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## **WORKING DOCUMENT**

|               |                                                                                                                                                                                                                  |
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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<br>- compromise proposals from the European Parliament on Articles 15a and 16 |

Delegations will find, in the annex to this note, compromise proposals from the European Parliament on the following:

- Article 15a - right to lodge a complaint (row 228h).
- Article 16 - reporting on sanctions (rows 238a and 241a).

Row 238a (IMCO)

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.

This overlaps with row 241a (LIBE) which reads as follows:

"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."

Proposed merger between two rows (taking also into account row 231):

"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 also periodically draw up a report for the purposes of Article 18 of this Regulation.

**Row 228h – right to bring a complaint**

*Commission proposal for a compromise between rows 228h (EP) and 241c (Council)*

*[For the EP it should a separate article]*

*Without prejudice to other administrative procedures or judicial remedies, competent authorities shall duly address every notification of possible infringements 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.*

**Competent authorities shall transmit without undue delay complaints that fall within the competence of another competent authority in another Member State within 10 working days.**

**Comment**

Noting the desire to have an effective statement of this right, but without prejudice to other judicial procedures. We attempt merging with row 241d Council's text, as above.

Recital text should recognise that under Article 77 of GDPR, data subjects have the right to lodge complaints only with regard to their own personal data, and Article 53 of the DSA grants the right to lodge complaints against providers of intermediary services (in this case to 'Recipients of the service and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf').

Recital: "Data subjects have a right to lodge complaints with supervisory authorities designated under the GDPR for violations concerning their personal data. Individuals may bring complaints to competent authorities to notify them of circumstances which might amount to a violation of the provisions of this Regulation. Without prejudice to any other administrative procedure or judicial remedy, competent authorities should address such complaints, including by informing the complainant of the follow-up given to it. Such follow-up could include the closure of a complaint for lack of competence, but in the interests of good administration, competent authorities should endeavour to provide individuals with information to enable them to address their complaints correctly."