text, see row 163c and recital on financing.</u>	No text. See row 163c.
Article 7a(1), point (c)					
163e		<u>(c) the period during</u>		<u>(c) the period during</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>which the political advertisement is intended to be published and disseminated;</u>		<u>which the political advertisement is intended to be published, delivered or disseminated;</u> see rows 152, 265.	
Article 7a(1), point (d)					
163f		<u>(d) 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;</u>		<u>(d) the aggregated amounts or other benefits received by the providers of political advertising services including those received by the publisher in part or full exchange for the political advertising services, and where relevant of the political advertising campaign;</u> <u>(da) information on public or private origin of the amounts and other benefits referred to in point (d) as well as whether they originate from inside or outside the Union.</u> <u>(db) the methodology used for the calculation of the amounts and values</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<u>referred in (d).</u> see rows 153, 267, 268, 269	
Article 7a(1), point (e)					
163g		<u>(e) where applicable, an indication of the elections, referendums, and legislative or regulatory processes with which the advertisement is linked;</u>		<u>(e) where applicable, an indication of elections or referendums and legislative or regulatory processes with which the advertisement is linked.</u> <u>(fa) 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.</u> see rows 154, 266, 271. Point (f) on link to repositories to be discussed pending agreement on repositories.	(f) Letter (f) to be further checked below: <i>Council, pending outcome on repositories, also moved text here from row 155 as follows:</i> "(f) where applicable, links to online repositories of advertisements [referred to in paragraph 6];" <i>Check also row 270.</i>
Article 7a(1), point (f)					
163h		<u>(f) how to use the mechanisms provided for</u>		<u>(f) information on the mechanisms referred to in</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>in Article 9(1);</u>		<u>Article 9(1).</u> see rows 156, 272.	
Article 7a(1), point (g)					
R 163i		<u>(g) whether the advertisement has been suspended or discontinued due to violation of this Regulation;</u>			(g) Council's comment: Council maintains reservation. Linked to outcome on repository.
Article 7a(1), point (h)					
R 163j		<u>(h) where applicable, a statement to the effect that the political advertisement has been targeted based on the use of personal data;</u>		<u>(g) where applicable, a statement to the effect that the political advertisement has been targeted based on the use of personal data, including information specified in Article 12a(1) point (c) and (ca);</u> Depends on provisional agreement reached on Article 12. EP amendments on rows 163k and 163l covered by council position on Art 12a (1)(c) and (ca).	
Article 7a(1), point (i)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
G	163k	<u>(i) where applicable, the specific groups of individuals targeted;</u>			<i>Council's comment:</i> Addressed in row 163j as Council position on Article 12a(1)(c) and (ca) includes this information.
Article 7a(1), point (j)					
G	163l	<u>(j) where applicable, the categories and sources of personal data used for the targeting;</u>			Addressed in row 163j as Council position on Article 12a(1)(c) and (ca) includes this information.
Article 7a(1), point (k)					
Y	163m	<u>(k) where applicable, the reach of political message the number of views, and engagements with the advertisement.</u>		<u>(k) where applicable and technically feasible, the reach of political message the number of views, and engagements with the advertisement;</u> <u>ADD Recital to clarify engagement.</u> see row 275	<i>EP counterproposal for a new recital</i> "In the interests of supporting understanding of scope of dissemination and likely impact of political advertising, where technically feasible, it is necessary to collect and present in the relevant transparency notice information on the reach of political advertising, and individuals' engagement with it. The reach of the



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					message can be understood as the metric to quantify geographical distribution and number of individuals who received, heard or otherwise interacted with the political advertising, including the number of views, impressions and clicks. Engagement concerns the quality or quantity of relevant interactions of individuals with online political advertising, measured by various means, including the period of interaction or other engagement with the advertising content."
Article 7a(1), point (l)					
G	163n	<u>(l) The information to be included in the transparency notice shall be provided using the specific data fields set out in Annex I.</u>			delete
Article 7a(1), point (m)					
Y	163o	<u>2. Sponsors shall ensure</u>			(m) EP and CSL (moved

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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.</u> <u>Sponsors or, where applicable, providers of political advertising services acting on behalf of sponsors shall ensure the accuracy of the information, which they are required to provide for the purposes of paragraph 1, points (c), (d) and (e) before and during the period of publication, delivery, or dissemination of the political advertisement.</u> <u>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</u>			from row 158) Cross-references in the second subparagraph are based on EP mandate, to be corrected as appropriate at a later stage. "Sponsors shall ensure the accuracy of the information, which they are required to provide for the purposes of paragraph 1 in accordance with Article 5, before and during the period of publication, delivery, or dissemination of the political advertisement. 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. Political advertising publishers shall ensure that

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>and during the period of publication, delivery, or dissemination of the political advertisement.</u> <u>Political advertising publishers shall ensure that the information referred to in paragraph 1 is complete.</u> <u>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, it shall contact, without undue delay, the political advertising publisher concerned and shall transmit complete or accurate information to that political advertising publisher.</u> <u>Where the political advertising publisher becomes aware that the information referred to in Article 7(1) and paragraph</u>			the information referred to in paragraph 1 is complete. 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, it shall contact, without undue delay, the political advertising publisher concerned and shall transmit completed or corrected information to that political advertising publisher. Where the political advertising publisher becomes aware by any means that the information referred to in Article 7(1) and 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 to complete or correct the

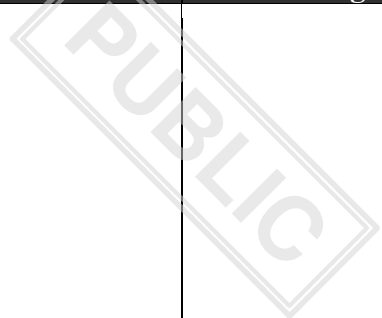
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>1 of this Article is incomplete or inaccurate, it shall make best efforts, including by contacting the sponsor or the providers of political advertising services to complete or correct the information without undue delay.</i></u> <u><i>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 the placement, promotion, publication, delivery or dissemination of the political advertisement.</i></u> <u><i>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</i></u>			information without undue delay. Where the information cannot be completed or corrected without undue delay, the political advertising publisher shall not make available the political advertisement, or shall without undue delay discontinue the placement, promotion, publication, delivery or dissemination of the political advertisement. 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 sixth subparagraph of this paragraph." The Council notes EP suggestion but needs to discuss this proposal internally.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>this paragraph.</u>			
Article 7a(1), point (n)					
163p		<u>3. Transparency notices shall be easily retrievable at all times during the period from their first publication until their withdrawal.</u> <u>Transparency notices shall be kept up to date, presented in a format which is easily accessible and available in a machine readable format. 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 comply with the accessibility requirements set out in Directive (EU) 2019/882.</u> <u>Transparency notices shall be user friendly, including through the use of plain language.</u>			(n) EP+CSL (Row 157a) To decide re machine readable by default or where tech feasible and API - link to repositories; "Transparency notices shall be included in each political advertisement or be easily retrievable at all times during the period from their first publication until the end of their publication. Transparency notices shall be kept up to date, presented in a format which is easily accessible and, where technically feasible, available in a machine readable format. 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

PUBLIC

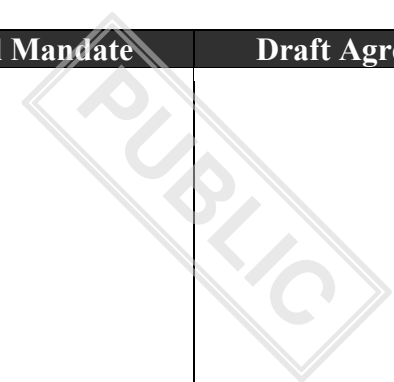
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					comply with the accessibility requirements set out in Directive (EU) 2019/882. Transparency notices shall be clearly visible, user friendly, including through the use of plain language." EP to check Council's and Commission's further suggestions.
	Article 7a(1), point (o)				
Y	163q	<u>4. Political advertising publishers shall keep their transparency notices along with any modifications thereto for a period of ten years after the last publication.</u>		<u>4. Political advertising publishers shall retain their transparency notices together with any modifications thereto for a period of [5/10] years after the last publication.</u> Pending agreement on retention period.	
	Article 7a(2)				
G	163r	<u>5. The Commission is empowered to adopt delegated acts in</u>		<u>2. The Commission is empowered to adopt delegated acts in</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>accordance with Article 19 to amend Annex I in the light of technological developments, relevant scientific research, market practices, supervisory practices of competent authorities and relevant guidance issued by competent bodies.</u>		<u>accordance with Article 19 to add points to the list in paragraph 1 and to modify points (db), (fa) and (g) in the light of technological developments, market practices, relevant scientific research, developments in supervision by competent authorities and relevant guidance issued by competent bodies, and provided that such an amendment is necessary for the wider context of the political advertisement and its aims to be understood.</u> cross reference to be checked at a later stage.	
Article 7a(6)					
R 163s		<u>6. By ... (12 months after the entry into force of this Regulation), the Commission shall adopt delegated acts in accordance with Article 19 to supplement the information requirements provided for in paragraph</u>			

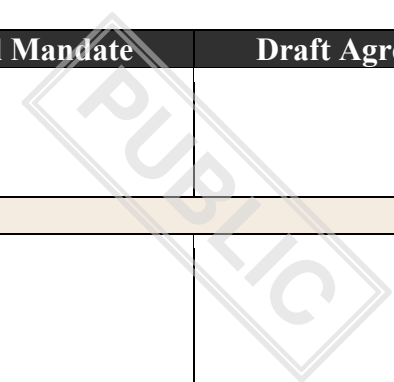


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>1 of this Article by establishing technical specifications adapted to the audiovisual sector, printed media, online and offline advertising and in particular that take into account the specific characteristics of the relevant 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.</i></u>			
	Article 7b				
R	163t	<u><i>Article 7b European repository for online political advertisements</i></u>			R
	Article 7b(1)				
R	163u	<u><i>1. The Commission shall establish and ensure the management of a public repository for all online political advertisements. This repository shall</i></u>			R

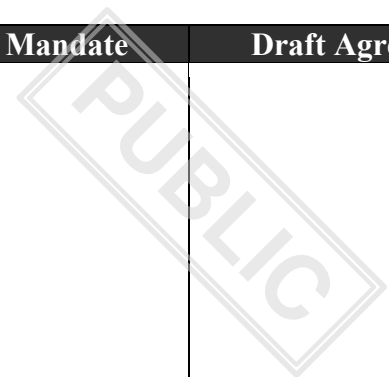
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>ensure:</u>			
	Article 7b(1), point (a)				
R 163v		<u>(a) the hosting of a database containing each online political advertisement, together with the information required under Article 7a(1) in respect of each online political advertisements for political advertising publishers that are not VLOPs or VLOSEs and that make political advertising available through an online service;</u>			
	Article 7b(1), point (b)				
R 163w		<u>(b) that every online political advertisement, together with the information required under Article 7a(1), in respect of each online political advertisement can be publicly accessed.</u>			
	Article 7b(1), second subparagraph				



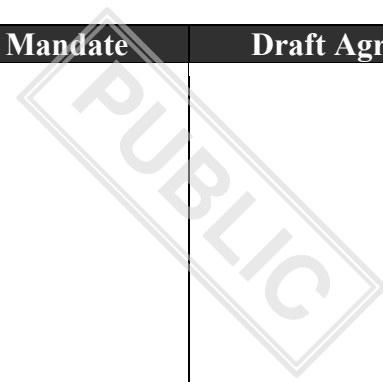
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
R 163x		<u>(c) A common data structure, common standards and a common application programming interface for the exchange of information with publishers, shall apply. The information shall be available in machine readable format, shall allow for multicriteria queries and shall be publicly accessible via a single portal.</u>			
Article 7b(2)					
R 163y		<u>2. Political advertising publishers that are VLOPs or VLOSEs shall make in real time the information required under Article 7a(1) available 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</u>			



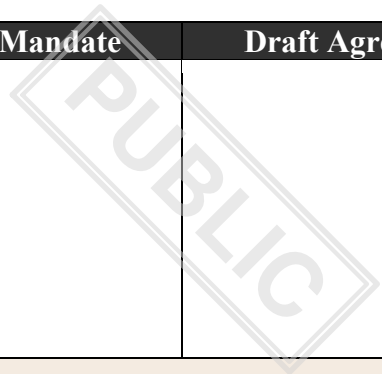
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>update that information, as necessary.</u>			
Article 7b(3)					
R 163z		<u>3. Where a provider of very large online platform or of very large online search engine has removed or disabled access to a specific political advertisement 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.</u>			
Article 7b(4)					
R 163aa		<u>4. Political advertising publishers that are not VLOPs or VLOSEs and</u>			



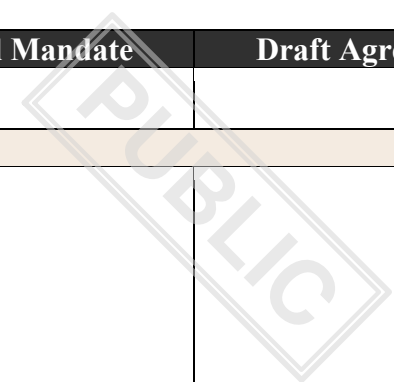
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>that make political advertising available through an online service shall make the information required under Article 7a(1) available, together with a copy of each online political advertisement in the European repository for online political advertisements, without delay and no later than 24 hours after its first publication.</u>			
	Article 7b(5)				
163ab		<u>5. 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 include for the specific</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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.</u>			
	Article 7b(6)				
163ac		<u>6. By ... [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 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, a common application programming interface, and a single</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>portal.</u> <u>When adopting those delegated acts, the Commission shall aim to achieve the following objectives:</u>			
	Article 7b(6), point (a)				
R 163ad		<u>(a) to enable the information provided by political advertising publishers according to paragraphs 1 to 3 to be publicly accessed together via a single European repository for online political advertisements;</u>			
	Article 7b(6), point (b)				
R 163ae		<u>(b) to enable sponsors and providers of political advertising services to communicate to the political advertising publisher, by automated means, the information required under Article 7a (1) for every online political advertisement;</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 7b(6), point (c)				
R	163af	<u>(c) to enable the political advertising publishers to make available online, and via a common data structure and common standards, the information required under Article 7a(1) as a transparency notice;</u>			R
	Article 7b(6), point (d)				
R	163ag	<u>(d) 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;</u>			R
	Article 7b(6), point (e)				
R	163ah	<u>(e) to support third-party and public access to transparency notices,</u>			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>including by enabling analysis of online transparency notices and their presentation through user-friendly single portal and search services.</u>			
Article 8					
164	Article 8 Periodic reporting on political advertising services	Article 8 Periodic reporting on political advertising services	Article 8 Periodic reporting on political advertising services	Article 8 Periodic reporting on political advertising services	
Article 8(1)					
165	1. Where they provide political advertising services, advertising publishers shall include information 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 techniques, aggregated by campaign, as part of their management report within the meaning of Article 19 of Directive 2013/34/EU in their annual	1. Where they provide Political advertising services, advertising publishers shall include information <u>provided to them directly by sponsors or by providers of political advertising services</u> 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 <u>ad delivery</u> techniques, aggregated by campaign, as part of <u>a</u>	1. Where they provide Political advertising services, advertising publishers shall include information on the amounts or the value of other benefits received in part or full exchange for those the services provided , including on the use of targeting and amplification techniques, aggregated by campaign, as part of attached to their management report within the meaning of Article 19	1. Where they provide Political advertising services, advertising publishers shall include information- on the amounts or the value of other benefits received in part or full exchange for those the services <u>provided</u> , including on the use of targeting and <u>[amplification][ad delivery]</u> amplification techniques, aggregated by campaign, as part of <u>attached to</u> their	Possible compromise in recital 44: "...including as relevant information transmitted to the political advertising publishers by other entities...."

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	financial statements.	<u>separate note to</u> their management report within the meaning of Article 19 of Directive 2013/34/EU in their annual financial statements.	of Directive 2013/34/EU in their annual financial statements.	management report within the meaning of Article 19 of Directive 2013/34/EU in their annual financial statements. EP to check possible addition to recital 44. provisional agreement subject to outcome on techniques	
Article 8(2)					
G	166	2. Paragraph 1 shall not apply to undertakings qualifying under Article 3(3) of Directive 2013/34/EU.	2. Paragraph 1 shall not apply to undertakings qualifying under Article 3(3) of <u>micro, small and medium-sized enterprises within the meaning of Article 3(3) of</u> Directive 2013/34/EU.	2. Paragraph 1 shall not apply to undertakings qualifying under Article 3(3) of <u>3, paragraphs 1 to 3</u> of Directive 2013/34/EU.	
Article 8(2a)					
R	166a				
		<u>2a. 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</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>competent authorities responsible for the auditing or supervision of political actors.</u>			
Article 9					
167	Article 9 Indicating possibly unlawful political advertisements	Article 9 Indicating possibly unlawful political advertisements	Article 9 Indicating possibly unlawful political advertisements	Article 9 Indicating possibly unlawful political advertisements	
Article 9(1)					
168	1. Where they provide political advertising services, advertising publishers shall put in place mechanisms to enable individuals to notify them, free of charge, that a particular advertisement does not comply with this Regulation.	1. Where they provide political advertising services, advertising publishers shall put in place mechanisms to enable individuals to notify them, free of charge, <u>natural or legal persons to notify them</u> that a particular advertisement which they have published does not comply with this Regulation.	1. Where they provide Political advertising services, advertising publishers shall enable natural or legal persons put in place mechanisms to enable individuals to notify them, free of charge, that a particular advertisement does not comply with this Regulation.	1. Where they provide Political advertising services, advertising publishers shall put <u>have</u> in place <u>the necessary</u> mechanisms to enable individuals <u>natural or legal persons</u> to notify them, free of charge, that <u>of</u> a particular advertisement which <u>that</u> does not comply with this Regulation. Recital 45 to be adapted to clarify mechanisms.	
Article 9(1a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
G 168a		<u>1a. Those mechanisms shall be free of charge, user-friendly, and easy to access, including from the transparency notice. Where technically possible, those mechanisms shall allow notifications to be submitted by electronic means.</u>		No text. Merged in row 169 below.	
Article 9(2)					
G 169	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. 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. 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. Political advertising publishers shall allow for the submission of the notification referred to in paragraph 1 by electronic means.	2. Information on how to notify political advertisements as <u>The mechanisms referred to in paragraph 1 shall be user friendly free of charge, user-friendly, and easy to access, including from the transparency notice. Where technically possible, those mechanisms shall allow for electronic notifications.</u>	
Article 9(2a)					
G 169a		<u>2a. The mechanisms</u>		<u>2a. Those mechanisms</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>referred to in paragraph 1 shall facilitate the submission of precise and substantiated notifications so that political advertising publishers 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:</u>		<u>shall facilitate the submission of precise and substantiated notifications for political advertising publishers 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:</u>	
	Article 9(2a), point (a)				
169b		<u>(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;</u>		<u>(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;</u>	
	Article 9(2a), point (b)				
169c		<u>(b) information enabling the identification of the political advertisement;</u>		<u>(b) information enabling the identification of the political advertisement;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 9(2a), point (c)				
169d		<u>(c) the name and email address of the individual or entity submitting the notification;</u>		<u>(c) the name and email address of the individual or entity submitting the notification.</u>	
	Article 9(2a), point (d)				
169e		<u>(d) a statement confirming that the person or entity submitting the notification believes in good faith that information contained therein is complete and accurate.</u>		No text.	
	Article 9(3)				
170	3. Political advertising publishers shall allow for the submission of the information referred to in paragraph 1 by electronic means. The political advertising publisher shall inform individuals of the follow up given to the notification as referred to in paragraph 1.	3. Political advertising publishers shall allow for the submission <u>send without undue delay a confirmation of receipt of the information referred to in paragraph 1 by electronic means. The notification to persons who submitted it.</u>	3. Political advertising publishers shall allow for the submission of the information referred to in paragraph 1 by electronic means. The political advertising publisher shall inform individuals of the follow up given to the notification as referred to in paragraph 1 <u>make</u>	3. <u>2b.</u> Political advertising publishers shall allow for the submission of the information <u>send without undue delay a confirmation of receipt of the notification received pursuant to paragraph 1 to the natural or legal persons who submitted it.</u>	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	<u>Political advertising publishers shall examine and address the notification in timely, diligent and objective manner.</u> Political advertising publisher<u>publishers</u> shall inform individuals<u>without undue delay the sponsors or providers of political advertising services concerned</u>, of the follow up effect given to the notification. <u>Political advertising publishers shall provide clear and user-friendly information on the 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-as referred to in paragraph 1.</u>	reasonable efforts to address, in a diligent and objective manner and without undue delay, the notifications received pursuant to paragraph 1, by contacting the relevant provider of political advertising services and, as relevant, the sponsor. Council mandate: para 3 of COM proposal moved and revised as para 3a.	<u>3. Political advertising publishers which are very large online platforms and very large online search engines within the meaning of Regulation (EU) 2022/2065 shall without undue delay:</u> <u>a) examine and address the notifications received pursuant to paragraph 1 in diligent, non-arbitrary and objective manner.</u> <u>b) inform the natural or legal person which made the notification</u> referred to in paragraph 1 by electronic means. The<u>of the follow up given to it.</u> <u>3a. Political advertising publisherpublishers that are not very large online platforms and very large online search engines within the meaning of Regulation (EU) 2022/2065 shall without undue delay:</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<u>a) make best efforts to examine and address, the notifications received pursuant to paragraph 1, in a diligent, non-arbitrary and objective manner.</u> <u>b) inform, at least upon request, the natural or legal persons which made the notification referred to in paragraph 1</u> individuals of the follow up given to <u>it</u>. <u>Political advertising publishers qualifying under Article 3, paragraph 1 of Directive 2013/34/EU shall make best efforts to ensure the compliance with this point.</u> <u>3b. In the last month preceding an election or a referendum, political advertising publishers shall process any the notification</u> as referred to in paragraph 1 <u>that they receive about an advertisement linked to that election or</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<u>referendum within 48 hours provided that the notification can be processed completely on the basis of the information provided in the notification. Political advertising publishers qualifying under Article 3, paragraphs 1 to 3 of Directive 2013/34/EU shall make best efforts to process any notification that they receive about advertisement linked to that election or referendum without undue delay.</u> <u>3c. Political advertising publishers shall provide clear and user-friendly information on the 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.</u> <u>3d. Political advertising</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<u><i>publishers shall inform without undue delay the sponsors or providers of political advertising services concerned of any measures they take following notifications made under this Article, which affect the availability or the presentation of the political advertisement concerned.</i></u> Provisional agreement covers rows 170, 170a, 170b and 170c.	
Article 9(3a)					
G 170a			3a. Political advertising publishers shall inform, at least upon request and without undue delay, the persons which made the notification referred to in paragraph 1 of the follow up given to it . Political advertising publishers qualifying under Article 3, paragraph 1 of Directive 2013/34/EU shall make best efforts to	No text. Refer to row 170.	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			ensure the compliance with this paragraph.		
Article 9(3a)					
170b		<u>3a. In the month preceding an election or a referendum, political advertising publishers shall process without undue delay and no later than 48 hours any notification that they receive about an advertisement linked to that election or referendum. Political advertising publishers that are micro and small enterprises within the meaning of Article 3 of Directive 2013/34/EU shall process without undue delay any notification that they receive about advertisement linked to that election or referendum.</u>		No text. Refer to row 170.	
Article 9(3b)					
170c			3b. In the last month		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			preceding an election or a referendum, political advertising publishers which are very large online platforms within the meaning of Regulation (EU) 2022/XXX [Digital Services Act] shall address any notification that they receive about advertisement linked to this election or referendum within 48 hours.	No text. Refer to row 170.	
Article 9(4)					
171	4. Repetitive notifications under paragraph 1 regarding the same advertisement or advertising campaign may be responded to collectively, including by reference to an announcement on the website of the political advertising publisher concerned.	4. Repetitive notifications under paragraph 1 regarding the same advertisement or advertising campaign may be responded to collectively <u>by making use of automated tools</u> , including by reference to an announcement on the website of the political advertising publisher concerned.	4. Repetitive notifications under paragraph 1 regarding the same advertisement or advertising campaign may be responded to collectively, including by reference to an announcement on the website of the political advertising publisher concerned.	4. Repetitive notifications under paragraph 1 regarding the same advertisement or advertising campaign may be responded to collectively, including by <u>making use of automated tools or by</u> reference to an announcement on the website of the political advertising publisher concerned.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 9(4a)					
171a		<u>4a. The Commission shall 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, adapted for the audiovisual sector, printed media, online and offline advertising.</u>			4a. Com suggested proposal for guidelines: "The Commission, after consulting the [network, single points of contact], may issue guidelines to assist publishers of political advertising in the application of this article ." Add to recitals: <i>"In the interests of a consistent implementation of mechanisms to enable the notification of potentially unlawful political advertising, the Commission should prepare guidelines, in particular to support the preparation of suitable technical specifications for the mechanism, adapted for the audiovisual sector, printed media, online and offline advertising."</i>
Article 10					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
172	Article 10 Transmission of information to competent authorities	Article 10 Transmission of information to competent authorities	Article 10 Transmission of information to competent authorities	Article 10 Transmission of information to competent authorities	
Article 10(1), first subparagraph					
173	1. Competent national authorities shall have the power to request that a provider of political advertising services transmits the information referred to in Articles 6, 7 and 8. The transmitted information must be complete, accurate and trustworthy, and provided in a clear, coherent, consolidated and intelligible format. Where technically possible, the information shall be transmitted in a machine readable format.	1. Competent national authorities shall have the power to request that a provider of political advertising services transmits <u>transmit</u> the information referred to in Articles 6, 7, <u>7a</u> and 8. The transmitted information must <u>shall</u> be complete, accurate and trustworthy, and <u>shall be</u> provided in a clear, coherent, consolidated and intelligible format. Where technically possible, the information shall be transmitted in a <u>standardised and</u> machine readable format.	1. To verify compliance with Articles 6, 7 and 8, competent national authorities shall have the power to request that a provider providers of political advertising services transmits the transmit any necessary information referred to in Articles 6, 7 and 8. The transmitted information must <u>shall</u> be complete, accurate and trustworthy, and provided in a clear, coherent, consolidated and intelligible format. Where technically possible, the information shall be transmitted in a machine readable format.	1. <u>To verify compliance with Articles 6, 7, 7a and 8,</u> competent national authorities shall have the power to request that a provider <u>providers</u> of political advertising services transmits <u>the</u> <u>transmit any necessary</u> information referred to in Articles 6, 7 and 8. The transmitted information must <u>shall</u> be complete, accurate and trustworthy, and <u>shall be</u> provided in a clear, coherent, consolidated and intelligible format. Where technically possible, the information shall be transmitted in a <u>standardised and</u> machine readable format. <u>New recital on machine</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<u>readable</u> <u>"Information should be considered machine readable if it is provided in a format that software applications can automatically process, without human intervention, in particular for the purpose of identifying, recognising and extracting specific data from it."</u> provisional agreement subject to recital on machine readable format.	
Article 10(1), second subparagraph					
G	174	The request shall contain the following elements:	The request shall contain the following elements:	1a. The request referred to in paragraph 1 shall contain the following elements:	The request <u>referred to in paragraph 1</u> shall contain the following elements:
Article 10(1), second subparagraph, point (a)					
Y	175	(a) a statement of reasons explaining the objective for which the information is requested and why the	(a) a <u>brief</u> statement of reasons explaining the objective for which the information is requested	(a) a statement of reasons explaining the objective for which the information is requested and why the	Possible compromise text: a statement of reasons explaining the objective for

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
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;	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;	request is necessary and proportionate, unless the request pursues the objective of the prevention, investigation , detection, investigation , -and prosecution of criminal offences or serious administrative offences and to the extent that the reasons for the request would jeopardise that objective;		which the information is requested, unless the request pursues the objective of the prevention, detection, investigation, and prosecution of criminal offences [or serious administrative offences] and to the extent that the reasons for the request would jeopardise that objective; Possible addition to recital 61 on serious administrative offences: "Such statement of reasons may not be required where disclosing the reasons for requesting information would clearly jeopardise the prevention, investigation, detection and prosecution of criminal offences or the detection and sanctioning of serious administrative offences. The seriousness of an administrative offence warranting such an exception should be

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					determined not only by taking into account the amount of the fine or penalty that may be imposed under this regulation, but also the negative impacts it could have on an election or referendum, a legislative or regulatory process. " EP to check proposed recital To be checked by LS: "serious administrative offences". Reference to "necessary and proportionate" to be added in a recital.
Article 10(1), second subparagraph, point (b)					
176	(b) information on the redress available to the relevant service provider and to the sponsor of the political advertising service.	(b) information on the redress available to the relevant service provider and to the sponsor of the political advertising service.	(b) information on the redress available to the relevant service provider and to the sponsor of the political advertising service.	(b) information on the redress available to the relevant service provider and to the sponsor of the political advertising service.	
Article 10(2)					
177	2. Upon receipt of a	2. Upon receipt of a	2. Upon receipt of a	2. Upon receipt of a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	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 working days.	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 <u>eight</u> working days.	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 working days. However, providers of political advertising services qualifying under Article 3 paragraphs 1 to 3 of Directive 2013/34/EU shall make reasonable efforts to provide the requested information within fifteen working days.	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 <u>eight working days. However, providers of political advertising services qualifying under Article 3 paragraphs 1 to 3 of Directive 2013/34/EU shall make reasonable efforts to provide the requested information within twelve</u> working days <u>and thereafter, without undue delay.</u>	
Article 10(2a)					
177a			2a. By derogation from paragraph 2, in the last month preceding an election or a referendum, providers of political advertising services shall provide the requested	<u>2a. By derogation from paragraph 2, in the last month preceding an election or a referendum, providers of political advertising services shall provide the requested</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			information within 48 hours. However, providers of political advertising services qualifying under Article 3 paragraphs 1 to 3 of Directive 2013/34/EU shall make reasonable efforts to provide the requested information without undue delay and where possible before the date of the election or referendum.	<u>information that is in their possession without undue delay and no later than 48 hours. However, providers of political advertising services qualifying under Article 3 paragraphs 1 to 2 of Directive 2013/34/EU shall provide the requested information without undue delay and where possible before the date of the election or referendum.</u>	
Article 10(3)					
178	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.	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.	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 qualifying under Article 3 paragraphs 1 to 3 of Directive 2013/34/EU may appoint an external natural person as contact point.	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 <u>qualifying under Article 3 paragraphs 1 to 3</u> of Directive 2013/34/EU may appoint an external natural person as contact point.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 10(3a)					
178a		<u>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. Providers of political advertising services that are micro and small enterprises within the meaning of Article 3 of Directive 2013/34/EU shall provide the requested information without undue delay.</u>		No text. Merged with row 177a	
Article 11					
179	Article 11 Transmission of information to other interested entities	Article 11 Transmission of information to other interested entities	Article 11 Transmission of information to other interested entities	Article 11 Transmission of information to other interested entities	
Article 11(1), first subparagraph					
180					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	1. Providers of political advertising services shall take the appropriate measures to transmit the information referred to in Article 6 to interested entities upon request and without costs.	1. Providers of political advertising services shall take the appropriate measures to transmit the information referred to in Article 6 <u>Articles 6, 7 and 7a</u> to interested entities <u>promptly</u> upon request, <u>without costs and where technically possible in a machine readable format.</u> and without costs.	1. Upon request from interested entities , providers of political advertising services shall transmit, free of charge , take the appropriate measures to transmit the information referred to in Article 6 to interested entities upon request and without costs. they are required to have pursuant to Articles 6 and 7 to these entities	1. <u>1. Upon request from interested entities</u> , providers of political advertising services shall take the appropriate measures to <u>transmit promptly, free of charge, and where technically possible in a machine readable format</u> the information referred to in Article 6 to interested entities upon request and without costs <u>they are required to have pursuant to Articles 6, 7 and 7a to these entities.</u>	
Article 11(1), second subparagraph					
181	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.	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.	deleted	deleted	
Article 11(2), first subparagraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
182	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:	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:	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:	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:	
Article 11(2), first subparagraph, point (a)					
183	(a) vetted researchers in accordance with Article 31 of Regulation (EU) 2021/xxx [Digital Services Act];	(a) vetted researchers in accordance with Article 31 <u>40</u> of Regulation (EU) 2021/xxx <u>2022/2065</u> (Digital Services Act 2);	(a) vetted researchers in accordance with Article 31 of Regulation (EU) 2021/xxx [Digital Services Act];	(a) vetted researchers in accordance with Article 31 <u>40</u> of Regulation (EU) 2021/xxx <u>2022/2065</u> (Digital Services Act 2);	
Article 11(2), first subparagraph, point (b)					
184	(b) members of a civil society organisation whose statutory objectives are to protect and promote the public interest, authorised under national or Union law;	(b) members of a civil society organisation whose statutory objectives are to protect and promote the public interest, authorised under national or Union law;	(b) members of a civil society organisation whose statutory objectives are to protect and promote the public interest, authorised under national or Union law;	(b) members of a civil society organisation whose statutory objectives are to protect and promote the public interest, authorised under national or Union law;	
Article 11(2), first subparagraph, point (c)					
185	(c) political actors as	(c) political actors as	(c) political actors-as	(c) political actors- as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	authorised under national law; or	authorised under national law; or	authorised under national law; or;	authorised under national law; or;	
Article 11(2), first subparagraph, point (d)					
186	(d) national or international electoral observers accredited in a Member State.	(d) national or international electoral observers accredited in a Member State.	(d) national or international electoral observers accredited recognised in a Member State; or	(d) national or international electoral observers accredited recognised in a Member State; or	
Article 11(2), first subparagraph, point (da)					
186a		<u>(da) journalists.</u>	(da) journalists.	<u>(da) journalists.</u>	
Article 11(2), second subparagraph					
187	Such interested entities shall also include journalists accredited in a Member State by national, European or international bodies.	Such interested entities shall also include journalists accredited in a Member State by national, European or international bodies.	<i>deleted</i>	<i>deleted</i>	
Article 11(3)					
188	3. Following a request from an interested entity, the service provider shall make best efforts to provide	3. Following a request from an interested entity, the service provider shall make best efforts to provide	3. Following a request from an interested entity, the service provider shall make best efforts to provide	3. Following a request from an interested entity, the service provider shall make best efforts to provide	

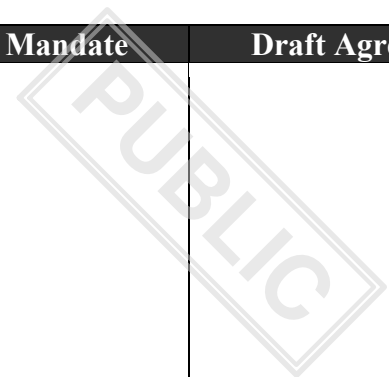
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	the requested information or its reasoned response under paragraph 5, within one month.	the requested information or its reasoned response under paragraph 5 <u>as soon as possible and, at the latest</u> , within one month.	the requested information or its reasoned response under paragraph 5, within one month.	the requested information or its reasoned response under paragraph 5 <u>as soon as possible and, at the latest</u> , within one month.	
Article 11(4)					
189	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.	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.	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.	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.	
Article 11(5)					
190	5. Where requests pursuant to paragraph 1 are manifestly unfounded, unclear or excessive, in particular because of their lack of clarity, the service provider may refuse to respond. In this case, the relevant service provider shall send a reasoned response to the interested	5. Where requests pursuant to paragraph 1 are manifestly unfounded, unclear or excessive, in particular because of their lack of clarity <u>unclear, excessive or concerning information not within the control of the service provider</u> , the service provider may refuse to	5. Where requests pursuant to paragraph 1 are manifestly unfounded, unclear or excessive, in particular because of their lack of clarity, the service provider may refuse to respond. In this case, the relevant service provider shall send a reasoned response and information	5. Where requests pursuant to paragraph 1 are manifestly unfounded, unclear or excessive, in particular because of their lack of clarity <u>unclear, excessive or concerning information not within the possession of the service provider</u> , the service provider may refuse to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	entity making the request.	respond. In this ease <u>provide the requested information. In such cases</u> , the relevant service provider shall send a reasoned response to the interested entity making the request, <u>including information on the possibilities for redress, including those that exist under Directive (EU) 2020/1828.</u>	on the redress possibilities to the interested entity making the request.	respond. In this ease <u>provide the requested information. In such cases</u> , the relevant service provider shall send a reasoned response to the interested entity making the request <u>and information on the redress possibilities, including, where applicable, those that exist under Directive (EU) 2020/1828.</u>	
Article 11(6)					
191	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.	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.	6. Where requests under paragraph 1 are repetitive and their processing the processing of the requests under paragraph 1 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.	6. Where requests under paragraph 1 are repetitive and their processing the <u>processing of the requests under paragraph 1</u> 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.	
Article 11(7)					
192					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	7. Service providers shall bear the burden of demonstrating that a request is manifestly unfounded, unclear or excessive, or that requests are repetitive and involve significant costs to process.	7. Service providers shall bear the burden of demonstrating that a request is manifestly unfounded, unclear or excessive <u>unclear, excessive or concerning information not within the control of the service provider</u> , or that requests are repetitive and involve significant costs to process.	7. Service providers shall bear the burden of demonstrating that a request is manifestly unfounded, unclear or excessive, or that requests are repetitive and involve significant costs to process.	7. Service providers shall bear the burden of demonstrating that a request is manifestly unfounded, unclear or excessive <u>unclear, excessive or concerning information not in possession of the service provider</u> , or that requests are repetitive and involve significant costs to process.	
CHAPTER III					
193	CHAPTER III TARGETING AND AMPLIFICATION OF POLITICAL ADVERTISING	CHAPTER III TARGETING AND AMPLIFICATION <u>AD DELIVERY</u> OF POLITICAL ADVERTISING <u>SERVICES</u>	CHAPTER III TARGETING AND AMPLIFICATION OF POLITICAL ADVERTISING		
Article -12					
193a		<u>Article -12</u> <u>Prohibition of targeting and ad delivery techniques involving the processing of special categories of personal data</u>			

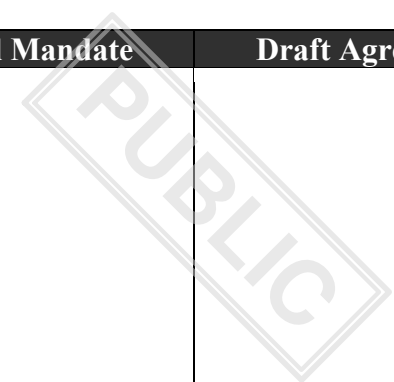
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 11a(1)				
R 193b		<u>1. Targeting and ad delivery techniques that involve the processing of special categories of personal data as referred to in Article 9 of Regulation (EU) 2016/679 and in Article 10 of Regulation (EU) 2018/1725 in the context of political advertising services shall be prohibited.</u>			
	Article 12				
R 194	Article 12 Specific requirements related to targeting and amplification	Article 12 Specific requirements related to <u>the processing of personal data for online targeting and amplification</u> ad delivery techniques	Article 12 Specific requirements Prohibitions related to targeting and amplification		
	Article 12(1)				
R 195	1. Targeting or amplification techniques that involve the processing	1. Targeting or amplification <u>and ad delivery</u> techniques that	1. Targeting or amplification techniques that involve the processing		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 in the context of political advertising are prohibited.	involve the processing of personal data referred to in <u>that is not special categories of personal data within the meaning of</u> Article 9(1) <u>2</u> of Regulation (EU) 2016/679 and/or of Article 10(1) <u>10</u> of Regulation (EU) 2018/1725 in the context of political advertising are prohibited <u>services shall be strictly limited to the situations provided for in this Article.</u>	of special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 in the context of political advertising are prohibited.		
	Article 12(1a)				
R	195a	<u>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.</u>			
	Article 12(1b)				
Y	195b	<u>1b. Targeting and ad delivery techniques that involve the processing of</u>			

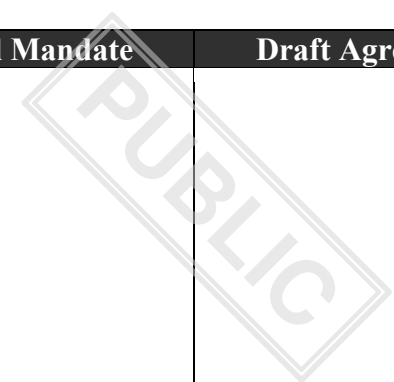


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>personal data of persons of whom the data controller is aware with reasonable certainty that they are at least one year under the voting age established by national law shall be prohibited. Compliance with the obligations set 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.</u>			
	Article 12(1a)				
R	195c	<u>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.</u> <u>The personal data</u>			R

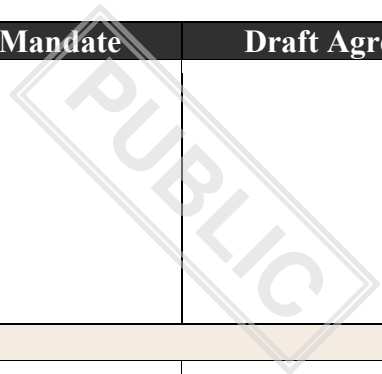
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>provided by the data subject by virtue of using a service or device, including provided content, shall not be considered as provided personal data and therefore shall not be used by the provider for the purpose of targeting and delivering political advertising.</u> <u>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.</u>			



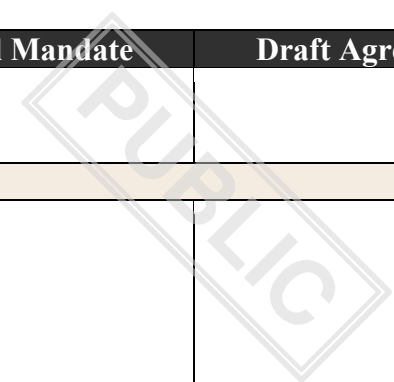
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>In the event the data subject refuses to give his or her consent, or has withdrawn his or her consent, he or she shall be given other fair and reasonable options to access information society services.</i></u> <u><i>Targeting 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.</i></u> <u><i>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).</i></u> <u><i>If the political advertisement is not linked</i></u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>to an election or a referendum, the location used for targeting and ad delivery techniques shall not be below the municipality level.</u> <u>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.</u>			
Article 12(1d)					
R 195d		<u>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</u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>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:</i></u>			
Article 12(1d), point (a)					
R 195e		<u><i>(a) the languages spoken by the data subject;</i></u>			R
Article 12(1d), point (b)					
R 195f		<u><i>(b) the location of the data subject at the level of the constituency which is applicable in the relevant election or referendum;</i></u>			R
Article 12(1d), point (c)					
R 195g		<u><i>(c) the information that the data subject is a first voter.</i></u>			R
Article 12(1d)					
R 195h		<u><i>1e. Subparagraphs 2 and 3 of paragraph 1c shall</i></u>			R



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>apply mutatis mutandis.</i></u>			
Article 12(1e)					
195i		<u><i>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</i></u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		2002/58/EC.			
Article 12(2)					
196	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.	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.	2. The prohibition laid down in the first sentence Paragraph 1 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 of Regulation (EU) 2018/1725. For the purposes of implementing this paragraph, the explicit consent within the meaning of Regulations (EU) 2016/679 and (EU) 2018/1725 shall been given separately and specifically for the purpose of political advertising.		
Article 12(2a)					
196a			2a. Paragraph 1 shall not apply to the situations referred to in Article 9(2)(d) of Regulation (EU) 2016/679 and Article		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			10(2)(d) of Regulation (EU) 2018/1725.		
	Article 12(2b)				
Y	196b		2b. Targeting or amplification techniques that involve the processing of personal data of a subject that is known with reasonable certainty to be at least one year under the voting age established by national rules in the context of political advertising, are prohibited.		Y
	Article 12a				
R	196c		Article 12a Specific requirements related to targeting and amplification Council Mandate: New Article 12a.		R
	Article 12a(1), introductory part				
R	197	3. When using targeting or	3. When using targeting or	31. When using targeting	R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	amplification techniques in the context of political advertising involving the processing of personal data, controllers shall, in addition to the requirements laid down in Regulation (EU) 2016/679 and Regulation (EU) 2018/1725, as applicable, comply with the following requirements:	amplification techniques in the context of political advertising <u>services</u> involving the processing of personal data, controllers shall, in addition to the requirements laid down in Regulation (EU) 2016/679, <u>Regulation (EU) 2018/1725</u> and Regulation (EU) 2018/1725 <u>2022/2065 (Digital Services Act)</u> , as applicable, comply with the following requirements:	or amplification techniques in the context of political advertising involving the processing of personal data, controllers shall, in addition to the requirements laid down in Regulation (EU) 2016/679 and Regulation (EU) 2018/1725, as applicable, comply with the following requirements:		
Article 12a(1), point (a)					
198	(a) adopt and implement an internal policy describing clearly and in plain language, in particular, the use of such techniques to target individuals or amplify the content, and retain such policy for a period of five years;	(a) adopt, <u>implement and make publicly available</u> and implement an internal policy describing clearly and in plain language, in particular, the use of such techniques to target individuals or amplify the content , and retain such policy for a period of five <u>ten</u> years;	(a) adopt, implement and make publicly available and implement an internal policy describing clearly and in plain language, in particular, the use of how such techniques to target individuals or amplify the content are used , and retain such policy for a period of five years from the last use of these techniques ;		
Article 12a(1), point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
R 199	(b) keep records on the use of targeting or amplification, the relevant mechanisms, techniques and parameters used, and the source(s) of personal data used.	(b) keep records on the use of targeting or amplification , the relevant mechanisms, techniques and parameters used, and the source(s) of personal data used.	(b) keep records on the use of targeting or amplification, the relevant mechanisms, techniques and parameters used, and the source(s) of personal data used.		
Article 12a(1), point (c)					
R 200	(c) provide, together with the political advertisement, additional information necessary to allow the individual concerned to understand the logic involved and the main parameters of the technique used, and the use of third-party data and additional analytical techniques. This information shall comprise the elements set out in Annex II.	(c) provide, together with the <u>indication that it is</u> 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.	(c) provide ensure the provision , together with the indication that it is a political advertisement, of 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 The information shall comprise the elements set out in Annex II. include, at least, the following elements:		
Article 12a(1), point (c)(i)					
R 200a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			(i) the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is disseminated;		
	Article 12a(1), point (c)(ii)				
200b			(ii) the categories and the sources of personal data used for the targeting and amplification;		
	Article 12a(1), point (c)(iii)				
200c			The information to be included shall also contain the elements set out in Annex II.		
	Article 12(3), point (ca)				
200d		<u>(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</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>these risk assessments shall be made publicly available.</u>			
Article 12a(1), point (ca)					
200e			(ca) provide, together with the advertisement, or in the transparency notice required under Article 7, a reference to effective means to support individuals exercise their rights under Regulation (EU) 2016/679 or Regulation (EU) 2018/1725, as applicable, in particular, a reference to individuals' right to give or withdraw consent as applicable, and the right to object. Such reference shall include a link to an interface allowing for the exercise of such right.		
Article 12a(2)					
201	4. Political advertising publishers making use of targeting or amplification	4. Political advertising publishers making use of targeting <i>or amplification</i>	42. Political advertising publishers making use of targeting or amplification		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
techniques shall include in the transparency notice required under Article 7 the information specified in paragraph 3(c) and a link to the policy referred to in paragraph 3(a). In case the controller is different from the advertising publisher, the controller shall transmit the internal policy or a reference to it to the political advertising publisher.	techniques<u>techniques involving the processing of personal data</u> shall include in the transparency notice required under Article 7a(1), additionalthe information specified in paragraph 3(c) and a link to the policy referred to in paragraph 3(a). In case the controller is different from the advertising publisher, the controller shall transmit the internal policy or a reference to it to the political advertising publisher.<u>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.</u> <u>It shall include, in particular, the following information:</u>	techniques shall include in the transparency notice required under Article 7In the case the controller is different from the political advertising publisher, the controller shall transmit the internal policy and ensure that the information specifiedreferred to in paragraph 3(c) and a link 1 point (c) and (ca) is communicated 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 publisherpolitical advertising publisher to enable the political advertising publisher to comply with its obligations under this Regulation. The information shall be transmitted in a timely and accurate manner, in accordance with best		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			practice and industry standards, by means of a standardised automated process where technically possible.:		
	Article 12(4), point (a)				
R	201a	<u>(a) the targeting goals, mechanisms and logic including the inclusion and exclusion parameters, and the reasons for choosing those parameters;</u>			R
	Article 12(4), point (b)				
R	201b	<u>(b) the period of dissemination, the number of individuals to whom the advertisement is disseminated;</u>			R
	Article 12(4), point (c)				
R	201c	<u>(c) a link to or a clear indication of where the policy referred to in paragraph 3(a) can be easily retrieved.</u>			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 12a(3)				
R 201d			3. Providers of political advertising services shall, as necessary, transmit to the controllers the information necessary to comply with paragraphs 1 and 2.		
	Article 12(4a)				
R 201e		<u>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</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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.</u>			
Article 12(5)					
202	5. Political advertising publishers making use of targeting or amplification techniques referred to in paragraph 3 shall include in or together with the advertisement and in the transparency notice required under Article 7 a reference to effective means to support individuals exercise their rights under Regulation (EU) 2016/679.	5. Political advertising publishers making use of targeting or amplification <u>ad delivery</u> techniques referred to in paragraph 3 shall include in or together with the advertisement and in the transparency notice required under Article 7 <u>a(1)</u> a reference to effective means to support individuals exercise their rights under Regulation (EU) 2016/679. <u>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</u>	deleted		

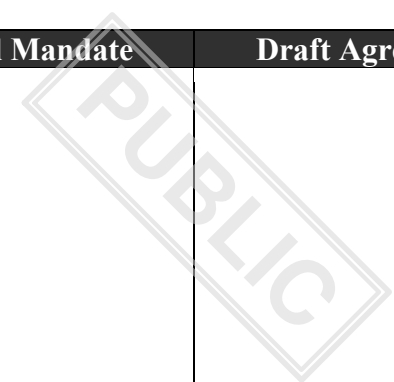
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>advertising as referred to in paragraphs 1c and 1d.</u>			
Article 12a(4)					
203	6. Information to be provided in accordance with this provision shall be presented in a format which is easily accessible and, where technically feasible, machine readable, clearly visible and user-friendly, including through the use of plain language.	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.	64. Information to be provided in accordance with this provision paragraphs 1 to 3 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.		
Article 12(7)					
204	7. Providers of advertising services shall, as necessary, transmit to the controller the information necessary to comply with paragraph 3.	7. Providers of advertising services shall, as necessary, transmit to the controller the information necessary to comply with paragraph 3 <u>paragraphs 3, 4 and 4a.</u>	deleted		
Article 12a(5)					
205	8. The Commission is empowered to adopt	8. The Commission is empowered to adopt	85. The Commission is empowered to adopt		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	delegated acts in accordance with Article 19 to amend Annex II by modifying or removing elements of the list of information to be provided pursuant to paragraph 3(c) of this Article in light of technological developments in relevant scientific research, and developments in supervision by competent authorities and relevant guidance issued by competent bodies.	delegated acts in accordance with Article 19 to amend Annex II by modifying or removing elements of the list of information to be provided pursuant to paragraph 3(c) of this Article in light of technological developments in relevant scientific research, and developments in supervision by competent authorities and relevant guidance issued by competent bodies.	delegated acts in accordance with Article 19 to amend Annex II by modifying or removing adding or modifying elements of the list of information to be provided pursuant to paragraph 3(c) of this Article therein in light of technological developments in , relevant scientific research, and developments in supervision by competent authorities and relevant guidance issued by competent bodies and provided that the elements set out in paragraph 1(c) of this Article are maintained.-		
Article 13					
206	Article 13 Transmission of information concerning targeting or amplification to other interested entities	Article 13 Transmission of information concerning online targeting or amplification ad delivery to other interested entities	Article 13 Transmission of information concerning targeting or amplification to other interested entities		
Article 13(1)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
R	207	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.	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.	1. The controller referred to in Article 12 Controllers shall take appropriate measures to transmit, upon request by interested entities in accordance with Article 11(1), and free of charge , the information referred to in Article 12a.	
	Article 13(2)				
G	208	2. Article 11(2) to (7) shall apply mutatis mutandis.	2. Article 11(2) to (7) shall apply mutatis mutandis.	2. Article 11(2) to (7) shall apply mutatis mutandis.	
	CHAPTER IV				
G	209	CHAPTER IV SUPERVISION AND ENFORCEMENT	CHAPTER IV SUPERVISION AND ENFORCEMENT	CHAPTER IV SUPERVISION AND ENFORCEMENT	
	Article 14				
G	210	Article 14 Legal representative	Article 14 Legal representative	Article 14 Legal representative	
	Article 14(1)				
G	211				

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
1. Service providers that provide political advertising services in the Union but do not have an establishment in the Union shall designate, in writing, a natural or legal person as their legal representative in one of the Member States where the provider offers its services.	1. Service providers that provide political advertising services in the Union but do not have an establishment in the Union shall designate, in writing, a natural or legal person as their legal representative in one of the Member States where the provider offers its services <u>and register them with the national single points of contact.</u> <u>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.</u> <u>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</u>	1. Service providers that provide political advertising services in the Union but do not have an establishment in the Union shall designate, in writing, a natural or legal person as their legal representative in one of the Member States where the provider offers its services. The designated legal representative shall register with the competent authority referred to in paragraph (2a).	1. Service providers that provide political advertising services in the Union but do not have an establishment in the Union shall designate, in writing, a natural or legal person as their legal representative in one of the Member States where the provider offers its services. <u>The designated legal representative shall register with the competent authority referred to in paragraph (2a) in the Member State where it resides or is established. For this purpose, service providers shall submit the name, postal address, email address and telephone number of their legal representative to that competent authority. The information submitted shall be accurate and in a machine-readable format and kept up to date.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>accurate and up to date.</u> <u>The Commission shall keep a publicly available and easily accessible and machine-readable database of legal representatives registered within the Union under this Regulation.</u>			
	Article 14(1a)				
211a			1a. Where the providers of political advertising services fail to comply with the obligation under paragraph (1), Member States shall take any appropriate measures to ensure compliance with this Regulation, including by discontinuing the publication or dissemination of the relevant political advertisements when compliance cannot be ensured otherwise.		<i>Presidency can consider a recital.</i> <i>Possible compromise proposal from Presidency:</i> “Given the importance of this requirement for the effective enforcement of this Regulation in relation to providers established in a third country, as well as for maintaining a level playing field for all providers of political advertising in the internal market, in the absence of a designated legal representative, Member States should take any appropriate measures

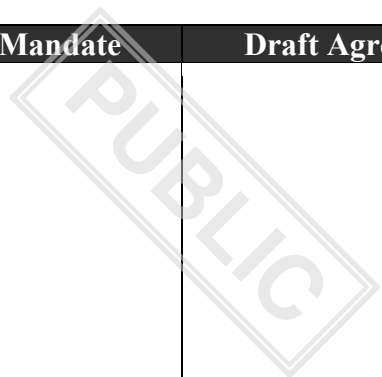


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					to ensure compliance with this Regulation, including by discontinuing the publication or dissemination of the relevant political advertisements when compliance cannot be ensured otherwise.”
Article 14(2)					
212	2. The legal representative shall be responsible for ensuring compliance with the represented service provider’s obligations pursuant to this Regulation and 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.	2. The legal representative shall be responsible for ensuring compliance, <u>and may be held liable for non-compliance,</u> with the represented service provider’s obligations pursuant to this Regulation <u>and obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the service provider. The legal representative</u> shall be the addressee for all communications with the relevant service provider provided for in this Regulation. Any communication to that legal	2. The legal representative shall be responsible for ensuring compliance with the represented service provider’s obligations pursuant to this Regulation and 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.	2. The legal representative shall be responsible for ensuring compliance with the represented service provider’s obligations pursuant to <u>obligations under this Regulation and may be held liable for non-compliance with the obligations under</u> this Regulation, <u>without prejudice to the service provider’s liability and legal actions that could be initiated against it. The legal representative</u> and shall be the addressee for all communications with the relevant service provider provided for in this Regulation. Any	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		representative shall be deemed to be a communication to the represented service provider.		communication to that legal representative shall be deemed to be a communication to the represented service provider.	
	Article 14(2a)				
Y	212a	<u>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.</u>		<u>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.</u> Pending agreement on VLOPS (row 215a)	Y
	Article 14(2b)				
G	212b		2a. Member States shall designate one competent authority responsible to publish online, and	<u>2b. Member States shall designate one competent authority responsible to keep publicly available,</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			update regularly, the information on designated legal representatives registered pursuant to paragraph 1. Member States shall provide the links to the relevant websites to the Commission.	<u>and machine-readable online registers of all legal representatives registered on their territory under this Regulation and shall ensure that information is easily accessible and that it is complete and regularly updated. Member States shall provide the links to the relevant websites to the Commission.</u>	
Article 14(2c)					
G 212c			2b. The Commission shall set up a portal linking to the websites provided by Member States pursuant to paragraph 2a.	<u>2c. The Commission shall set up and maintain a publicly available portal linking to the websites provided by Member States pursuant to paragraph 2a.</u>	G
Article 15					
G 213	Article 15 Competent authorities and contact points	Article 15 Competent authorities and contact points	Article 15 Competent authorities and contact points		G
Article 15(1)					
R 214	1. The supervisory	1. The supervisory	1. The supervisory		R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	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 <i>mutatis mutandis</i> . Chapter VII of Regulation (EU) 2016/679 shall apply for activities covered by Article 12 of this Regulation.	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 <i>mutatis mutandis</i> . Chapter VII of Regulation (EU) 2016/679 shall apply for activities covered by Article 12 of this Regulation.	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 Articles 12 and 12a 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 <i>mutatis mutandis</i> . mutatis mutandis . Chapter VII of Regulation (EU) 2016/679 shall apply for activities covered by Article 12 Articles 12 and 12a of this Regulation.		
Article 15(1a)					
R 214a		<u><i>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</i></u>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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.</u>			
	Article 15(1b)				
214b		<u>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.</u>			
	Article 15(1c)				
214c					



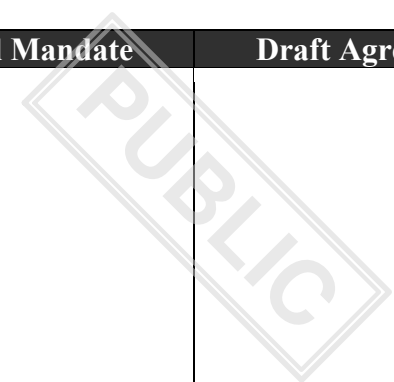
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>1c. The national data protection authorities shall, within 15 days after being informed of initiation of the investigation, or within seven days if within 60 days immediately preceding elections or referendums as referred to in Article 12(1d), transmit to the European Data Protection Board any information they hold about the infringement at stake.</i></u>			
Article 15(1d)					
214d		<u><i>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.</i></u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 15(2)					
215	2. Member States shall designate competent authorities to monitor the compliance of providers of intermediary services within the meaning of Regulation (EU) 2021/xxx [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/xxx [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 of Regulation (EU) 2021/xxx in each Member State shall be responsible for ensuring coordination at national level in respect of providers of intermediary services as	2. Member States shall designate competent authorities <u>that are to supervise and</u> to monitor the compliance of providers of intermediary services within the meaning of Regulation (EU) 2021/xxx [DSA] <u>2022/2065 (Digital Services Act)</u> 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/xxx [DSA] <u>2022/2065 (Digital Services Act)</u> 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 <u>49</u> of Regulation (EU) 2021/xxx <u>2022/2065</u> in each Member State shall be	2. Member States shall designate competent authorities to monitor the compliance of providers of intermediary services within the meaning of Regulation (EU) 2021/xxx [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/xxx [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 of Regulation (EU) 2021/xxx in each Member State shall be responsible for ensuring coordination at national level in respect of providers of intermediary services as		2. EP suggestion to keep Ep text. Presidency compromise: "2. Member States shall designate competent authorities to supervise the compliance of providers of intermediary services within the meaning of Regulation (EU) 2022/2065 (Digital Services Act) with the obligations laid down in Articles 5 to 11 and 14 of this Regulation, where applicable. The competent authorities designated under Regulation (EU) 2022/2065 (Digital Services Act) may also be one of the competent authorities designated to supervise 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 49 of

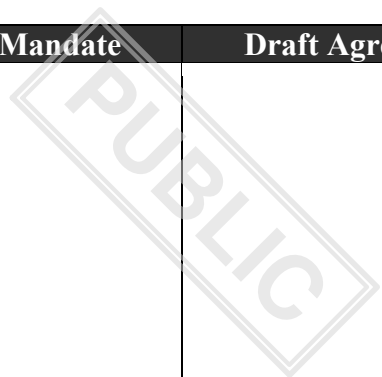
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	defined by Regulation (EU) 2021/xxx [Digital Services Act]. Article 45(1) to (4) and Article 46(1) of Regulation (EU) 2021/xxx [Digital Services Act] shall be applicable for matters related to the application of this Regulation as regards providers of intermediary services.	responsible for ensuring coordination at national level in respect of providers of intermediary services as defined by Regulation (EU) 2021/xxx <u>2022/2065</u> (Digital Services Act 7). Article 45(1) <u>58(1)</u> to (4) and Article 46(1) <u>60(1)</u> of Regulation (EU) 2021/xxx <u>2022/2065</u> (Digital Services Act 7) shall be applicable for matters related to the application of this Regulation as regards providers of intermediary services.	defined by Regulation (EU) 2021/xxx [Digital Services Act]. Article 45(1) to (4) and Article 46(1) of Regulation (EU) 2021/xxx [Digital Services Act] shall be applicable for matters related to the application of this Regulation as regards providers of intermediary services.		Regulation (EU) 2022/2065 (Digital Services Act) 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) 2022/2065 (Digital Services Act). Articles 49, 58(1) to (4) and Article 60(1) of Regulation (EU) 2022/2065 (Digital Services Act) shall be applicable for matters related to the application of this Regulation as regards providers of intermediary services. Article 51 of Regulation (EU) 2022/2065 shall apply <i>mutatis mutandis</i> as regards the powers of authorities designated under this paragraph." EP to check
	Article 15(2a)				
215a		<u>2a. To the extent that the Commission has exclusive</u>			2a. EP suggestion to keep EP text

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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.</u>			COM proposed recital: "To the extent that the Commission has exclusive competence to supervise and enforce 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, the Commission should take into account compliance with Article 5(2d) and Article 7b(2) of this Regulation." EP can support proposed recital subject to the deletion of reference to Article 5(2d). Council to confirm.
Article 15(3)					
R 216	3. Each Member State shall designate one or more competent authorities to be responsible for the	3. Each Member State shall designate one or more competent authorities to be responsible for the	3. Each Member State shall designate one or more competent authorities to be responsible for the		3. EP compromise proposal merging the two texts:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	application and enforcement of the aspects of this Regulation not referred to in paragraphs 1 and 2. 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 in full independence effectively monitor and take the measures necessary and proportionate to ensure compliance with this Regulation.	<u>consistent</u> application and enforcement of the aspects of this Regulation not referred to in paragraphs 1 and 2. <u>The national competent authorities may be the same as those referred in Article 30 of Directive 2010/13/EU.</u> 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, <u>acting</u> in full independence, effectively monitor and take the measures necessary and proportionate to ensure <u>consistent supervision</u>, compliance with <u>and enforcement of</u> this Regulation.	application and enforcement of the aspects of this Regulation not referred to in paragraphs 1 and 2. These competent authorities may be different from those referred to in paragraphs 1 and 2. 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 in full independence effectively monitor and take the measures necessary and proportionate to ensure compliance with this Regulation.		"Each Member State shall designate one or more competent authorities, including those referred in Article 30 of Directive 2010/13/EU, to be responsible for the consistent application and enforcement of the aspects of this Regulation not referred to in paragraphs 1 and 2. These competent authorities may be different from those referred to in paragraphs 1 and 2. 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." Presidency suggested



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					compromise: "3. Each Member State shall designate one or more competent authorities to be responsible for the application and enforcement of the aspects of this Regulation not referred to in paragraphs 1 and 2. These competent authorities may be different from those referred to in paragraphs 1 and 2 and may be 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 supervision, compliance and enforcement of this Regulation."



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					For recital 58 “<i>To support the upholding of fundamental rights and freedoms, the rule of law, democratic principles and public confidence in the oversight of political advertising it is necessary that such authorities are structurally independent from external intervention or political pressure and are appropriately empowered effectively monitor and take the measures necessary to ensure consistent compliance with this Regulation, in particular the obligations laid down in Article 7. Member States may designate, in particular, the national regulatory authorities or bodies under Article 30 of Directive 2010/13/EU of the European Parliament and of the Council.</i>” EP to check.
Article 15(4)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
217	4. Competent authorities referred to in paragraph 3, where exercising their supervisory tasks in relation to this Regulation, shall have the power to request to access data, documents or any necessary information from providers of political advertising services for the performance of their supervisory tasks.	4. Competent authorities referred to in paragraph 3, where exercising their supervisory tasks in relation to this Regulation, shall have <u>at least</u> the power to request to access <u>to</u> data, documents or any necessary information from providers of political advertising services, for the performance of their supervisory tasks. <u>Competent authorities shall use that data only for the purpose of monitoring and assessing compliance with this Regulation, in accordance with relevant legislation on the protection of personal data and the protection of confidential information, and with the objective to maintain the security of the services.</u>	deleted Council mandate: merged with paragraph 5 (row 218a)		4. EP suggestion: To accept Council structure on para 4 and 5 of article 15. To delete this row and to insert key EP elements in para 5. Para 4. Council mandate: merged with paragraph 5 (row 218a)
Article 15(5)					
218	5. Competent authorities referred to in paragraph 3, where exercising their	5. Competent authorities referred to in paragraph 3, where exercising their	5. Competent authorities referred to in paragraph 3, where exercising their	5. Competent authorities referred to in paragraph 3, where exercising	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	enforcement powers in relation to this Regulation, shall have the power to:	enforcement powers in relation to this Regulation, shall have the power to:	supervisory and enforcement tasks and powers in relation to this Regulation, shall have the power to:	<u>performing</u> their enforcement powers <u>tasks</u> in relation to this Regulation, shall have the power to:	
Article 15(5), point (-a)					
218a			(-a) request access to data, documents or any necessary information, in particular from the sponsor or the providers of political advertising services concerned;		(-a) See row 217, merging of the two texts: "request access to data, documents or any necessary information, in particular from the sponsor or the providers of political advertising services concerned; Competent authorities shall use that data in accordance with relevant legislation on the protection of personal data and the protection of confidential information, and with the objective to maintain the security of the services." Presidency: can support subject to deletion of "and with the objective to maintain the security of the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					services."
Article 15(5), point (a)					
G	219	(a) issue warnings addressed to the providers of political advertising services regarding their non-compliance with the obligations under this Regulation;	(a) issue warnings addressed to the providers of political advertising services regarding their non-compliance with the obligations under this Regulation;	(a) issue warnings addressed to the providers of political advertising services regarding their non-compliance with the obligations under this Regulation; Text Origin: Commission Proposal	
Article 15(5), point (aa)					
R	219a	<u>(aa) request access to data, documents, or any necessary information from the providers of political advertising services;</u>			(aa) Already covered in row 218a.
Article 15(5), point (ab)					
R	219b	<u>(ab) order an end to infringements and, where appropriate, impose remedies that are proportionate to the</u>	(aa) order the cessation of infringements and require sponsors or providers of political advertising services to		(ab) EP suggested compromise: Merging between the two texts:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>infringement and necessary to bring it effectively to an end;</i></u>	take the steps necessary to comply with this Regulation, while respecting the fundamental right of freedom of expression and information;		(ab) is merger of texts in row 221; (ac) from EP 219b and Council 221. "(aa) order the cessation of infringements, and require sponsors or providers of political advertising services to take the steps necessary to comply with this Regulation. (ab) impose [administrative] fines and financial penalties, including periodic penalty payments; (ac) where appropriate, impose remedies that are proportionate to the infringement and necessary to bring it effectively to an end;" Presidency suggested compromise: "(aa) order the cessation of infringements and require sponsors or providers of political advertising

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					services to take the steps necessary to comply with this Regulation (ab) impose or request the imposition by judicial authority of fines or financial penalties or other financial measures as appropriate; (ac) where appropriate, impose a periodic penalty payment, or request a judicial authority in their Member States to do so; (ad) where appropriate, impose remedies that are proportionate to the infringement and necessary to bring it effectively to an end or request a judicial authority in their Member State to do so." EP to check.
	Article 15(5), point (b)				
G	220	(b) publish a statement which identifies the legal	(b) publish a statement which identifies the legal	(b) publish a statement which identifies the legal	G

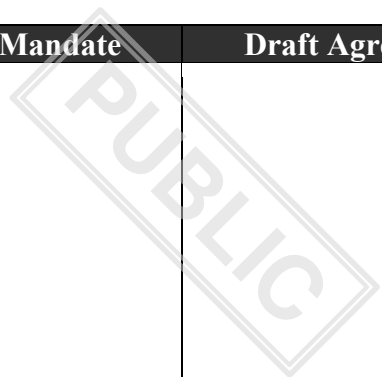
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	and natural person(s) responsible for the infringement of an obligation laid down in this Regulations and the nature of that infringement;	and natural person(s) responsible for the infringement of an obligation laid down in this Regulations and the nature of that infringement;	and natural person(s) responsible for the infringement of an obligation laid down in this Regulations and the nature of that infringement;	and natural person(s) responsible for the infringement of an obligation laid down in this Regulations and the nature of that infringement; Text Origin: Commission Proposal	
Article 15(5), point (c)					
221	(c) impose administrative fines and financial penalties.	(c) impose administrative fines and financial penalties, <u>including periodic penalty payments;</u>	(c) impose administrative fines and financial penalties and, as appropriate other remedies, to effectively bring the infringement to an end, or request a judicial authority in their Member State to do so;		covered in 219b
Article 15(5), point (ca)					
221a		<u>(ca) 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</u>			(ca) Presidency counter proposal: "ca) carry out, or request a judicial authority to order or authorise, inspections of any premises that providers of political advertising

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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;</u>			services use for purposes related to their trade, business, craft or profession, or request other public authorities to do so, in order to examine, seize, take or obtain copies or extracts of information in any form, irrespective of the storage medium. To recital 61: "It follows from the settled case-law of the Court of Justice that the protection of persons, both natural and legal, against arbitrary or disproportionate intervention by the public authorities in the sphere of those persons' private activities constitutes a general principle of EU law. That protection may be relied on by a person as a right guaranteed by the EU law, for the purposes of the first paragraph of Article 47 of the Charter, in order to challenge before a court an act adversely affecting that person, such

PUBLIC

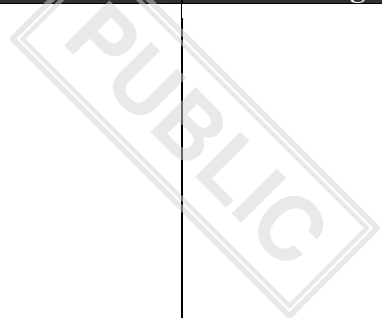
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					as an order to provide information or a penalty imposed on the ground of non-compliance with that order." EP to check.
Article 15(5), point (cb)					
221b		<u>5a. Member States shall ensure that national competent authorities 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.</u>			Presidency may consider a recital as this text is already included in the Treaty.
Article 15(5b)					
221c		<u>5b. Paragraphs 4 and 5 shall apply mutatis mutandis to the European Data Protection Board.</u>			
Article 15(6)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
222	6. Member States shall ensure cooperation among competent authorities in particular in the framework of national elections networks, to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise, and liaising on the application and enforcement of relevant rules.	6. Member States shall ensure <u>that there is effective and structured</u> cooperation among <u>all relevant</u> competent authorities <u>and supervisory authorities referred to in paragraphs 1 and 2</u> in particular in the framework of national elections networks, <u>so as</u> 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.	6. Member States shall ensure effective and structured cooperation among competent authorities in particular in the framework of national elections networks at national level among all relevant competent authorities designated under paragraphs 1 to 3, to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks and powers pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise to help identify infringements, and liaising on the application and enforcement of relevant rules.		6. EP compromise suggestion for merging the two texts: "Member States shall ensure that there is effective and structured cooperation among all relevant competent authorities and supervisory authorities designated under paragraphs 1 to 3, 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 and powers pursuant to this Regulation, including by jointly identifying infringements, sharing findings and expertise, and liaising on the application and enforcement of relevant rules." Presidency suggested compromise:



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					"6. Member States shall ensure that there is effective and structured cooperation and coordination at national level among all relevant authorities referred to in paragraphs 1 to 3, so as to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks and powers pursuant to this Regulation, including by notifying detected infringements which are relevant for other authorities, sharing findings and expertise, and liaising on the application and enforcement of relevant rules." EP to check.
	Article 15(6a)				
R	222a		6a. Experts designated by Member States shall meet periodically at Union level		6a. Row covered by EP mandate on the Network EP suggestion: to work on

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			in particular in the framework of the European Cooperation Network on Elections working in close cooperation with the European Regulators Group for Audiovisual Media Services, and other relevant networks, to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks pursuant to this Regulation.		the basis of the EP structure of the Network. See row 228 and following. Presidency compromise proposal: "7a. The national contact points designated by Member States pursuant to paragraph 7 shall meet periodically at Union level in the network of national contact points. The network of national contact points shall 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. The network of national contact points shall meet at least twice a year and, where necessary, at the duly justified request of the Commission or a Member State. It shall work in close cooperation with the European Cooperation Network on Elections, European Regulators Group



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					for Audiovisual Media and other relevant networks, to facilitate the swift and secured exchange of information on issues connected to the supervision and enforcement of this Regulation. The Commission shall take part in the meetings of the Network of National Contact Points and provide administrative support." EP to check.
Article 15(7)					
223	7. Each Member State shall designate one competent authority as a contact point at Union level for the purposes of this Regulation.	7. <u>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.</u> Each Member State shall designate one competent authority as a <u>national</u> contact point at Union level	7. Each Member State shall designate one competent authority as a contact point at Union level for the purposes of this Regulation.		7. Presidency counter proposal: "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.

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		for the purposes of <u>all aspects of</u> this Regulation. <u>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.</u>			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 support and facilitate effective cooperation between national competent authorities and with the national contact points of other Member States.. Member States shall make publicly available the contact details of their national contact points. Member States concerned shall where relevant communicate the name of the other competent authorities and their respective tasks to the Network provided by paragraph x (row 228) of National Contact Points." EP to check.
	Article 15(7a)				
G	223a		Article 15a	<u>Article 15a</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			Cross-border cooperation Council mandate: New article 15a	<u>Cross-border cooperation</u> Text Origin: Council Mandate	
Article 15(7b)					
223b			1. Compliance with this Regulation by providers of political advertising services shall be subject to the competence of the Member State where the provider has its establishment. In case the provider is established in more than one Member State, it shall be deemed to be under the jurisdiction of the Member State in which it has its main establishment.	<u>1. Compliance with this Regulation by providers of political advertising services and sponsors shall be subject to the competence of the Member State where the provider has its establishment. In case the provider is established in more than one Member State, it shall be deemed to be under the jurisdiction of the Member State in which it has its main establishment.</u>	
Article 15(8)					
224	8. Where a provider of political advertising services is providing services in more than one Member State, or has its main establishment or a	8. Where a provider of political advertising services is providing services in more than one Member State, or has its main establishment or a	82. Where a provider of political advertising services is providing services in more than one Member State, or has its main establishment or a	8. Where a provider of political advertising services is providing services in more than one Member State, or has its main establishment or a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	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 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:	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 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:	representative in a Member State but provides its main activities in another Member State Without prejudice to paragraphs 1 and 2 of Article 15 and paragraph 1 of this Article, , the competent authority of the Member State of the main establishment or of the representative, and the competent or authorities of those other all 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:	representative in a Member State but provides its main activities in another Member State Without prejudice to paragraphs 1 and 2 of Article 15 and paragraph 1 of this Article, , the competent authority of the Member State of the main establishment or of the representative, and the competent or authorities of those other all 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:	
Article 15(8), point (a)					
225	(a) the competent authorities applying supervisory or enforcement measures in a Member State shall, via the contact point referred to in paragraph 7, inform and consult the competent	(a) the competent authorities applying supervisory or enforcement measures in a Member State shall, via the contact point referred to in paragraph 7, <u>and without undue delay, and in any</u>	deleted	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	authorities in the other Member State(s) concerned on the supervisory and enforcement measures taken and their follow-up;	<u>event no later than one month after a cooperation request</u> , inform and consult the competent authorities in the other Member State(s) concerned on the supervisory and enforcement measures taken and their follow-up;			
Article 15(8), point (b)					
226	(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	(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	deleted	deleted	
Article 15(8), point (c)					
227	(c) a competent authority shall, upon receipt of a justified request from another competent authority, provide the other	(c) a competent authority shall, upon receipt of a justified request from another competent authority, provide the other	(e) 3. A competent authority shall, upon receipt of a justified request from another competent authority, provide the other	(c) A competent authority shall, upon receipt of a justified request from another competent authority, provide the other	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	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 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.	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, <u>without undue delay, and in any event no later than one month after a cooperation</u> 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.	competent authority with assistance without undue delay and no later than one month after receiving the request so that the supervision or enforcement measures referred to in paragraphs 4 and §paragraph 5 of Article 15 can be implemented in an effective, efficient and consistent manner. The relevantA competent authority so requested shall, via the contact points referred to in paragraph 7 and 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	competent authority with assistance <u>without undue delay and no later than one month after receiving the request</u> so that the supervision or enforcement measures referred to in paragraphs 4 and <u>§paragraph 5 of Article 15</u> can be implemented in an effective, efficient and consistent manner. The relevantA competent authority so requested shall, via the contact points referred to in paragraph 7 and within a timeframe proportionate to the urgency of the request <u>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</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			request <u>ed</u> upon receipt of a justified request for information from the competent authority of another Member State, via the contact points referred to in paragraph 7 of Article 15, provide that competent authority with the required information without undue delay and no later than 14 days after receiving the request. The deadline may be extended to one month in cases requiring additional investigation or information from multiple competent authorities.	request <u>ed</u> upon receipt of a justified request for information from the competent authority of another Member State, via the contact points referred to in paragraph 7 of Article 15, provide that competent authority with the required information without undue delay and no later than 14 days after receiving the request. The deadline may be extended to one month in cases requiring additional investigation or information from multiple competent authorities.	
Article 15(8a)					
227a		<u>8a. Compliance with this Regulation by providers of political advertising services shall be subject to the competence of the Member State where the provider has its establishment. In case the provider is established in</u>		No text. Addressed in rows 227g and 227h	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>more than one Member State, it shall be deemed to be under the jurisdiction of the Member State in which it has its main establishment. Without prejudice to paragraphs 1 and 2, the competent authority or authorities of all Member States shall cooperate with and assist each other as necessary.</u> <u>Where a national competent authority has reasons to suspect that a sponsor, provider or publisher of political advertising services infringed this Regulation in a manner affecting individuals in the Member State of that competent authority, it may request the contact point of establishment to assess the matter and to take the necessary investigatory and enforcement measures referred to in paragraphs 4 and 5 of this Article. A request shall be substantiated, justified and</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>proportionate and at least indicate:</u>			
	Article 15(8a), point (a)				
227b		<u>(a) the point of contact or legal representative of the provider of the political advertisement services concerned as provided for in Article 14;</u>		no text. Addressed in row 227i	
	Article 15(8a), point (b)				
227c		<u>(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the competent authority that sent the request suspects that the provider infringed this Regulation, including the description of the negative effects of the alleged infringement;</u>		No text. Addressed in row 227j	
	Article 15(8a), point (c)				
227d		<u>(c) any other information that the competent</u>		No text. Addressed in row	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>authority that sent the request considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.</u>		227l.	
Article 15(8a), second subparagraph					
227e		<u>(d) The contact point of establishment shall take into utmost account the pursuant to paragraph 5 of this Article. Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the competent authority that sent the request could provide additional information, it may request such information. The time period laid down in paragraph 4 of this Article shall be suspended until that additional information is provided.</u>		No text. Addressed in row 227m.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 15(8a), third subparagraph				
227f		<i><u>(e) The contact point of establishment shall, without undue delay and in any event not later than one month following receipt of the request pursuant to paragraph 4, communicate to the competent authority that sent the request, and the Network of National Contact Points, the assessment of the suspected infringement and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.</u></i>		NO text. To be addressed in row 227n	
	Article 15(8), point (ca)				
227g			4. Where the competent authority of a Member State has a reason to suspect that a provider of political advertising		EP counter proposal: "Where a national competent authority of a Member State has a reason

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			services, which has its main establishment in another Member State, has infringed this Regulation in its territory, it shall notify the competent authority of the main establishment, via the contact point referred to in Article 15(7).		to suspect that this regulation has been infringed in its territory, it shall notify the Member State of the main establishment of the service provider and request, where appropriate, to assess the matter and to take the necessary investigatory and enforcement measures referred to in paragraph 5 of this Article." Council to check.
Article 15(8b)					
227h			5. A notification pursuant to paragraph 4 shall be duly reasoned and at least indicate:	<u>5. A notification pursuant to paragraph 4 shall be substantiated, duly reasoned and proportionate and at least indicate:</u>	
Article 15(8b), point (a)					
227i			(a) the information allowing the identification of the political advertising service provider;	<u>(a) the information allowing the identification of the sponsor or political advertising service provider;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 15(8b), point (b)				
227j			(b) a description of the relevant facts, the relevant provisions of this Regulation and the reasons why the competent authority that sent the notification suspects that the service provider concerned infringed this Regulation, including, as relevant, a description of the facts that would allow the assessment of the criteria set out in Article 16(3);	<u>(b) a description of the relevant facts, the relevant provisions of this Regulation and the reasons why the notifying competent authority suspects an infringement of this regulation, including, as relevant, a description of the circumstances allowing the assessment of the criteria set out in Article 16(3);</u>	
	Article 15(8b), point (c)				
227k			(c) the place where the relevant political advertisement or a copy of it can be retrieved;	<u>(c) information where the relevant political advertisement or a copy of it can be retrieved;</u>	
	Article 15(8b), point (d)				
227l			(d) any other information that the competent authority that sent the	<u>(d) any other information that the notifying competent authority</u>	

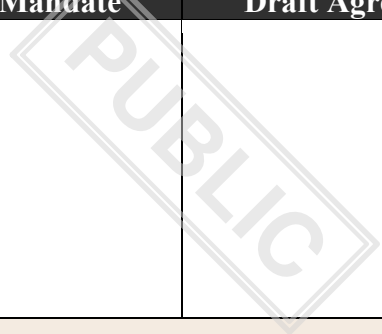
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			notification considers relevant, including, where appropriate, information gathered on its own initiative.	<u>considers relevant, including, where appropriate, information gathered on its own initiative.</u>	
Article 15(8c)					
G 227m			6. Where the competent authority of the main establishment does not have sufficient information to act upon a notification referred to in paragraph 4, it may request additional information from the competent authority that made the notification which shall provide the requested information without undue delay.	<u>6. Where the competent authority of the main establishment does not have sufficient information to act upon a notification referred to in paragraph 4, it may request additional information from the competent authority that made the notification which shall provide the requested information without undue delay.</u> <u>The time period laid down in paragraph 7 of this Article shall be suspended until that additional information is provided.</u>	
Article 15(8d)					
R 227n			7. The competent	<u>7. The competent</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			authority of the main establishment shall, without undue delay and no later than one month following receipt of the notification referred to in paragraph 4 or, where applicable, of the information referred to in paragraph 6, communicate to the competent authority that made the notification its assessment of the suspected infringement and further information on the investigatory or enforcement measures taken, or intended to be taken, in order to ensure compliance with this Regulation.	<u>authority of the main establishment shall, without undue delay and no later than one month following receipt of the notification referred to in paragraph 4 or, where applicable, of the information referred to in paragraph 6, communicate to the competent authority that made the notification [and to the Network of National Contact Points,] its assessment of the suspected infringement and information on the investigatory or enforcement measures taken, or intended to be taken, in order to ensure compliance with this Regulation.</u> Reference to Network of National Contact Points pending results of negotiations on such network.	
	Article 15(8e)				
G	227o		8. Where the investigation of an alleged	<u>8. Where the investigation of an alleged infringement</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			infringement concerns the provision of political advertising services in one or more Member States in which the provider does not have its main establishment, the competent authority of the main establishment may launch and lead a joint investigation with the participation of the competent authority or authorities concerned:	<u>concerns the provision of political advertising services in one or more Member States in which the provider does not have its main establishment, the competent authority of the main establishment may launch and lead a joint investigation with the participation of the competent authority or authorities concerned:</u>	
Article 15(8e), point (a)					
227p			(a) at its own initiative and after obtaining the agreement of the competent authority or authorities requested; or	<u>(a) at its own initiative and after obtaining the agreement of the competent authority or authorities requested; or</u>	
Article 15(8e), point (b)					
227q			(b) upon the request of another competent authority or authorities, based on the reasoned suspicion that the provision of political advertising services by a	<u>(b) upon the request of another competent authority or authorities, based on the reasoned suspicion that the provision of political advertising services by a</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			service provider established in the Member State of the main establishment has infringed this Regulation or substantially affected individuals in the territory of the competent authority or authorities making the request.	<u>service provider established in the Member State of the main establishment has infringed this Regulation or substantially affected individuals in the territory of the competent authority or authorities making the request.</u> <u>"9. For the purposes of paragraph 8 the competent authority requesting the launch of a joint investigation shall provide the other competent authority or authorities with the information referred to in paragraph 5. If a competent authority decides not to participate in a joint investigation, it shall provide to the other competent authority or authorities with a reasoned explanation to that effect."</u> Council text in row 228 merged here.	
	Article 15(9)				
R	228				R

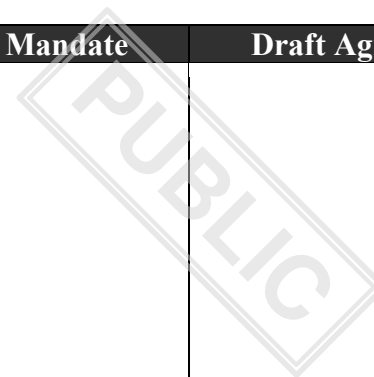
Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
9. Contact points shall meet periodically at Union level in the framework of the European Cooperation Network on Elections to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks pursuant to this Regulation.	9. Contact points shall meet periodically at Union level in <u>Within</u> the framework of the European Cooperation Network on Elections, <u>a permanent Network of National Contact Points shall be established. The Network of National Contact Points shall serve as a platform for regular</u> to facilitate the swift and secured exchange of information on issues connected to the exercise of their supervisory and enforcements tasks pursuant to <u>and structured cooperation between national contact points and the Commission on all aspects of</u> this Regulation. <u>In particular, the Network of National Contact Points shall facilitate:</u>	9. Contact points shall meet periodically at Union level in the framework of the European Cooperation Network on Elections to facilitate the swift and secured exchange of information on issues connectedFor the purposes of paragraph 8 the competent authority requesting the launch of a joint investigation shall provide the other competent authority or authorities with the information referred to in paragraph 5. If a competent authority decides not to participate in a joint investigation, it shall provide to the exercise of their supervisory and enforcements tasks pursuant to this Regulationother competent authority or authorities with a reasoned explanation to that effect.	<u>Council text merged in 227q</u> <u>Discussion pending outcome of negotiations on the Network.</u>	
Article 15(9), point (a)				



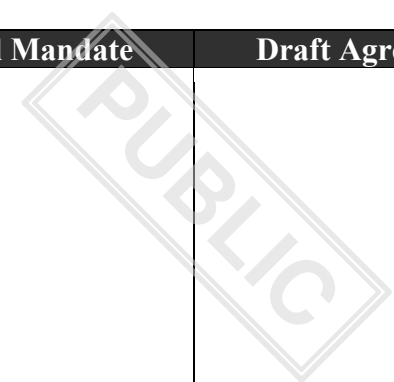
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
R 228a		<u>(a) the swift and secured exchange of information and best practices among national contact points and other relevant authorities;</u>			R
Article 15(9), point (b)					
R 228b		<u>(b) the preparation, in cooperation with relevant stakeholders, of common lines of action to help sponsors and providers of political advertising services, to comply with the requirements of this Regulation in harmonised way;</u>			R
Article 15(9), point (c)					
R 228c		<u>(c) the development of a harmonised approach on sanctions applicable at national level for infringements of this Regulation;</u>			R
Article 15(9), point (d)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
R	228d	<u>(d) the cooperation at Union level to guarantee a harmonised enforcement of this Regulation.</u>			R
Article 15(9), second subparagraph					
R	228e	<u>(e) The Network of National Contact Points shall meet at least twice a year and, where necessary, 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.</u>			R
Article 15(9a)					
G	228f		10 In carrying out a joint investigation, competent	<u>9a. In carrying out a joint investigation, competent</u>	G

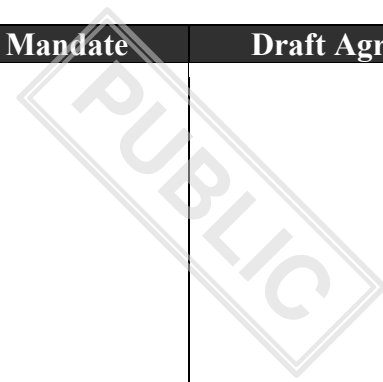
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			authorities shall cooperate in good faith, and exercise their investigative powers as necessary for the investigation of the alleged infringement. Competent authorities in a joint investigation shall inform each other of any relevant enforcement action which they initiate or intend to initiate.	<u>authorities shall cooperate in good faith, and exercise their investigative powers as necessary for the investigation of the alleged infringement. Competent authorities in a joint investigation shall inform each other of any relevant enforcement action which they initiate or intend to initiate.</u>	
	Article 15a				
Y	228g	<u>Article 15a</u> <u>Right to lodge a complaint</u>			
	Article 15(9b)				
Y	228h	<u>1. Any person, or entity shall have the right to lodge a complaint with the competent authority that is the national contact point of the Member State where that entity or person is located or established against sponsors and providers of political advertising services.</u>			9b. Commission possible compromise proposal: " Without prejudice to other administrative procedures or judicial remedies, competent authorities shall duly address notifications of possible infringements of this Regulation and, at least



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>alleging an infringement of this Regulation.</u> <u>The contact point of the Member State may dismiss any complaint which it deems manifestly unfounded and shall notify the complainant of its decision.</u> <u>The contact point of the Member State shall transmit without undue delay complaints that fall within the competence of another competent authority in the same Member State to that competent authority. The contact point of the Member State shall transmit complaints that fall within the competence of another competent authority in another Member State to the contact point of that Member State within 10 working days.</u> <u>The competent authority receiving the complaint</u>			upon request, inform the person who made the notification of the follow-up given to it. During the last month preceding elections or referendum, any notification received in relation to these elections or referendum shall be addressed without undue delay." <i>COM note:</i> <i>To be added to article 15, or could be a separate article per EP proposal.</i> Council can support COM proposal. EP to check.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>shall assess, and where appropriate, act within fifteen working days.</u> <u>During electoral periods, the assessment shall take place within five working days.</u> <u>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.</u>			
Article 15b					
R	228i	<u>Article 15b</u> <u>Activity reports</u>			R
Article 15(9c)					
R	228j	<u>1. National contact points, designated pursuant to Article 15(7), shall draw up a standardised annual report on the activities covered by this Regulation of all competent authorities designated</u>			R



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u><i>under in Article 15, including details of the number of complaints received pursuant to Article 15a and an overview of their follow-up.</i></u> <u><i>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.</i></u>			
Article 16					
G	229	Article 16 Sanctions	Article 16 Sanctions	Article 16 Sanctions	G
Article 16(1)					
R	230	1. In relation to Articles 5 to 11, 13 and 14 Member States shall lay down rules on sanctions including	1. In relation to Articles 5 <u>3a</u> to 11, 13 and 14 Member States shall lay down rules on sanctions	1. In relation to Articles 5 to 11, 13 and 14 Member States shall lay down rules on sanctions, including	1. In relation to Articles 5 to 11, 13 and 14 Member States shall lay down rules on sanctions including

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
administrative fines and financial penalties applicable to providers of political advertising services under their jurisdiction for infringements of the present Regulation, which shall in each individual case be effective, proportionate and dissuasive.	including administrative fines and financial penalties applicable to providers of political advertising services under their jurisdiction for infringements of the present Regulation, which <u>and shall take all measures necessary to ensure that they are implemented. The sanctions provided for</u> shall in each individual case be <u>timely</u> , effective, proportionate and dissuasive.	fines or financial penalties and, as appropriate other remedies, administrative fines and financial penalties applicable to providers of political advertising services for infringements of Articles 5 to 11, 13 and 14 and to sponsors under their jurisdiction for infringements of the present Regulation, which Article 5 and 6a. The sanctions shall in each individual case be effective, proportionate and dissuasive. In setting the applicable sanctions, the rules governing the freedom of the press and freedom of expression in other media and the rules or codes governing the journalist profession shall be taken into account.	administrative fines and financial penalties <u>or other measures as needed</u> applicable to <u>sponsors or</u> providers of political advertising services under their jurisdiction for infringements of the present Regulation, which <u>Articles [3a]* to 11, 13 and 14 and shall take all measures necessary to ensure that they are timely applied.</u> <u>The sanctions</u> shall in each individual case be effective, proportionate and dissuasive. <u>[In setting the applicable sanctions, the rules governing the freedom of the press and freedom of expression in other media and the rules or codes governing the journalist profession shall be taken into account.]</u> *pending agreement on 3a. Last sentence still to be discussed.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 16(1a)				
R	230a		1a. The maximum amount of the financial sanction that may be imposed shall be based on the economic capacity of the entity subject to sanctions, which shall be:		R
	Article 16(1a), point (a)				
R	230b		(a) 4% of the annual income or budget of the sponsor or of the provider of political advertising services as applicable and whichever is the highest, or		R
	Article 16(1), point (a)				
R	230c		(b) 4% of the annual worldwide turnover of the sponsor or the provider of political advertising services in the preceding financial year.		R Commission proposal for a new point (c): "(c) Without prejudice to points (a) and (b) of this paragraph, the maximum amount that may be imposed to providers of intermediary services shall

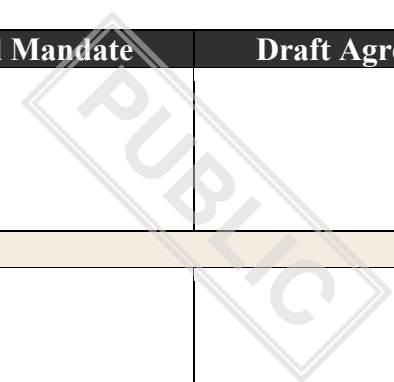
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					be determined on the basis of Article 52 of Regulation (EU) 2021/xxx2022/xxx [the DSA] "
Article 16(2)					
Y	231	2. Member States shall notify the Commission of those rules within twelve months of the entry into force of this Regulation and shall notify it, without delay, of any subsequent amendments affecting them.	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.	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.	Linked to Article 20 on entry into force
Article 16(3)					
G	232	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:	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:	3. When deciding on the type of sanctions sanction and its level, due regard shall be given in each individual case, among others, to the following:	3. When deciding on the type of sanctions sanction and its level, due regard shall be given in each individual case, among others, to the following:
Article 16(3), point (a)					
G	233	(a) the nature, gravity and duration of the infringement;	(a) the nature, gravity, <u>recurrence</u> and duration of the infringement;	(a) the nature, gravity and duration of the infringement;	(a) the nature, gravity, <u>recurrence</u> and duration of the infringement;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 16(3), point (b)				
234	(b) the intentional or negligent character of the infringement;	(b) the intentional or negligent character of the infringement;	(b) the intentional or negligent character of the infringement;	(b) the intentional or negligent character of the infringement;	
	Article 16(3), point (c)				
235	(c) any action taken to mitigate any damage;	(c) any action taken to mitigate any damage;	(c) any action taken to mitigate any damage;	(c) any action taken to mitigate any damage;	
	Article 16(3), point (d)				
236	(d) any relevant previous infringements and any other aggravating or mitigating factor applicable to the circumstances of the case; and	(d) any relevant previous infringements and any other aggravating or mitigating factor applicable to the circumstances of the case; and	(d) any relevant previous infringements and any other aggravating or mitigating factor applicable to the circumstances of the case; and	(d) any relevant previous infringements and any other aggravating or mitigating factor applicable to the circumstances of the case; and	
	Article 16(3), point (e)				
237	(e) the degree of cooperation with the competent authority.	(e) the degree of cooperation with the competent authority; ; <u>and</u>	(e) the degree of cooperation with the competent authority.	(e) the degree of cooperation with the competent authority; ; <u>and</u>	
	Article 16(3), point (ea)				
237a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>(ea) the size and economic capacity of the political advertising service provider.</u>	(ea) the size and economic capacity of the entity subject to sanctions, where applicable.	<u>(ea) the size and economic capacity of the entity subject to sanctions, where applicable.</u>	
Article 16(4)					
238	4. Infringements of Article 7 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 is being organised.	4. Infringements of Article 7 <u>Articles 3a, 5, 7, 7a and 7b</u> 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 <u>or referendum</u> is being organised. <u>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 this Regulation.</u>	4. Infringements of Article 7 <u>Articles 7, 9, and 10</u> shall be considered to be particularly serious where they concern political advertising published or disseminated during the electoral period <u>the last month preceding an election or referendum</u> and directed to citizens in the Member State in which the relevant election <u>or referendum</u> is being organised.	4. Infringements of Article 7 <u>Articles [3a,] 5, 7, 7a, 7b, 9, and 10</u> shall be considered to be particularly serious where they concern political advertising published or disseminated during [the electoral period] <u>[the last month preceding an election or referendum]</u> and directed to citizens in the Member State in which the relevant election <u>or referendum</u> is being organised. <u>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 this Regulation.</u>	

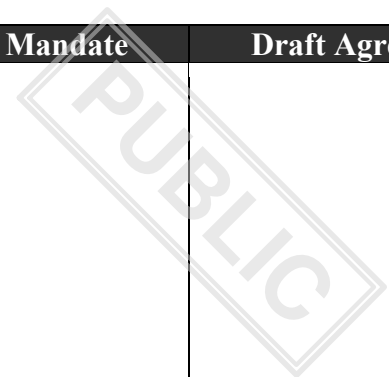
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				*see comment row 230	
Article 16(4a)					
Y 238a		<u>4a. National contact points shall notify the Commission of the type and the amount of the penalties imposed. Member States shall report annually on the type and amount of penalties imposed to enforce this Regulation. The Commission shall also periodically draw up a report for the purposes of Article 18 of this Regulation.</u>		Provisional agreement in principle to include a a provision on reporting on sanctions. Text to be worked upon further. See row 241a	This overlaps with row 241a which reads as follows: <i>"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."</i>
Article 16(5)					
R 239	5. If a service provider intentionally or negligently infringes the provisions of this regulation, for the same	5. If a service provider intentionally or negligently infringes the provisions of this regulation, for the same	deleted		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	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.	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.			
Article 16(6)					
240	6. For infringements of the obligations laid down in Article 12, the supervisory authorities referred to in Article 51 of the Regulation (EU) 2016/679 may within their scope of competence impose administrative fines in line with Article 83 of Regulation (EU) 2016/679 and up to the amount referred to in Article 83(5) of that Regulation.	6. For infringements of the obligations laid down in Article 12 Articles -12 and 12 , the supervisory authorities referred to in Article 51 of the Regulation (EU) 2016/679 <u>and the European Data Protection Board may use the investigative and corrective powers laid down in that Regulation and may</u> within their scope of <u>their</u> competence impose administrative fines in line with Article 83 of Regulation (EU) 2016/679	6. For infringements of the obligations laid down in Article 12 Articles 12 and 12a , the supervisory authorities referred to in Article 51 of the Regulation (EU) 2016/679 may within their scope of competence impose administrative fines in line with Article 83 of Regulation (EU) 2016/679 and up to the amount referred to in Article 83(5) of that Regulation.		



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		and up to the amount referred to in Article 83(5) of that Regulation.			
Article 16(6a)					
R 240a		<u>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</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>administrative fine.</u>			
Article 16(7)					
R 241	7. For infringements of the obligations laid down in Article 12, the supervisory authority referred to in Article 52 of Regulation (EU) 2018/1725 may impose within its scope of 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.	7. For infringements of the obligations laid down in Article <u>Articles -12 and 12</u> , the supervisory authority referred to in Article 52 of Regulation (EU) 2018/1725 may <u>use the investigative and corrective powers laid down in that Regulation</u> and impose within its <u>the</u> scope of <u>its</u> 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.	7. For infringements of the obligations laid down in Article 12 Articles 12 and 12a , the supervisory authority referred to in Article 52 of Regulation (EU) 2018/1725 may impose within its scope of 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.		
Article 16(7a)					
Y 241a		<u>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</u>		Provisional agreement in principle to include a a provision on reporting on sanctions. Text to be worked upon further. See row 238a.	This overlaps with 238a.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>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.</u>			
	Article 16(7b)				
R	241b	<u>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 12, paragraphs 1 to 1e, after having consulted competent authorities and other relevant stakeholders.</u>			R
	Article 16a				
Y	241c		Article 16a Notifications to the competent authority		Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 16(7b)					
241d			Without prejudice to any other administrative procedure or judicial remedy, competent authorities shall duly address every notification they receive concerning a possible infringement of this Regulation and, at least upon request, inform the person who made the notification of the follow-up given to it. During the last month preceding elections or referendum, any notification received in relation to these elections or referendum shall be addressed without undue delay.		7b. Linked to 228g and 228h - EP proposal for Article 15a on Right to lodge a complaint. See comments in row 228h.
Article 17					
242	Article 17 Publication of electoral periods	Article 17 Publication of electoral periods	Article 17 Publication of electoral periods dates of elections and referendums		
Article 17, first paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Y	243	Member States shall publish the dates of their national electoral periods in an easily accessible place, with an appropriate reference to this Regulation.	Member States shall publish the dates of their national electoral periods in an easily accessible place, with an appropriate reference to this Regulation.	1. Member States shall publish the dates of their national electoral periods in an easily accessible place, and with an appropriate reference to this Regulation.	further check on electoral period/date of elections
	Article 17, first paragraph a				
Y	243a		2. The Commission shall provide a portal through which Member States shall provide, immediately after announcement, the dates of their elections or referendums. The portal shall be publicly available.	further check electoral period/dates of election.	
	CHAPTER V				
G	244	CHAPTER V FINAL PROVISIONS	CHAPTER V FINAL PROVISIONS	CHAPTER V FINAL PROVISIONS	CHAPTER V FINAL PROVISIONS
	Article 18				
G	245	Article 18	Article 18	Article 18	Article 18

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Evaluation and review	Evaluation and review	Evaluation and review	Evaluation and review	
Article 18, first paragraph					
246	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. This report shall assess the need for amendment to this Regulation. The report shall be made public.	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 <u>to the European Parliament and to the Council</u>. This report shall assess the need for amendment to this Regulation. The report shall be made public. <u>in particular with regard to:</u>	1. 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. This report shall assess the need for amendment to this Regulation. The report shall be made public. in particular with regard to: Council mandate: Last sentence of COM proposal moved to new paragraph 2 (row 246f).	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 <u>to the European Parliament and to the Council</u>. This report shall assess the need for amendment to this Regulation. The report shall be made public. <u>in particular with regard to:</u>	
Article 18, first paragraph, point (a)					
246a		<u>(a) the scope of the Regulation and definition of political advertising in Article 2 (2);</u>		<u>(a) the scope of the Regulation and definition of political advertising in Article 2 (2);</u>	
Article 18, first paragraph, point (a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
G	246b		(a) the effectiveness of this Regulation as regards specific means of political advertising;	<u>(b) the effectiveness of this Regulation as regards specific means of political advertising;</u>	G
Article 18, first paragraph, point (b)					
G	246c	<u>(b) the effectiveness of the transparency measures, especially the declaration and mechanisms to identify the political nature of an advertisement in Articles 5 and 5a;</u>		<u>(c) the effectiveness of the transparency measures, especially the declaration and mechanisms to identify the political nature of an advertisement in Articles 5 and 5a;</u>	G
Article 18, first paragraph, point (a)					
R	246d		(b) further restricting the processing of personal data for the purposes of the targeting and amplification techniques regulated under this Regulation;		Linked to outcome on Article 12 R
Article 18, first paragraph, point (c)					
G	246e	<u>(c) the effectiveness of the supervision and enforcement structure and</u>		<u>(e) the effectiveness of the supervision and enforcement structure, as</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>the need to introduce harmonised sanctions across the Union for infringements of the obligations laid down in this Regulation, and in particular the infringements referred to in Article 16(4);</u>		<u>well as the type and amount of sanctions imposed by the Member States;</u>	
	Article 18, first paragraph, point (c)				
246f			(c) the impact of this Regulation on small and medium-sized media actors;	<u>(f) the impact of this Regulation on micro, small and medium-sized media actors</u>	
	Article 18, first paragraph, point (d)				
246g		<u>(d) the effectiveness of this Regulation in view of technological, scientific and other developments;</u>		<u>(g) the effectiveness of this Regulation in view of technological, scientific and other developments;</u>	
	Article 18, first paragraph, point (b)				
246h			(d) the type and amount of sanctions imposed by the Member States;	deleted No text. Council proposal merged with row 246e	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 18, first paragraph, point (e)				
G	246i		<u>(e) the interplay of this Regulation with the legal acts referred to in Article 1(4).</u>	<u>(i) the interplay of this Regulation with the legal acts referred to in Article 1(4);</u>	
	Article 18, first paragraph, point (c)				
Y	246j		(e) establishing public repositories for all online political advertising.	<u>- the progress made in establishing an European public repository for online political advertisements and its functioning.</u>	Agreed in principle. To be revised linguistically to fit in the context of all reports
	Article 18, second paragraph				
G	246k	<u>The report shall be made public.</u>	2. The report shall be made public.	<u>The report shall be made public.</u>	
	Article 19				
G	247	Article 19 Exercise of the delegation	Article 19 Exercise of the delegation	Article 19 Exercise of the delegation	
	Article 19(1)				
G	248				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 19(2)					
249	2. The power to adopt delegated acts referred to in Article 7(8) 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].	2. The power to adopt delegated acts referred to in Article 7(8) and 7(1b) , <u>Article 7a(5) and (6)</u> , Article 12(8) 7b(6) and <u>Article 9(4a)</u> 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].	2. The power to adopt delegated acts referred to in Article 7(8) and Article 12(8) 12a(5) shall be conferred on the Commission for a period of 3 years from the ... [until the application of this regulation is evaluated, two years after the next European Parliamentary elections] date of entry into force of the basic legislative act or any other date set by the co-legislators]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Article 19(3)				
R 250	3. The delegation of power referred to in Article 7(8) 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.	3. The delegation of power referred to in Article 7(8) <u>and 7(1b), Article 7a(5) and (6), Article 12(8) 7b(6) and Article 9(4a)</u> 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.	3. The delegation of power referred to in Article 7(8) and Article 12(8) 12a(5) 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.		
	Article 19(3a)				
Y 250a		<u>3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the</u>	3a. Before adopting a delegated act as referred to in Article 7(8) and Article 12a(5), the Commission shall consult the experts designated by		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</u>	each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.		
Article 19(4)					
G	251	4. As soon as it adopts a delegated act, the Commission shall notify that act simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify that act simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify that act simultaneously to the European Parliament and to the Council.	
Article 19(5)					
R	252	5. A delegated act adopted pursuant to Article 7(8) or 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	5. A delegated act adopted pursuant to Article 7(8) <u>or 7(1b), Article 7a(5) and (6), Article 12(8) 7b(6) and Article 9(4a)</u> 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	5. A delegated act adopted pursuant to Article 7(8) or Article 12(8) 12a(5) 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	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.	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.	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.		
	Article 19a				
R	252a	<u>Article 19a</u> <u>Committee procedure</u>			R
	Article 19a(1)				
R	252b	<u>1. The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</u>			R
	Article 19a(2)				
R	252c	<u>2. Where reference is made to this paragraph,</u>			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
		<u>Article 5 of Regulation (EU) No 182/2011 shall apply.</u>			
Article 20					
G	253	Article 20 Entry into force and application	Article 20 Entry into force and application	Article 20 Entry into force and application	G
Article 20(1)					
G	254	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	G
Article 20(2)					
R	255	2. It shall apply from 1 April 2023.	2. It shall apply from <u>13 months after the entry into force of this Regulation</u> . <u>However, Article 7b, paragraphs 1, 4 and 5 shall apply from [one year after the entry into force of this Regulation] -1 April 2023.</u>	2. It shall apply from 1 April 2023 12 months after its publication in Official Journal of the European Union.	R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 20(3)					
256	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula					
257	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal	
Formula					
258	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal	
Formula					
259	The President	The President	The President	The President Text Origin: Commission Proposal	
Formula					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
260	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal	
Formula					
261	The President	The President	The President	The President Text Origin: Commission Proposal	
Annex I					
261.1	Annex I	Annex I		<i>deleted</i>	
Annex I, first paragraph					
262	Information to be provided under Article 7(2)	Information to be provided under Article 7(2) <u>7a(1)</u>	Information to be provided under Article 7(2)	<i>deleted</i>	
Annex I, second paragraph					
263	(a) where the notice is not within the advertisement itself, an example/representation of the political advertisement or a link to it.	(a) where the notice is not within <u>or attached to</u> the advertisement itself, an example/representation of the political advertisement or a link to it.	(a) where the notice is not within the advertisement itself, an example/representation of the political advertisement or a link to it.	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	Annex I, third paragraph				
264	(b) the identity and place of establishment of the sponsor on behalf of whom the advertisement is disseminated including their name, address, telephone number and electronic mail address, and whether they are a natural or legal entity.	(b) the identity and place of establishment of the sponsor on behalf of whom the advertisement is <u>prepared, placed, promoted, published, delivered or</u> disseminated including their name, address, telephone number and or electronic mail address, and whether they are a natural or legal entity.	(b) the identity and place of establishment of the sponsor on behalf of whom the advertisement is disseminated including their name, address, telephone number and electronic mail address, and whether they are a natural or legal entity.	deleted	
	Annex I, third paragraph a				
264a			(ba) the information required under point (b) on the natural or legal person which provides remuneration in exchange for the political advertisement if this person is different from the sponsor.	deleted	
	Annex I, fourth paragraph				
265	(c) the period during which	(c) the period during which	(c) the period during which		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	the political advertisement is disseminated and, where applicable and known to the publisher, the fact that the same advertisement has been disseminated in the past.	the political advertisement is <u>delivered or</u> disseminated and, where applicable and known to the publisher, the fact that the same advertisement has been disseminated in the past.	the political advertisement is disseminated and, where applicable and known to the publisher, the fact that the same advertisement has been disseminated in the past.	<i>deleted</i>	
Annex I, fifth paragraph					
266	(d) any election with which the advertising is linked, if applicable.	(d) any election, <u>referendum, legislative or regulatory process</u> with which the advertising is linked, if applicable.	(d) any election with which the advertising is linked, if applicable.	<i>deleted</i>	
Annex I, sixth paragraph					
267	(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 and dissemination of the political advertisements, as	(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, <u>delivery</u> and dissemination of the political	(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 and dissemination of the political advertisements, as	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	well as the aggregated actual amount spent and the value of other benefits received once known.	advertisements, as well as the aggregated actual amount spent and the value of other benefits received once known.	well as the aggregated actual amount spent and the value of other benefits received once known.		
<i>Annex I, seventh paragraph</i>					
268	(f) the sources of the funds being used for the specific advertising campaign including for the preparation, placement, promotion, publication and dissemination of the political advertisements.	(f) the sources <u>origin</u> of the funds <u>amounts and other benefits</u> being used for the specific advertising campaign including for the preparation, placement, promotion, publication, <u>delivery</u> and dissemination of the political advertisements.	(f) information on the sources of the funds being used for the specific advertising campaign including for the preparation, placement, promotion, publication and dissemination of the political advertisements.	<i>deleted</i>	
<i>Annex I, eighth paragraph</i>					
269	(g) meaningful information about the methodology used for the calculation of the amounts and values referred in (e).	(g) meaningful information about the methodology used for the calculation of the amounts and values referred in (e).	(g) meaningful information about the methodology used for the calculation of the amounts and values referred in (e).	<i>deleted</i>	
<i>Annex I, ninth paragraph</i>					
270	(h) where the publisher is a very large online platform,	(h) where the publisher is a very large online	(h) where the publisher is a very large online platform,	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	a link to the advertisement's location in the publisher's advertising repository.	platform , a link to the advertisement's location in the publisher's <u>advertising European Repository for Online Political Advertisements</u> .	a link to the advertisement's location in the publisher's advertising repository.		
<i>Annex I, tenth paragraph</i>					
G 271	(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.	(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.	(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.	<i>deleted</i>	
<i>Annex I, eleventh paragraph</i>					
G 272	(j) information about the mechanism established under Article 9.	(j) information about the mechanism established under Article 9.	(j) information about the mechanism established under Article 9.	<i>deleted</i>	
<i>Annex II</i>					
R 272.1	<i>Annex II</i>	<i>Annex II</i>	<i>Annex II</i>		
<i>Annex II, first paragraph</i>					
R 273	Information to be provided	Information to be provided	Information to be provided		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	under Article 12(3)	under Article 12(3)	under Article 12(3)12a(1)		
Annex II, second paragraph					
274	(a) the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is disseminated, with the same level of detail as used for the targeting, the categories of personal data used for the targeting and amplification, the targeting and amplification goals, mechanisms and logic including the inclusion and exclusion parameters and the reasons for choosing these parameters.	(a) the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is disseminated, with the same level of detail as used for the targeting, the categories of personal data used for the targeting and amplification, the targeting and amplification goals, mechanisms and logic including the inclusion and exclusion parameters and the reasons for choosing these parameters.	(a) the specific groups of recipients targeted, including the parameters used to determine the recipients to whom the advertising is disseminated, with the same level of detail as used for the targeting, the categories of personal data used for the targeting and amplification, the targeting and amplification goals, mechanisms and logic including the inclusion and exclusion parameters and the reasons for choosing these parameters.		
Annex II, third paragraph					
275	(b) the period of dissemination, the number of individuals to whom the advertisement is disseminated and indications of the size of the targeted audience	(b) the period of dissemination, the number of individuals to whom the advertisement is disseminated and indications of the size of the targeted audience within	(b) the period of dissemination, the number of individuals to whom the advertisement is disseminated and indications of the size of the targeted audience		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	within the relevant electorate.	the relevant electorate.	within the relevant electorate.		
Annex II, fourth paragraph					
276	(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.	(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.	(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.		
Annex II, fifth paragraph					
277	(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 amplification of political advertising on the basis of their personal data.	(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 amplification of political advertising on the basis of their personal data.	(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 amplification of political advertising on the basis of their personal data.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Annex II, fifth paragraph a					
R 277a			(da) a link to or a clear indication of where the policy referred to in Article 12a paragraph 1(a) can be easily retrieved.		R