

# Public consultation on a proposal for an initiative on greater transparency in sponsored political content, and other supporting measures

Fields marked with \* are mandatory.

## Introduction

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The digital revolution has transformed democratic politics. Political campaigns are now run not only on the doorstep, billboards, radio waves and TV screens, but also online. This gives political actors new opportunities to reach out to voters, and new opportunities for civic engagement and public participation. However, the rapid growth of online campaigning and online platforms has also opened up new vulnerabilities. This can apply to national, regional, municipal and European elections, as well referenda. The definition of partisan or political advertising varies across Member States and around the world. In some Member States, political ads may only be placed by political actors (e.g. parties and candidates), and are limited in their financing and when they can be used. Other ads with more general political messages, aims or effects (i.e. regarding more general political issues such as the environment or migration – ‘issues ads’) are also placed, including by other actors (companies, civil society, citizens but also political parties) and during other periods than in the context of an election.

Political ads can be placed through publishers (radio, television, media websites and commercial websites, social networks and other online platforms) by a variety of actors, ranging from political parties to communication consultancies and advertising agencies. Their preparation and financing can involve many service providers, from banks to data brokers and analysis, often with a cross-border element. The relevant rules are mostly national, and often diverge. In some cases they do not cover the online environment. They can thus cause legal uncertainty and have potential gaps and loopholes in their enforcement.

Attempts to interfere in recent elections, including European elections, and manipulate the democratic debate have intensified. Political advertising is one of the ways that information manipulation is amplified and disseminated, and through which political interference can be achieved. The content of an ad can be misleading, or the way that it is circulated (including by micro-targeting specific messages tailored to particular groups) and amplified (for instance by political actors posing as ordinary voters). Online advertising and the overall digitalisation of political campaigning may therefore have adverse impacts on democracy.

Citizens need access to transparent information on political ads to participate in the political debate, freely take political decisions and hold politicians accountable. Journalists, researchers, fact-checkers and other stakeholders also rely on transparency. In addition, public authorities can only monitor and enforce relevant rules on political advertising if all actors involved act transparently. There can be legitimate reasons for certain limitations to transparency, not least to protect personal data. The use of citizens’ personal data must comply fully with the [General Data Protection Regulation](#).

The [European Democracy Action Plan](#) recognises the need for more transparency in political advertising and communication, and the commercial activities related to it, in order for citizens, civil society and responsible authorities to be able to see clearly the source and purpose of such advertising. The European Democracy Action Plan therefore announced a legislative proposal on the transparency of sponsored political content as well as support measures and guidance for Member States and other actors, such as national political parties and competent authorities.

This initiative addresses all actors involved in financing, preparing, placing and disseminating political advertising (such as political and marketing consultancies and advertising and campaign organisations) and complements the rules set out in the proposal for a Digital Services Act, which applies to online intermediaries, and the wider EU framework for the digital services market. It is also complementary to the revised Audiovisual Media Services Directive, which extends the European qualitative standards applicable to audiovisual commercial communications in traditional audiovisual media services to those available on video-sharing platforms. The initiative will cover both online and offline activities, and could cover the range of elections in the EU, including European Parliamentary elections. More information can be found in the [inc option impact assessment](#) for this initiative. The initiative will be complemented by the revised Regulation on the statute and funding of European political parties and foundations, planned for Q3 of 2021 that aims to increase transparency of funding for European political parties and foundations and to enhance the European dimension of European elections.

This public consultation builds on the extensive consultation conducted by the Commission recently, including for the Digital Services Act and the European Democracy Action Plan. It is an opportunity to further explore the particular issues raised by an intervention to introduce greater transparency in political advertising and related measures, including how it could contribute to the resilience of democracy in Europe, to the overall transparency of political campaigning, as well as to understanding how relevant market actors might be affected.

## **We want to hear from you!**

The European Commission welcomes views from European citizens on the issues that concern them. That is why we have prepared this consultation – your views and experience are essential to shaping our policies to serve the interests of European citizens.

You can send us your views until **2 April 2021**. The Commission will prepare a consolidated and anonymous analysis of all responses to the questionnaire and publish it online.

## **How to take part**

Answering this questionnaire (in any official EU language) should take between 15 and 20 minutes. The questionnaire closes with an open question for you to include suggestions and other views, and a question to allow you to indicate whether we may contact you to follow up.

Civil society organisations, public authorities and private businesses also have the possibility to complement their submission by additional position papers to [just-transparency-consultation@ec.europa.eu](mailto:just-transparency-consultation@ec.europa.eu). In the email, please, specify your name, nationality, the name of your organisation (if relevant) and your function in the organisation.

You can learn more about the use of the answers in the [privacy statement](#).

## **About you**

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\* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority

- Trade union
- Other

\* First name

Nina

\* Surname

Elzer

\* Email (this won't be published)

nina.elzer@eaca.eu

\* Organisation name

*255 character(s) maximum*

European Association of Communications Agencies (EACA)

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

397482431021-09

\* Country of origin

Please add your country of origin, or that of your organisation.

- |                                     |  |                                     |  |
|-------------------------------------|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan   | <input type="radio"/> Djibouti           | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania       | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania     | <input type="radio"/> Saint Vincent and the Grenadines |

- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden

- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom

- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

## Questions on political advertising and related services

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Political advertising can cover a wide range of activities and a wide range of formats, from leaflets to radio, billboards, websites and social media. Political ads can promote particular parties or candidates, they can impart information, raise money or address political subjects more generally. They are regulated and defined differently from state to state, but for the purposes of this consultation we would approach this term very broadly.

Q1. Is political advertising permitted for elections in your home country?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q2. Which format of political ads have you encountered most often in your country?

- a. Leaflets
- b. Posters
- c. Radio
- d. TV
- e. Online
- f. Other

Q3. Have you ever encountered any of the following (check all which apply):

- an advert raising money for a political objective (cause, candidate, party etc)
- an advert promoting participation in an election
- an advert providing essential information about an election (public service information)
- an advert attacking another political movement, actor, party or group
- sponsored political editorial in a newspaper or magazine
- an ad which promoted a political view without clearly being a political ad (an 'issues ad')
- political advertising outside an election period
- political advertising promoted in your country which appeared to be sponsored from outside your country
- political advertising in European Parliamentary election promoted by a European (not national) political party

Q3.1 Should definitions of political advertising include the following:

	include	exclude	neutral	Don't know
an advert raising money for a political objective (cause, candidate, party etc)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
an advert promoting participation in an election	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
an advert providing essential information about an election (public service information)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
an advert attacking another political movement, actor, party or group	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
sponsored political editorial in a newspaper or magazine	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
an ad which promoted a political view without clearly being a political ad (an 'issues ad')	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
political advertising outside an election period	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
political advertising promoted in your country which appeared to be sponsored from outside your country	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
political advertising in European Parliamentary election promoted by a European (not national) political party	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your response (optional)

We believe that one of the key elements of a definition of political advertising is to clearly distinguish it from other types of commercial communications (advertising). Political advertising should not include any form of commercial communications seeking to promote products, services or the image of a brand that are directly related to influencing consumers' transactional decisions. Obligations on political advertising should only apply to the person or entity that pays for the display or promotion of a political ad (i.e. the "political advertisers"), clearly excluding commercial advertisers from their scope.

Agencies that are involved in political advertising abide by national regulations. Some agencies are not involved in political advertising at all and should not inadvertently come into scope of legislation on political advertising. Also, we believe that the time/period within which the ad is placed is irrelevant. In addition, there should be no further fragmentation by putting in place additional, specific regulation around European Parliament election. This will lead to confusion by voters, service providers and authorities and make the whole system even more complex. Instead rules on political advertising should be harmonised across the EU.

Also, any attempt at defining issue-based ads or issue-ads should, again, clearly distinguish such ads or messaging from commercial communications or purpose-driven marketing that focuses on societal issues.

For example, the "Self-Regulatory Principles of Transparency & Accountability to Political Advertising" of the US-based Digital Advertising Alliance (DAA) defines political advertising as follows: "Express Advocacy means paid-for communications that unmistakably urge the election or defeat of one or more clearly identified candidate(s) for a federal or statewide election". It goes on to explain that a political advertiser means a person or entity that pays for the display or promotion of such an express advocacy message and is responsible for providing transparency.

[https://aboutpoliticalads.org/sites/politic/files/DAA\\_files/DAA\\_Self-Regulatory\\_Principles\\_for\\_Political\\_Advertising\\_May2018.pdf](https://aboutpoliticalads.org/sites/politic/files/DAA_files/DAA_Self-Regulatory_Principles_for_Political_Advertising_May2018.pdf)

Q3.2 Should definitions of political advertising be:

- a. Defined in law
- b. Dynamically adaptable
- c. Don't know
- d. Other

Please explain your response (optional)

If political advertising is to be regulated, obviously the term should be defined in the law. The objective must be to establish legal certainty. The law could then be revised after a certain period to see if the definition is still fit for purpose.

Q4. Have you ever encountered political advertising online?

- a. Yes
- b. No
- c. Don't know

## Questions on relevant rules for political advertising:

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In most Member States, there are rules that limit party spending for election campaigns, which can differ among Member States in their scope and substance, and their applicability online. Within a Member State, they can differ for national, regional, municipal and European elections, and referenda. Rules include upper limits for spending on specific campaigns or political actors, as well as on who and how funding can be obtained. Other rules include who may place political adverts and when.

Q5. Are you aware that there are rules limiting party spending for electoral campaigns in your country?

- a. Yes
- b. No
- c. Don't know

Q5.1 Do you think that the limits of political party spending for electoral campaigns should be:

- a. Increased (more money)
- b. left as they are
- c. decreased (less money)
- d. Don't know

Q6. Should spending by actors other than political parties (such as foundations and campaign organisations) on political ads during an election period count towards campaign or political party spending limits?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q7. Should spending on 'issues ads' during an election period count towards campaign or political party spending limits?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q8. Should civil society and other actors have to follow the same rules as political parties when paying for and placing political advertising?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Many of the services relevant to political ads, from their design and planning, to their placement and funding, are conducted across borders within the EU single market and also from outside the EU.

Q9. Should there be rules set at EU level on how political adverts can be funded?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q9.4. Should there be rules set at EU level as to how a specific amount of political advertising during an election should be allocated (for instance through proportionately allocated 'online/offline ad vouchers'), to ensure access for more parties to the campaign?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q10. Should there be rules set at EU level requiring all political advertising be clearly and specifically labelled as such?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

Given the current high degree of fragmentation, intransparency and risk associated with patchy and at times nonexistent rules, EU-level rules would be preferable.

Q11. Should there be rules requiring all the sponsors of political ads to be disclosed within the ad itself?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

We support the introduction of a Political Ads Icon following the example of the US Digital Advertising Alliance (DAA). In its principles, the DAA states that the "political advertiser" should provide clear, meaningful and prominent notice. This includes, among other things, the name of the political advertiser and reliable contact information. A political advertiser may be an individual, corporation, association, committee or other entity. The "name" should be the name by which the Political Advertiser "holds itself out publicly". Such a focus on the political advertiser would avoid disclosure of all sponsors and a long chain of information that would be passed a long with the ad.

[https://aboutpoliticalads.org/sites/politic/files/DAA\\_files/DAA\\_Self-Regulatory\\_Principles\\_for\\_Political\\_Advertising\\_May2018.pdf](https://aboutpoliticalads.org/sites/politic/files/DAA_files/DAA_Self-Regulatory_Principles_for_Political_Advertising_May2018.pdf)

Q12. Should there be rules requiring political ads to be truthful and not misleading about verifiable factual claims?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

We would support such a request if it was unambiguously clear that those responsible, accountable and liable for the content published are the political advertisers. Agencies cannot be asked to fact-check or verify the content of a political ad and/or to ultimately censor content if deemed not truthful or misleading. One idea could be to label such content as "opinion".

Q13. Should there be rules in times of elections campaign regulating how advertising space is allocated online?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

We do not believe that there should be specific times or periods for political advertising. Instead, transparency rules should be applicable at all times.

Q14. Are you concerned about the possibility of foreign actors (such as foreign states or foreign organisations) being able to sponsor political advertising to increase their own influence within the EU?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

There is substantial proof of interference in political elections. We believe that additional transparency rules making the disclosure of the identity of the sponsor and the amount spent mandatory will be helpful in reducing such interference.

Q15. Are you concerned that political advertising, especially online, can be used to intentionally spread false or misleading information (disinformation)?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

However, we do not believe that this problem is specific to political advertising. Please also refer to our answer to Q12.

Q16. Should political actors or organisations that violate or are systematically non-compliant with agreed rules be sanctioned

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q17. Do you consider that specific measures are needed to ensure that the competent authorities can have more effective oversight over political advertisement online?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

## Questions on European elections:

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European Parliamentary elections are currently organised nationally, according to each Member State's rules, which means that relevant rules such as the periods during which political ads can circulate, the amounts allowed to be spent, and whether they can circulate at all, vary from Member State to Member State.

Q18. Should there be certain common rules for political ads in European Parliamentary elections?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

The same rules should apply across all EU countries, no matter what type of election. It will be hard to draft, implement, observe and communicate transparency obligations, if they continue to differ across countries and/or are different regarding to the political level at which elections take place (local, national, European). Uniform rules will be conducive to the formation of political parties across borders, political messaging and communication across borders, to curbing foreign interference into selective elections (i.e. the ones with the laxest rules), and to the transparency and perception of political advertisers for citizens.

Q18.1 Which rules do you believe should be common in European Parliamentary elections (tick as many responses as you agree with).

- the period during which political ads are permitted
- the types of actor entitled to place political ads
- the types of actor entitled to fund political ads
- the amounts of money permitted to be spent on political ads in a period
- equal or proportionate access to placing political ads on social media platforms for the various political actors contesting an election
- the amounts of public money granted to support smaller parties' campaigns

Other

Please specify

The same rules should apply across all types and levels of elections.

Q19. Please indicate your preference

During a European election, who should be able to place a political ad (check one answer only)?

- 1. Any person or legal person (company or foundation), from anywhere
- 2. Any person (not a legal person) from anywhere
- 3. Any person or legal person residing in any Member State
- 4. Any person (not a legal person) residing in any Member State
- 5. Any person or legal person residing in the specific Member State the ad will circulate
- 6. Any person (not legal person) residing in the specific Member State the ad will circulate

Campaigns in European elections are organised nationally, but some parties register to promote candidates in more than one Member State, which means that the administrative formalities must be completed and complied with in each state in order to 'register' a campaign. This can be challenging. Similarly, when citizens wish to campaign for support for a European Citizens Initiative (a way for citizens to help shape the EU by calling on the European Commission to propose new laws), they must do so in multiple Member States.

European political parties do not sponsor particular candidates nationally, but they do campaign in European Parliament elections. They could be required to meet certain specific transparency requirements for the political ads they sponsor.

Q20. Please indicate which you think should apply:

European political parties should

	Yes	No	Neither	Don't know
1. disclose their ad spending online in real time	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. maintain examples on their website of the ads they sponsor	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. disclose the advert targeting services they use	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. refrain from using certain technologies which can be used to mislead (e.g. micro-targeting and other data-driven techniques, ad amplification, etc)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. refrain from political advertising altogether (rely on national campaigns only)



## Questions on transparency requirements:

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Transparency in political ads can support citizens, media and NGOs to hold political actors to account, but it could also support competent authorities. Transparency includes retaining basic information about transactions including the identity of who paid for the advert, the amount paid and what precisely was paid for. It can also involve publishing such information under certain circumstances.

Q21. Should publishers of political ads retain certain basic information from those placing such ads?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q21.1. What information should be retained? (optional)

At a minimum, they should retain information about the fact that this is a political ad, the sponsor, the amount spent, the duration of the ad, and the targeting parameters used.

Q21.2. What information should not be retained? (optional)

Other companies are involved in political ads, including in their financing (providing loans, handing donations and fund raising), and preparation and placement (advertising, marketing communications and other specialist agencies and consultancies).

Q22. Should service providers involved in political ads also have obligations to retain and provide information?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

There is no need to duplicate structures.

Political advertising can be published through various media, online and offline. The online environment introduces many new channels for advertising, such as boosted and targeted social media posts, sponsored search results, and personalised ads appearing within apps, video streaming services, and other websites and online service platforms (such as online retailers).

Q23. Should requirements to retain information apply to all political ads, regardless whether online or offline?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please elaborate your response (optional)

for the sake of transparency, this could/should be part of a political advertisers financial/accountability report.

The Digital Services Act proposes to require all very large online platforms to ensure public access to repositories of advertisements displayed on their online interfaces.

Q24. Should all political ads be made similarly accessible:

- a. only to competent authorities by being retained for a period
- b. specifically registered with the competent authorities
- c. also to citizens, eg through a common online database or by being retained on the advertiser's website
- d. they should not be accessible
- e. don't know

Q24.2 what information should be publicly available (please indicate a response for each row)

	Yes	Maybe	No	Don't know
1. retain the ad itself	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. who placed the ad	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. the amount paid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. on the use of targeting and amplification techniques	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. on when and where the ad appeared (where available)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Questions on targeting and amplification:

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Advertising can be targeted to reach specific people, and it can be amplified to boost its actual or apparent popularity. Targeting can be simple: a political party can circulate campaign material to its registered members. However, increasingly sophisticated tools have come to be used in this process – such as microtargeting, where sophisticated tools and personal and other data are used to direct ads to particular groups of users, allowing the messaging to be personalised and even manipulative. Other techniques exploit features of the online architecture to increase the impact of ads, for instance through deliberately polarising messaging to exploit user-interaction based ranking, or even through manipulated interactions to increase the circulation of messages.

Q25. Should there be any additional limits on targeting and amplification methods, besides compliance with data protection rules?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

The GDPR sets high standards with regards to the protection of citizens'/users' personal data. Data revealing users' political opinion and affiliations are sensitive personal data, which require explicit consent to be processed. This also applies in the context of advertising targeting. The data controller must ensure to collect the appropriate consent before using such data for micro-targeting. This obligation is accompanied by different transparency requirements which aim to inform users about the data processing taking place and by which entity.

Q25.2 Complete all which apply

Should EU rules control the following other amplification methods?

	Yes	Maybe	No	Don't know
1. paid for likes	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
2. bot software	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3. paid for influencers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Other	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please specify (optional)

No, but there should be transparency around it.

Q26. Provided relevant data protection rules are complied with (e.g. that explicit consent to the use of the relevant data was obtained) do you think the targeting of

political ads could be allowed for certain criteria (eg by geographic location, income bracket, gender, age, political affiliation, and general preferences and interests derived from a user's online activity)?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please specify which criteria could be allowed

Yes, the GDPR is the guiding rulebook here

Closing questions:

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Q27. Please share any additional comments or remarks you may have regarding the topic of this public consultation.

*3000 character(s) maximum*

1) We believe that information about the identity of the political advertiser and about the fact that the ad was targeted by using personal data should be made public. To that end, an AdChoices Icon for political transparency can help deliver transparency.

For context, the AdChoices Icon for interest-based advertising is an established transparency tool. It is a consumer-facing, interactive tool, symbolising consumer transparency, choice and control over interest-based advertising. The symbol is placed in or around online ads by third parties, or on websites where online behavioural advertising data may be collected and/or used by website operators. It demonstrates that companies involved in serving the ads are respecting the self-regulatory principles in a way that empowers consumers. The AdChoices Icon links through to consumer-friendly information about interest-based and online advertising, including the information portal and Consumer Choice Platform YourOnlineChoices.eu.

2) We regret that it is not possible to provide an explanation for all questions asked, as this would be a means to provide context and background information regarding answers. For example, regarding Q20, we would like to add the following explanations

European political parties should

1. disclose their ad spending online in real time (YES – but need to define what is meant by real-time)
2. maintain examples on their website of the ads they sponsor (YES – but not only examples. There should be a complete ad library, if online platforms are used, links to their ad libraries should be provided)
3. disclose the advert targeting services they use (NO. However, the parameters and targeting criteria used could be disclosed)
4. refrain from using certain technologies which can be used to mislead (e.g. micro-targeting and other data-driven techniques, ad amplification, etc) (No. This is irrelevant and need not be regulated here, since the GDPR applies)
5. refrain from political advertising altogether (rely on national campaigns only) NO – because EU

Parliament elections do not follow the same logic as national elections, therefore more communication from these groups is needed rather than less.

Q28. Would you like to participate in a phone interview to further discuss the topics of this open consultation? If yes, we may contact you through the email provided in the introduction.

- Yes
- No

## Contact

[Contact Form](#)