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Press Release

ERGA calls for uniform definitions and European rules for transparency of political advertising

ERGA's contribution to the public consultation on political advertising

To protect our democratic societies in the digital age we need rules to enable free and independent elections which take the online sphere into account. ERGA welcomes the European Commission's announcement of a legislative proposal on the transparency of sponsored political content within the European Democracy Action Plan. In its contribution to the public consultation on this initiative, ERGA highlights in particular two key points.

ERGA calls for uniform definitions as a baseline for any specific pan-European rules. To a substantial extent, media consumption is today taking place on a few large, international platforms, which are aware of the issue of political advertising. Today, platforms provide each an own definition of what constitutes political advertisement on their services, spelled out in their terms and conditions. This is not ideal, neither for consumers nor for regulators. For legal certainty and effective enforcement of transparency obligations by the competent regulatory authorities, a uniform definition of political advertisement is needed. It is not a task of the industry, but of the society to come up with such a definition – and society's direct representative is the legislator.

ERGA suggests European rules on transparency as a vehicle for empowering and protecting voters against manipulation. Obviously, most elections within Europe do not have an international scope. Still, platforms are global companies and communication does not stop at borders. While regulation concerning the amount or content of political advertising is a matter of the national legislator, the background information on political advertising provided by the platform should always be the same. ERGA proposes to establish uniform rules on transparency of political advertising throughout Europe. Such transparency rules should ensure that more precise information on political ads is included in platforms' political ads repositories, providing more data granularity on each individual ad. ERGA also stresses the need to increase public scrutiny.

"We very much appreciate the commitment of the major platforms with regards to political advertising and also their willingness to take and implement commitments themselves as they have done in the framework of the Code of Practice on Disinformation. At the same time, the past months have shown that this is not enough. Media regulation stands for the protection of freedom of expression - in order to fulfil this task, the corresponding binding rules are now urgently needed as a basis for regulation", comments Dr Tobias Schmid, Chair of ERGA and European Commissioner of the Directors' Conference of the German Media Authorities, on ERGA's contribution to the public consultation.

In the case of political advertising, it also seems sensible to opt for a Directive in order to give the Member States enough leeway to adapt these regulations to their already existing national regulations. The regulation in the field of political advertising and the political environment itself varies greatly in Europe and this should be sufficiently taken into account by giving the Member States room for manoeuvre in implementation. With a directive, the appropriate mean would be chosen.

About ERGA:

The European Regulators Group for Audiovisual Media Services (ERGA) consists of the national regulatory authorities in the field of audiovisual media services. ERGA advises the European Commission and facilitates cooperation between the regulatory bodies in the EU. Dr. Tobias Schmid, Director of the Media Authority of North Rhine-Westphalia, is the current Chairperson of ERGA.