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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising - Comments from delegations

Following the meetings of the Working Party on General Affairs on 18 November 2022, delegations will find in Annex comments from SL on the Presidency compromise text as contained in document 14752/22.

ANNEX

Slovenia.....3

SLOVENIA

We would like to thank the Czech Presidency for their compromise text, which seeks to address some of Slovenia's reservations and questions. We particularly appreciate that the definition of political advertising excludes the basic presentation of candidates on free public spaces explicitly provided for by law and specified by the public institutions, which is an important issue for Slovenia.

However, we still have comment regarding the exception in Article 2, Para 2, iii :

"iii. official 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;"

It is not clear where a line would be set between (regular) official communication of the Government and the political advertising in relation to a legislative or regulatory process. For example, the Government is in many cases (most cases) the initiator of legislative proposals and, in its role as proposer of laws, influences the legislative process and has by default an interest in the outcome of the process, so a provision like the one proposed could mean that any communication by the government regarding a particular law proposal would be regarded as "a political advertising". For example, would a press release of a certain Member State Government about the draft law present "a political advert" according to this regulation?

We would also like to reiterate our concern about the scope of regulation regarding the extent to which small and medium-sized companies, such as small media or small advertising agencies, will be bound by the regulation.

At the same time, it is also necessary to reassess the cases of self-promotional campaigns by non-governmental organizations (e.g. on social networks), including those NGOs active in the field of protection of human rights, which in terms of content could represent political advertising, e.g. calling for participation in elections and referenda (without supporting a particular candidate or political party, just calling for active citizenship). According to the current proposal, even in such case (even when there are no intermediaries such as advertising agencies and the media and no funds would be used for this), it would be necessary to indicate that it is "a political advertisement" and to publish other information about the advertisement (as stipulated in the draft regulation proposal in Article 7).