

Article 3a

Non-discrimination

Informal proposal from the Commission to include European political groups in Article 3a(3) concerning the non-discrimination clause.

For the enacting terms:

“3. 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 sponsors of political advertising**, solely on the basis of its place **of residence or** of establishment.”

New Recital:

“(New Recital). It should be recalled that the cross-border provision of advertising services in the internal market is subject to the principle of non-discrimination. This entails amongst others that access by a recipient to a service on offer to the public may not be restricted on grounds of the recipient's nationality or place of residence or establishment. Therefore, providers of political advertising services may not discriminate against sponsors residing or legally established in the Union on grounds of their place of residence or establishment, except where the difference of treatment is justified and proportionate in accordance with Union law. Non-discriminatory access to cross-border political advertising services is essential for the recipients to reap all the benefits of the internal market in this sector. Non-discriminatory access to cross-border political advertising services is particularly important for European political parties given their role to contribute to forming European political awareness and expressing the will of European citizens as set out in Article 10(4) TEU and Article 12(2) of the Charter on Fundamental Rights and their European legal status pursuant to Regulation 1141/2014 [EUPPFs]. Unjustified restrictions by providers on the freedom of European political parties to receive cross-border political advertising services should not be accepted as it obstructs the conduct of effective political campaigns across the Union and thus impedes them from fulfilling the role assigned to them by the Treaties. Consequently, providers of political advertising services should not deny, hinder or make less attractive their services to a European political party solely on the **ground of their activities** or their place of establishment, including registration. **This should not preclude the possibility for differences of treatment based on justified objective reasons, such as where providers of political advertising services do not conduct business in a particular Member State.** Similar considerations **should be made apply** in respect of political groups in the European Parliament that are formed in accordance with the Rules of Procedure of the European Parliament and carry out their duties **as part of the activities of the Union, including as sponsors of political advertising, where applicable.**”



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With a view to the meeting of the General Affairs Group on 25 September, delegations will find annexed to this note an informal proposal from the Commission on the non-discrimination clause under Article 3a for further consideration by co-legislators.