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From:	General Secretariat of the Council
To:	Delegations
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 - comments from the European Parliament on Article 7b on repositories

Delegations will find, in the annex to this note, comments from the European Parliament on Article 7b on repositories.

Informal comments on repositories text

These text comments are provided informally to support the negotiation and subject to the Commission having expressed significant reservations about the services under discussion, including as regards the resources required to provide them and the risk of exposure to liability for the content of advertising, and the need to retain a margin of flexibility in how it might be delivered.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 7b					
R	163t		<u>Article 7b</u> <u>European repository for online political advertisements</u>	<i>Revised proposal sent by the Council on 26 June 2023 with EP further suggestions submitted during the trilogue in highlighted bold italics. Additional modification by EP in row 163x.</i> Article 7b European repository for online political advertisements	R
Article 7b(1)					
R	163u		<u>1. The Commission shall establish and ensure the management of a public repository for all online political advertisements. This repository shall</u>	1. The Commission shall establish and ensure the management of a public repository for all online political advertisements in the EU. This repository shall include:	R

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		<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>		(a) the provision of a functionality enabling public access to online political advertisements, together with the information provided by political advertising publishers under Articles 7a (1) in respect of each online political advertisement from the moment of its first publication. The database shall enable multicriteria queries of the political advertisements accessible through it; The information shall be available in machine readable format, shall allow for multicriteria queries and shall be publicly accessible via a single portal.	R
Article 7b(1), point (b)					
R 163w		<u>(b) that every online political advertisement,</u>		Delete since its covered in the above mentioned row.	R

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		<u>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					
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>		(b) A hosting service to ensure the availability of online political advertising and the information published with it according to article 7a(1) of this regulation, [for the necessary period from the moment of its first publication]. This hosting service and access to the information hosted shall respect and be without prejudice to any legal requirement for the removal of political advertising and the information published with it. This hosting service shall be free of charge for the political advertising publishers that submit an online	R

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				political advertising to the European Public Repository.	
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 update that information, as necessary.</u>		2. Political advertising publishers that are VLOPs or VLOSEs shall enable access through the European repository for online political advertisements to the information required under Article 7a(1) and included in the repositories provided pursuant to Article 39 of Regulation (EU) 2022/2065 (Digital Services Act) at the same time as the publication of the political advertising, and shall update that information, as necessary.	R
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</u>		3. Where political advertising publishers remove or disable access to a specific political advertisement based on alleged illegality or incompatibility with their	R

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		<u>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>		terms and conditions, they shall continue to provide access to the information required by 7a(1) for the period required by this Regulation. This requirement is without prejudice to the requirements of Article 39(3), Article 17(3), points (a) to (e), and Article 9(2), point (a)(i) of Regulation (EU) 2022/2065 (Digital Services Act).	
Article 7b(4)					
R 163aa		<u>4. Political advertising publishers that are not VLOPs or VLOSEs and 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</u>		4. Political advertising publishers that are not VLOPs or VLOSEs and that make political advertising available through an online service shall make the political advertisement and the information required under Article 7a(1) available, together with a copy of each online political advertisement in the European repository	R

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		<u>advertisements, without delay and no later than 24 hours after its first publication.</u>		for online political advertisements no later than [72 48] hours after the first publication of the political advertising.	
Article 7b(5)					
R 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 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</u>		Not necessary, its now included in 163z.	R

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		<u>applicable, and the information required by Article 7a(1) of this Regulation.</u>			
Article 7b(6)					
R 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 portal.</u> <u>When adopting those delegated acts, the Commission shall aim to</u>		5. By ... [12 months after the entry into force of this article], 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, standardised metadata to facilitate the inclusion of political advertising in the European repository and the indexation of political advertising by online search engines, standardised authentication, and a common application	The Council suggests 48 months after the entry into force of the Regulation. <i>The Parliament suggests 24 months</i>

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		<u>achieve the following objectives:</u>		programming interface, to enable the aggregation of the information published online pursuant to this regulation to be aggregated accessed through a single portal. When adopting those delegated acts, the Commission shall aim to achieve the following objectives:	
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>		(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.	R
Article 7b(6), point (b)					
R	163ae	<u>(b) to enable sponsors and providers of political</u>		(b) to allow easy public access to online transparency notices,	R

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		<u>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>		through the use of a common application programming interface that would enable the notices to be accessed and the relevant databases to be queried;	
	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>			
	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</u>		Covered in 163V	

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		<u>the relevant databases to be queried;</u>			
	Article 7b(6), point (e)				
R	163ah	<u>(e) to support third-party and public access to transparency notices, including by enabling analysis of online transparency notices and their presentation through user-friendly single portal and search services.</u>		(c) to support third-party and public access to transparency notices, including by enabling analysis of online transparency notices and their presentation through user-friendly single portal and search services.	R