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To:	Delegations
N° prev. doc.:	6901/23 + COR 1
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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 on 30 March: Presidency note

With a view to the meeting of the General Affairs Group on Monday 20 March 2023, delegations will find, in the Annex to this note, a Presidency note to guide the discussion on the above mentioned proposal.

Presidency note on the Proposal for a Regulation on the transparency and targeting of political advertising

1. Introduction

The first reading of the negotiating mandates of both co-legislators will soon be finalised at the technical level. This allows for more detailed and targeted discussions to start and to consider possible compromise text in view of the next (political) trilogue meeting.

At this stage, a number of potential areas of convergence between the co-legislators are becoming apparent, subject to further drafting. In addition, there are new elements proposed by the European Parliament, both minor and of technical nature as well as more politically significant ones, on which timely feedback from delegations is crucial to guide the Presidency accordingly.

To this end, this note is intended to guide the discussions on some elements at the next meeting of the General Affairs Group on 20 March. In particular, the European Parliament's position contains three important elements which are not reflected in the Council's general approach. Below you will find an explanatory note which provides a basic understanding of the EP's rationale behind the three elements.

The reference document is the four columned table set out in the Annex to ST 6901/23 + COR 1.

2. Non-discrimination obligation (line 129b)

The EP proposal includes a requirement for service providers to refrain from discriminating against sponsors based on their place of residence or, where applicable, establishment, when those sponsors request, conclude or hold a contract for political advertising services. According to the EP, this is particularly important in the context of cross-border services for European political parties, which should only be subject to limitations specified in the Regulation or other applicable Union or national laws. The objective of this proposal is, according to the EP, to address the issue of service providers restricting the provision of political advertising to sponsors established only in the Member State of intended publication.

3. Ban on third-country sponsors (line 129c)

EP proposes to prohibit the provision of political advertising services to sponsors or service providers acting on their behalf who are not citizens of the Union, or a natural or legal person residing or established in the Union.

4. European Public Repository (lines 163t – 163ah)

EP proposes a European public repository for all online political advertisements to be established and managed by the European Commission. According to the EP, this repository is intended to host a database containing all online political advertisements, as well as the corresponding transparency notice provided by political advertising publishers, which are not very large online platforms or very large online search engines under the DSA. The reason being that while political advertising publishers which are considered very large online platforms or very large online search engines must provide the same information in real-time through advertising repositories established under Article 39 of the DSA, while all other publishers do not. If an advert is removed or disabled, the EP proposes that only transparency notices and required metadata should remain accessible together with a statement of reason for removal of the advert. The proposal also specifies the practical aspects of the repository, and delegated acts are included to establish standards for the European repository.