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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 - Preparation for the trilogue: informal table

Delegations will find, in the Annex to this note, an informal table compiled by the Commission with a view to facilitate the inter-institutional negotiations, comparing the negotiating mandates of the co-legislators on labelling and transparency related provisions in Articles 4, 5, 6 and 7 as well as Annex I.

“Label” elements

	Commission proposal	EP mandate	Council mandate
	Article 7(1), first subparagraph, point (b)		
146	(a) a statement to the effect that it is a political advertisement;	(a) a statement to the effect <u>clear statement</u> that it is a political advertisement;	(a) a statement to the effect that it is a political advertisement;
147	(b) the identity of the sponsor of the political advertisement and the entity ultimately controlling the sponsor;	(b) the identity of the sponsor of the political advertisement and, <u>where applicable</u> , the entity <u>or person</u> ultimately controlling <u>or financing</u> the sponsor;	(b) the identity of the sponsor of the political advertisement and, where applicable , -the entity ultimately controlling the sponsor;
147a		<u>(ba) where applicable, the election, referendum, legislative or regulatory process to which the political advertisement is linked;</u>	
147b			(ba) where applicable, a statement to the effect that the political advertisement has been targeted or amplified;
148	(c) a transparency notice to enable the wider context of the political advertisement and its aims to be understood, or a clear indication of where it can be easily retrieved.	(c) a transparency notice to enable the wider context <u>clear indication of where a permanent copy</u> of the political advertisement and its aims to be understood, or a clear indication <u>of transparency notice containing the</u>	(c) a transparency notice to enable the wider context of the political advertisement and its aims to be understood, or a clear indication of where it can be easily retrieved.

		<u>information referred to in Article 7a can be easily and directly retrieved, and, where it can be easily retrieved. necessary and possible, an update of that indication;</u>	
		<u>Political advertising publishers shall ensure the completeness of information referred to in paragraphs 1a, 1b, 1ba, and 1c and the accuracy of information referred to in paragraph 1c.</u>	

Transparency notice elements (operative part)

	Commission proposal	EP mandate	Council mandate	Comments
	Article 7(2)			
150	2. The transparency notice shall be included in each political advertisement or be easily retrievable from it, and shall include the following information:	(163b) Article 7a. 1. <u>The transparency notice referred to in Article 7(1)(c) shall be made available by the political advertising publishers and shall include the following information:</u>	2. The transparency notice- shall be included in each political advertisement or be easily retrievable from it include, at least, and shall include the following information:	

Article 7(2), point (a)				
151	(a) the identity of the sponsor and contact details;	(163c) <u>(a) the identity, the address or the place of establishment and contact details of the sponsor;</u>	(a) the identity of the sponsor and, where applicable, of the entity ultimately controlling the sponsor – contact details;	Parliament adds to the Annex an elaboration on the meaning of sponsor. For the contact details it mentions the phone number alternatively with the email.
		(163d) <u>(b) where applicable, the identity of the person or entity ultimately financing or otherwise controlling the sponsor, their address, or place of establishment and contact details;</u>		The Parliament does not add anything on this to the annex. The Council includes in the Annex the information on the natural or legal person which provides remuneration in exchange for the political advertisement if this person is different from the sponsor.
Article 7(2), point (b)				
152	(b) the period during which the political advertisement is intended to be published and disseminated;	(163e) <u>(c) the period during which the political advertisement is</u>	<i>deleted</i>	Parliament adds 'delivered' to the element in the Annex.

		<u>intended to be published and disseminated;</u>		
Article 7(2), point (c)				
153	(c) based among others on information received in line with Article 6(3), information on the aggregated amounts spent or other benefits received in part or full exchange for the preparation, placement, promotion, publication and dissemination of the relevant advertisement, and of the political advertising campaign where relevant, and their sources;	(163f) <u>(d) the aggregated amounts spent or other benefits received by the providers of political advertising services including those received by the publisher in part or full exchange for the preparation, placement, promotion, publication, delivery and dissemination of the relevant advertisement, and where relevant of the political advertising campaign, and the origin of the amounts and other benefits;</u>	(c) based among others on information received in line with Article 6(3), information on the aggregated amounts spent or other benefits information on the aggregated amounts or other benefits received by the providers of political advertising services including those received by the publisher in part or full exchange for the preparation, placement, promotion, publication and dissemination of political advertising services for the relevant advertisement, and for for the political advertising campaign where relevant, and their sources;	Parliament removes from the Annex the qualification of the aggregated amount, and 'provisional'. It also adds 'delivery' to the list of actions. It replaces 'sources' with 'origin' and 'funds' with 'amounts and other benefits'. 'Delivery' is also added.
Article 7(2), point (d)				
154	(d) where applicable, an indication of elections or referendums with which the advertisement is linked;	(163g) <u>(e) where applicable, an indication of the elections, referendums, and legislative or regulatory processes with which the advertisement is linked;</u>	(d) where applicable, an indication of elections or referendums with which the advertisement is linked;	Parliament modifies the elements in the annex according to its proposals for the core text.

		<u>(163i)</u> <u>(g) whether the advertisement has been suspended or discontinued due to violation of this Regulation;</u>		Parliament does not add anything on this to the Annex.
Article 7(2), point (e)				
155	(e) where applicable, links to online repositories of advertisements;	(e) where applicable, links to online repositories of advertisements;	(e) where applicable, links to online repositories of advertisements referred to in paragraph 6;	Parliament points in the Annex to the Repository for Online Political Advertisements.
		<u>(163j)</u> <u>(h) where applicable, a statement to the effect that the political advertisement has been targeted based on the use of personal data;</u>		Parliament does not add anything on this to the Annex.
155a		<u>(163l)</u> <u>(i) where applicable, the specific groups of individuals targeted;</u> <u>(163l)</u> <u>(j) where applicable, the categories and sources of personal data used for the targeting;</u>	(ea) where applicable, the information specified in Article 12a(1) point (c) and (ca);	Parliament does not add anything on this to the Annex. Nor does the Council.

		<u>(163m)</u> <u>(k) where applicable, the reach of political message the number of views, and engagements with the advertisement.</u>		Parliament does not add anything on this to the Annex.
Article 7(2), point (f)				
156	(f) information on how to use the mechanisms provided for in Article 9(1).	<u>(163h)</u> <u>(f) how to use the mechanisms provided for in Article 9(1);</u>	deleted	The Council deletes this from the main text, and keeps in the Annex the information about the mechanism established under Article 9.

Annex I			
	Commission proposal	EP mandate	Council mandate
262	Information to be provided under Article 7(2)	Information to be provided under Article 7(2) <u>7a(1)</u>	Information to be provided under Article 7(2)
Annex I, second paragraph			
263	(a) where the notice is not within the advertisement itself, an example/representation of the political advertisement or a link to it.	(a) where the notice is not within <u>or attached to</u> the advertisement itself, an example/representation of the political advertisement or a link to it.	(a) where the notice is not within the advertisement itself, an example/representation of the political advertisement or a link to it.

Annex I, third paragraph			
264	(b) the identity and place of establishment of the sponsor on behalf of whom the advertisement is disseminated including their name, address, telephone number and electronic mail address, and whether they are a natural or legal entity.	(b) the identity and place of establishment of the sponsor on behalf of whom the advertisement is <u>prepared, placed, promoted, published, delivered or</u> disseminated including their name, address, telephone number and <u>or</u> electronic mail address, and whether they are a natural or legal entity.	(b) the identity and place of establishment of the sponsor on behalf of whom the advertisement is disseminated including their name, address, telephone number and electronic mail address, and whether they are a natural or legal entity.
264a			(ba) the information required under point (b) on the natural or legal person which provides remuneration in exchange for the political advertisement if this person is different from the sponsor.
Annex I, fourth paragraph			
265	(c) the period during which the political advertisement is disseminated and, where applicable and known to the publisher, the fact that the same advertisement has been disseminated in the past.	(c) the period during which the political advertisement is <u>delivered or</u> disseminated and, where applicable and known to the publisher, the fact that the same advertisement has been disseminated in the past.	(c) the period during which the political advertisement is disseminated and, where applicable and known to the publisher, the fact that the same advertisement has been disseminated in the past.
Annex I, fifth paragraph			
266	(d) any election with which the advertising is linked, if applicable.	(d) any election, <u>referendum, legislative or regulatory process</u> with	(d) any election with which the advertising is linked, if applicable.

		which the advertising is linked, if applicable.	
Annex I, sixth paragraph			
267	(e) the provisional aggregated amount spent on, and the value of other benefits received in part or full exchange for the specific advertisement, and on the specific advertising campaign where relevant, including on the preparation, placement, promotion, publication and dissemination of the political advertisements, as well as the aggregated actual amount spent and the value of other benefits received once known.	(e) the provisional aggregated amount spent on, and the value of other benefits received in part or full exchange for the specific advertisement, and on the specific advertising campaign where relevant, including on the preparation, placement, promotion, publication, <u>delivery</u> and dissemination of the political advertisements, as well as the aggregated actual amount spent and the value of other benefits received once known.	(e) the provisional aggregated amount spent on, and the value of other benefits received in part or full exchange for the specific advertisement, and on the specific advertising campaign where relevant, including on the preparation, placement, promotion, publication and dissemination of the political advertisements, as well as the aggregated actual amount spent and the value of other benefits received once known.
Annex I, seventh paragraph			
268	(f) the sources of the funds being used for the specific advertising campaign including for the preparation, placement, promotion, publication and dissemination of the political advertisements.	(f) the sources <u>origin</u> of the funds <u>amounts and other benefits</u> being used for the specific advertising campaign including for the preparation, placement, promotion, publication, <u>delivery</u> and dissemination of the political advertisements.	(f) information on the sources of the funds being used for the specific advertising campaign including for the preparation, placement, promotion, publication and dissemination of the political advertisements.

Annex I, eighth paragraph			
269	(g) meaningful information about the methodology used for the calculation of the amounts and values referred in (e).	(g) meaningful information about the methodology used for the calculation of the amounts and values referred in (e).	(g) meaningful information about the methodology used for the calculation of the amounts and values referred in (e).
Annex I, ninth paragraph			
270	(h) where the publisher is a very large online platform, a link to the advertisement's location in the publisher's advertising repository.	(h) where the publisher is a very large online platform, a link to the advertisement's location in the publisher's advertising <u>European Repository for Online Political Advertisements</u> .	(h) where the publisher is a very large online platform, a link to the advertisement's location in the publisher's advertising repository.
Annex I, tenth paragraph			
271	(i) where the advertisement is linked to specific elections or referendums, links to official information about the modalities for participation in the election or referendum concerned.	(i) where the advertisement is linked to specific elections or referendums, links to official information about the modalities for participation in the election or referendum concerned.	(i) where the advertisement is linked to specific elections or referendums, links to official information about the modalities for participation in the election or referendum concerned.
Annex I, eleventh paragraph			
272	(j) information about the mechanism established under Article 9.	(j) information about the mechanism established under Article 9.	(j) information about the mechanism established under Article 9.

Obligations to ensure completeness and accuracy of information in labels and transparency notices

	Commission proposal	EP mandate	Council mandate
Article 4, paragraph 1a			
132a	5.2 (row 135) Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service specify how the relevant provisions of this Regulation are complied with.	<u>Providers of political advertising services shall ensure that the contracts concluded for the provision of political advertising services clearly set out how the relevant provisions of this Regulation, including regarding due diligence and allocation of responsibility for provision, as well as completeness and accuracy of information, are to be effectively complied with.</u>	(132b) 1a. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service enable compliance with the relevant provisions of this Regulation.
Article 5(2)			
135	2. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service specify how the relevant provisions of this Regulation are complied with.	2. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service specify how the relevant provisions of this Regulation are complied with <u>require the sponsor and where applicable providers of advertising services acting on behalf of the sponsor to provide the information necessary to comply with Articles 6(1), 7(1) and 7a(1), as appropriate.</u> <u>Sponsors shall ensure the accuracy of, and provide the information necessary to comply with Article 6(1), points (ca) and</u>	2. Providers of political advertising services shall ensure that the contractual arrangements concluded for the provision of a political advertising service specify how the relevant provisions of this Regulation are complied with <u>require the sponsor or providers of advertising services acting on behalf of sponsors to provide the relevant information necessary to comply with Article 6 paragraph 1. That information shall be transmitted in a complete and accurate manner</u> and without undue delay .

		<u>(d), Article 7(1), points (a), (b) and (ba), and Article 7a(1), points (a) and (b).</u> <u>Sponsors, or where applicable providers of advertising services acting on behalf of sponsors shall ensure the accuracy of, and provide the information necessary to comply with Article 6(1), points (a), (b), (ba), (c) and (da) and Article 7a(1), points (c), (d) and (e).</u> <u>Sponsors and providers of advertising services acting on behalf of sponsors shall provide that information in a timely, complete and accurate manner.</u>	
135a		<u>2a. Providers of advertising services shall require sponsors, or providers of advertising services acting on behalf of sponsors, who submit a declaration or information in accordance with this Article that is manifestly erroneous to correct that declaration or that information. Sponsors, or providers of advertising services acting on behalf of sponsors, shall act upon such a request without undue delay.</u>	(135b) 2a. Where a provider of advertising services becomes aware or has actual knowledge that a declaration or information is manifestly erroneous, shall request the sponsor or the provider of advertising services acting on behalf of a sponsor to correct its declaration or information provided. Sponsors or providers of advertising services acting on behalf of sponsors shall make such corrections in a complete and accurate manner and without undue delay.

Article 6(3)			
143	3. Providers of political advertising services shall ensure that the information referred to in paragraph 1 is communicated to the political advertising publisher which will disseminate the political advertisement to enable political advertising publishers to comply with their obligations under this Regulation. That information shall be transmitted, in a timely and accurate manner in accordance with best practice and industry standards, by means of a standardised automated process where technically possible.	3. Providers of political advertising services shall ensure that the information referred to in paragraph 1 is communicated <u>in a timely and accurate manner</u> to the political advertising publisher which will <u>place, promote publish, deliver or</u> disseminate the political advertisement, <u>so as</u> to enable political advertising publishers to comply with their obligations under this Regulation. <u>Providers of political advertising services shall make reasonable efforts to ensure that the</u>That <u>information</u> shall be transmitted, in a timely <u>retained pursuant to paragraph 1 is complete</u> and accurate. <u>When the political advertising publisher is the only provider of political advertising services, the sponsor shall communicate the relevant information to the political advertising publisher</u>manner in accordance with best practice and industry standards, by means of a standardised automated process where technically possible.	(143d) Article 6a. 1. Providers of political advertising services shall ensure that the information referred to in Article 6 paragraph 1 is communicated in a timely, complete and accurate manner to political advertising publishers which will publish or disseminate the political advertisement to enable political advertising publishers to comply with their obligations under this Regulation. Providers of political advertising services shall make reasonable efforts to ensure that the information retained pursuant to Article 6 paragraph 1 is complete and accurate. When the political advertising publisher is the only provider of political advertising services, the sponsor shall communicate the relevant information to the publisher.
143b		<u>3b. When providers of political advertising services become aware that information which they have transmitted to a political advertising publisher has been updated, they shall ensure that the updated information is communicated to the political advertising publisher.</u>	

Article 7(1), second subparagraph			
148a		<u>Political advertising publishers shall ensure the completeness of information referred to in paragraphs 1a, 1b, 1ba, and 1c and the accuracy of information referred to in paragraph 1c.</u>	
158	3. Political advertising publishers shall make reasonable efforts to ensure that the information referred to in paragraph 1 and 2 is complete, and where they find this is not the case, they shall not make available the political advertisement.	(163o) <u>2. Sponsors shall ensure the accuracy of the information, which they are required to provide for the purposes of paragraph 1, points (a) and (b) before and during the period of publication, delivery, or dissemination of the political advertisement. Sponsors or, where applicable, providers of political advertising services acting on behalf of sponsors shall ensure the accuracy of the information, which they are required to provide for the purposes of paragraph 1, points (c), (d) and (e) before and during the period of publication, delivery, or dissemination of the political advertisement. Political advertising publishers shall ensure the accuracy of the information, which they are required to provide for the purposes of paragraph 1, points (g) to (l) before and during the period of publication,</u>	3. Political advertising publishers shall make reasonable efforts to ensure that the information referred to in paragraph 2 is complete, accurate and up to date. When the sponsor or the provider of political advertising services becomes aware that the information transmitted to or published by the political advertising publisher is incomplete or inaccurate, it shall contact, without undue delay, the political advertising publisher concerned and, as relevant, shall transmit completed or corrected information to the political advertising publisher. If the political advertising publisher becomes aware by any means that information referred to in paragraph 2 is incomplete or inaccurate, it shall make reasonable efforts including, as relevant, by contacting the sponsor or the service providers concerned, to complete or correct the information. Where the information cannot be completed or corrected without undue delay, the

		<u>delivery, or dissemination of the political advertisement.</u> <u>Political advertising publishers shall ensure that the information referred to in paragraph 1 is complete.</u> <u>Where the sponsor or the provider of political advertising services becomes aware that any information transmitted to or published by the political advertising publisher is incomplete or inaccurate, it shall contact, without undue delay, the political advertising publisher concerned and shall transmit complete or accurate information to that political advertising publisher.</u> <u>Where the political advertising publisher becomes aware that the information referred to in Article 7(1) and paragraph 1 of this Article is incomplete or inaccurate, it shall make best efforts, including by contacting the sponsor or the providers of political advertising services to complete or correct the information without undue delay.</u> <u>Where the information cannot be completed or corrected, the political advertising publisher shall not make available the political advertisement, or shall without undue delay discontinue the placement, promotion, publication,</u>	publisher 1 and 2 is complete, and where they find this is not the case, they shall not make available or shall discontinue the publication or dissemination of the political advertisement. The publisher shall inform the sponsor or the service provider acting on behalf of the sponsor if the political advertisement it sponsors is not made available or is discontinued.
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		<u>delivery or dissemination of the political advertisement.</u> <u>The political advertising publisher shall inform without undue delay the sponsors or the providers of political advertising services concerned about any decisions taken in connection with the seventh subparagraph of this paragraph.</u>	
Article 7(4)			
159	4. Transparency notices shall be kept up to date and presented in a format which is easily accessible and, where technically possible, machine readable, clearly visible and user friendly, including through the use of plain language. The information shall be published by the political advertising publisher with the political advertisement from its first publication until one year after its last publication.	<u>163p)</u> <u>Article 7a - 3. Transparency notices shall be easily retrievable at all times during the period from their first publication until their withdrawal.</u> <u>Transparency notices shall be kept up to date, presented in a format which is easily accessible and available in a machine readable format. They shall be written in the language of the political advertisement. Political advertising publishers who offer services in the Union shall ensure that transparency notices comply with the accessibility requirements set out in Directive (EU) 2019/882.</u>	157a 2a. The transparency notice shall be included in each political advertisement or be easily retrievable from its first publication and until the end of its publication. Transparency notices shall be presented in a format which is easily accessible and, where technically possible, machine readable, clearly visible and user friendly, including by using plain language. Transparency notices which are machine readable shall be made accessible by means of a common publicly available application programming interface.