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Press release

Transparency and targeting of political advertising: ERGA asks for clearer definitions and an unequivocal commitment to coordinated governance

ERGA has published on the 1st of September [its position paper](#) on the proposal for a Regulation on transparency and targeting of political advertising, presented by the European Commission in November 2021. This position paper specifies and reinforces ERGA's views contained in [its statement](#) on the proposal, which was adopted by the group in March 2022. In the position paper, ERGA members reiterate their support for the approach of the European Commission imposing obligations on the whole value chain of political advertising as well as its ambition to ensure fair and transparent campaigns, both online and offline.

ERGA insists on strengthening the definitions of political advertising, the level of transparency, and the limitation of targeting and amplification techniques. At the same time, ERGA members stress the importance of the implementation of this future legislative tool, especially regarding the concrete governance setup and the coordination between the competent national regulatory authorities. While the independence of national regulators should be preserved, the cooperation between the competent authorities should be reinforced, bearing in mind the cross-border character of online services.

A crucial effect of the proposed regulation is to guarantee the transparency of political advertising for users and regulatory and competent authorities to limit their possible negative impact on democracy. In this aspect ERGA provided some suggestions to improve the definition of political advertising (in particular narrowing down the definition of the so called "issue-based ads" in the legislative proposal).

ERGA also calls for the adoption of an obligation for the publishers to keep a comprehensive and real-time political ads repository, easy to access and use providing more data granularity on each individual ad. These libraries are the only tool that may allow the competent national regulatory authorities and other competent authorities to collect data that are crucial for the monitoring of the new rules and will increase the transparency of platforms' behaviour. ERGA suggests introducing a specific article on ad repositories and recommends that each publisher of political ads (irrespective of its size) keeps its own repository, which should be accessible real-time and designed in accordance with precise standards. Such repositories would provide citizens, researchers, as well as public authorities with essential information, especially during the sensitive time of elections.

With regard to targeting and amplification techniques, ERGA believes that both these techniques should be strictly regulated and limited. ERGA further suggests that targeting and amplification techniques could only be performed using the data for which the user has provided an explicit consent (i.e. gender, age, location, and other identity data that are provided by the users to the platform). Furthermore, ERGA proposes to prohibit the use of data inferred by the platform (and not provided by the user) with regard to targeting techniques. Taking in consideration that online advertising services are very often provided on a cross-border basis in order to ensure the effectiveness of the regulation, ERGA recommends introducing a more coordinated and consistent sanctioning regime, in full respect of democratic checks and balances.

The coordination between regulatory and other competent authorities is crucial to ensure the success of the Regulation, especially when dealing with cross-border cases. Thus, a working coordination has to be ensured and the role of ERGA as well as of NRAs should be recognised more explicitly. In particular, both NRAs and ERGA should be formally mentioned in an Article as an entity that will cooperate alongside the European Cooperation Network for elections and the other specialised national authorities. This is a fundamental aspect for ERGA, especially taking into consideration that the Regulation will also apply to offline media services; and that the “competent authorities” might be requested to receive complaints from users and from “trusted flaggers”. *“As all the other major current regulatory projects in the field of the media, the success of their implementation depends on efficient cooperation between the relevant authorities, mainly the national regulators and ERGA. Their role has to be clarified”*, said Karim Ibourki, ERGA Chair.

As regards the coordination needed to solve cross-border cases, ERGA confirms the concerns expressed in its [position paper](#) where it stated that, while acknowledging the important role of the DSCs, the newly designed framework should explicitly provide for the involvement of independent NRAs and ERGA.

ERGA believes that the coordination between this Regulation and the other legislative and non-legislative tools, e.g. the General Data Protection Regulation, the Digital Services Act, the Audiovisual Media Services Directive, and the strengthened Code of Practice on Disinformation, will be a crucial aspect for guaranteeing an effective implementation of the Regulation and is fully committed to work in synergy with the EU Commission to achieve an effective coordination among the mentioned legal acts.

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. Mr Karim Ibourki, President of the Belgian CSA (Conseil supérieur de l’audiovisuel) is the current Chairperson of ERGA.