

Approaches to adapting scope

At the May (fourth) trilogue, the Commission presented a graduated approach to clarifying a number of aspects regarding the main definitions and how they affect the scope of the proposal, through targeted amendments to address the concerns raised by the co-legislator in this regard. The steps proposed are set out below and possible drafting is included in annex to this document.

[step 1] Support the Council amendments clarifying that messages from non-political actors need not only to be liable but also to be *designed* to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour, in order to be considered political advertising (Row 27 and Row 107) ; and that such messages must have a *clear and substantial link* to the potential to influence such democratic processes (Row 27 and Row 126a).

[step 2] Support the exclusion of political views expressed under editorial responsibility (Row 29 and Row 107b).

[step 3] Clarify in recitals that the definition of political advertising does not include funds-raising messages of CSOs that are not liable to influence the outcome of an election, referendum, a legislative or regulatory process or voting behaviour (Row 27).

[step 4] Support the Council amendments further clarifying the exclusion of public communications from official sources provided they are not designed to influence the outcome of a democratic process making clear that they should apply equally to national official sources and EU official sources (Row 28 and Row 107d).

[step 5] Language clarifying in the operative part that messages expressed by natural persons in their personal capacity (e.g. personal sharing of content online) without remuneration for a specific message are not political advertising, making clear that individual expression is not included (new Row 19a and Row 107b)

[step 6] Messages from political actors in their individual capacity, clarifying the scope of the exclusion of their purely personal messages (row 16). This could also clarify that messages placed directly by politicians through their social media accounts should be considered in most instances purely personal.

Discussion on this point remains open between the co-legislators and this document explores some additional approaches. These should be read alongside the Commission's graduated approach, and elements can be combined.

The European Parliament shared after the 4th trilogue a compromise text for defining targeting techniques. The changes aim to limit the scope of Chapter III (targeting requirements)

The text proposed is the following

targeting ~~or amplification~~ techniques' means techniques that are made available by political advertising publishers or providers of political advertising services, used either to address a tailored by sponsors, political advertising publishers or providers of advertising services to tailor a political advertisement only to a specific person or group of persons or to ~~increase the circulation, reach or visibility of a political advertisement~~ exclude them by processing personal data, in particular through the collection of their data;"

Three main observations can be made:

- i. It limits the scope of application of the third chapter measures to those which are provided to the sponsor for the targeting of political advertising directly by the publisher or other political advertising service provider. It would probably not cover situations where the political ads service does not include the targeting (for instance where a paid influencer is disseminating organically, or volunteers are disseminating professionally prepared content organically), or when the targeting is being done by the publisher (as a service cannot be provided to oneself). The impact would be quite far reaching, and may exclude political advertising which the co-legislator intends to include
- ii. The part of the definition where targeting is "made available by providers of advertising services", is a little circular, in that if the relevant advertising service provided is dissemination (eg ad tech), you are a political advertising service provider because you are providing targeting of political advertising and so on. This has a knock on effect on the next point
- iii. An individual's rights and whether it could be targeted based on its sensitive data (for instance) would vary on the basis of the relationship between the data controller and the sponsor. The main approach in the GDPR is based on the nature of the personal data collected and the purpose for which it is processed.

The following draft aims to capture the aims pursued in this proposal, but through the main definition of political advertising.

Commission Proposal	EP Mandate	Council Mandate	Proposed text	Comments
Article 2, first paragraph, point (2)				
2. 'political advertising' means the preparation, placement, promotion, publication or dissemination, by any means, of a message:	2. 'political advertising' means the preparation, placement, promotion, publication, <u>delivery</u> or dissemination, by any means, of a message:	2. 'political advertising' means the preparation, placement, promotion, publication or dissemination, by any means, of a message:	2. 'political advertising' means the preparation, placement, promotion, publication, delivery or dissemination, by any means, of a message, in return for payment or for similar consideration, or which would normally have been paid for, including in-house activities, or as part of a political advertising campaign.	
Article 2, first paragraph, point (6)				
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, <u>delivery</u> or dissemination of a series of linked advertisements in the course of a contract for political advertising, on the basis of common preparation,	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,	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 efforts preparation,, sponsorship or funding;	

	sponsorship or funding;	sponsorship or funding;		
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Accompanying recitals:

(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 which would normally have been paid for, such as in-house political advertising. 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 different individuals are involved in the different stages of political advertising in a concerted manner or where a network of individuals disseminate political advertising with the objective to influence the outcome of an election, referendum or regulatory process, including by promoting or opposing a political actor, their ideas or a specific policy.**

Annex – graduated approach elements

ROW	EC PROPOSAL	EP TEXT	COUNCIL TEXT	PROPOSED COMPROMISE
		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. 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.	(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<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.	(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.	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 [ad delivery] [amplification]. This definition should cover 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, published, delivered</u> or disseminated directly or indirectly by or <u>prepared, placed, promoted, published, 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 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</u>	(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 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	(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 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. 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 and has 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
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		<u>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 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>	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 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.	the sponsor. 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 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 under the personal responsibility of candidates to elected offices or leadership positions within a political party, elected officials within a public institution, unelected members of government, or any natural person representing or acting on behalf of those, and without remuneration for its promotion, publication or dissemination, should be considered of a purely private nature. Messages placed directly on online platforms by the referred actors as part of their social networking activities without remuneration for its promotion, publication or dissemination would usually be
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				considered messages of a purely private nature.
		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 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	(17) The <u>promotion, publication, delivery</u> or dissemination by other actors of a message that is liable to influence the outcome of an election or 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	(17) The promotion, publication or dissemination by other actors of a message that is liable and designed to influence the outcome of an 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 objective of the message and, the means by which the message is promoted, published or disseminated, and the targeted audience.	[Both texts merged] (17) The promotion, publication, delivery or dissemination by other actors of a message that is liable and designed to influence the outcome of an election or referendum, legislative or regulatory process or voting behaviour or the public opinion on societal or controversial issues at Union, national, regional, local or at a political party level should also constitute political advertising. A legislative or regulatory process should include decision making having binding effects of general application at the local, regional, national or European level. A clear and substantial link should exist between the message is 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 factors relevant at the time the message was promoted, published, delivered or disseminated, such as the identity of the sponsor of the message, the form and the content of the message, the spoken or written 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 objective of the message and the means by

	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.	taken of all <u>factors</u> relevant factors <u>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 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. <i>Messages on societal or controversial issues may</i> <u>promoted, published, delivered or disseminated,</u> as the case may be, <i>be liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour</i> <u>the audience targeted and the objective of the message.</u>	Messages on societal or controversial issues may, as the case (so called 'issue-based ads') may be, be liable and designed to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour.	which the message is promoted, published, delivered or disseminated, the audience targeted and the objective of the message. Design should be evident in these factors, and a link cannot be exclusively be derived retroactively from the impact of a message. <i>Fund-raising messages of non-profit entities should not on this basis alone</i> be regarded as designed to influence the outcome of an election, referendum, a legislative or regulatory process or voting behaviour.
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</u>		The communication of a political party with its current or former members which is an inherent part of the membership in a political party and should not constitute political advertising only on this basis.

		<u>should not constitute political advertising.</u>		
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>		(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.
27c		<u>(17c) For the effective implementation of the requirements of this Regulation, and in particular to support the sponsors</u>		(17c) For the effective implementation of the requirements of this Regulation, and in particular to support the sponsors of advertising and service providers acting on

		<u>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 administrating such declarations, it is necessary for the Commission to draw up common guidance.</u>		behalf of the sponsors in declaring political advertising, and to support providers of political advertising services in facilitating and appropriately administrating such declarations, it is necessary for the Commission to draw up common guidance.
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 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	[Council text with reinforced safeguards against circumvention] (18) In the interest of effective communication with the general public, public communications 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, for example, press releases or conferences announcing legislative or regulatory initiatives and explaining the policy choice underpinning such initiatives, in a neutral manner and with due regard to voters' freedom to form an opinion, 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. Public communications by, for or on behalf of public authorities

			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.	aiming to create a favourable perception towards a given political party or candidate in order to impact an election, referendum, regulatory process or voting behaviour should constitute political advertising. 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				
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, 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.	(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, 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	(19) <i>Political views expressed</i> <i>The media contribute to the well-functioning of</i>	(19) Political views expressed opinion expressed in any media under editorial responsibility	[Merged both texts] (19) The media contribute to the well-functioning of democratic

	programmes of audiovisual linear broadcasts or published in printed media without direct payment or equivalent remuneration should not be covered by this Regulation.	<u>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 contribute to public opinion-forming. 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</u>	including but not limited to 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 expressing that political opinion without direct payment or equivalent remuneration should not be covered by this Regulation.	processes and play an essential role in the freedom of expression and right to information, particularly during election periods. They provide a space for public debate and contribute to public opinion-forming. This Regulation should not affect the editorial freedom of the media. Political opinions expressed in any media under editorial responsibility including but not limited to in the programmes of audiovisual media services in the meaning of Article 1(1)(a) of Directive 2010/13/EU, in linear or and non linear radio broadcasting, published in printed or in online media, unless specific remuneration is provided for or in connection with expressing that political opinion should not be covered by this Regulation. Such political opinions which are additionally promoted, published or disseminated by service providers 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 of Fundamental Rights, should apply. Political advertising should be clearly distinguished from editorial content. Any form of subliminal or surreptitious advertising should be prohibited.
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		<u>political advertising. Journalistic practices established either in national law or by media and press councils in accordance with Union law, including the Charter of Fundamental Rights, should apply. Any form of surreptitious advertising should be prohibited.</u>		
	(19a)			Personal political speech constitutes a particular manifestation of the right to freedom of expression and information. It is not political advertising, and it is necessary that this is distinguished clearly. To do so, political opinions expressed in a personal capacity or part of interpersonal communication, unless specific remuneration is provided for or in connection with expressing that political opinion, should not be covered by this Regulation. The identification of political opinions expressed in a personal capacity or part of interpersonal communication should result from individual self-determination, but contextual elements can also play a role. Relevant factors can include whether the opinion is issued on behalf of another entity, whether the message intends to self-promote a candidacy or campaign in an election, referendum or regulatory process, whether it is expressed by an individual who is generally

				active in campaigning or taking action for change on political or social issues; whether the message is disseminated to an indefinite number of persons rather than to a limited community of contacts; and whether there is evidence of a number of individuals acting together in a collective and organised manner.
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Article 2, first paragraph, point (2)				
105	2. 'political advertising' means the preparation, placement, promotion, publication or dissemination, by any means, of a message:	2. 'political advertising' means the preparation, placement, promotion, publication, <u>delivery</u> or dissemination, by any means, of a message:	2. 'political advertising' means the preparation, placement, promotion, publication or dissemination, by any means, of a message:	2. 'political advertising' means the preparation, placement, promotion, publication, delivery or dissemination, by any means, of a message:
Article 2, first paragraph, point (2)(a)				
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	(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)				
107	(b) which is liable to influence the	(b) which is liable to influence <u>voting behaviour</u> or the	(b) which is liable and designed to influence the outcome of an	[Both texts merged]

	outcome of an election or referendum, a legislative or regulatory process or voting behaviour.	outcome of an election or , referendum, <u>or</u> a legislative or regulatory process or voting behaviour .	election or referendum, a voting behaviour or a legislative or regulatory process, at Union, national, regional or local level or voting behaviour .	(b) which is liable and designed to influence voting behaviour or the outcome of an election or referendum, or a legislative or regulatory process at Union, national, regional or local level
107a			(ba) It shall not include:	(ba) It shall not include:
107b			(i) political opinions expressed in any media under editorial responsibility unless specific remuneration is provided for or in connection with expressing that political opinion.	[Correspondent row in EP text: Row 88a] (i) political opinions expressed in any media under editorial responsibility or in a personal capacity unless specific remuneration is provided for or in connection with expressing that political opinion.
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	(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.

			elections or referendums.	
107d			(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) 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, voting behaviour or a legislative or regulatory process;
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.
126a			Article 2a Identification of a political advertisement	Article 2a Identification of a political advertisement
126h			2. A clear and substantial link should exist between the message and its	2. A clear and substantial link should exist between the message and its potential to influence the outcome of an election or

			potential to influence the outcome of an election or referendum, voting behaviour or a legislative or regulatory process.	referendum, voting behaviour or a legislative or regulatory process.
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Council of the European Union
General Secretariat

Brussels, 25 July 2023

Interinstitutional files:
2021/0381 (COD)

WK 10246/2023 INIT

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From:	General Secretariat of the Council
To:	Working Party on General Affairs
N° prev. doc.:	11214/23
N° Cion doc.:	14374/21 +COR1 REV1 +ADD1 +ADD1 COR1 REV1 - COM(2021) 731 final + Annexes 1 to 2
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising - informal suggestions from the Commission on the issue of scope

Delegations will find, in the annex to this document, informal suggestions from the Commission on the issue of scope. The latest state of play on this issue is annexed to WK 9179/23.