



*Naples, 29 June 2023*

## **ERGA presents its statement on the ongoing trilogue negotiations on the Regulation on the transparency and targeting of political advertising**

Having adopted its joint [position](#) on the priorities ahead of the trilogue negotiations, ERGA has been closely monitoring the developments within the legislative process. To further support the ongoing work of the co-legislators, ERGA reflects, in this comprehensive statement, on the particularly thorny issues related to labelling schemes and repositories of political advertisement. ERGA calls on the co-legislators to continue to make progress on this file and note the urgency of having measures in place for the 2024 European parliamentary elections.

Taking into regard the support for labelling techniques proposed in Article 7 of the Regulation, ERGA concurs with the co-legislators that such measures best foster transparency for political advertisement. These techniques should take into account best practices on labelling set out in the [Strengthened Code of Practice on Disinformation](#) (2022) and apply to all supported formats. It is essential that the labelling ensure that relevant information, such as statement to the effect that it is a political advertisement and the identity of the sponsor, is readily accessible to each recipient of the service (i.e., without further interaction with the advertisement).

As noted in its position, ERGA considers it essential that all platforms make information in transparency notices available in advertising repositories, with a high quality standard. This obligation should be adapted to the size of the concerned platforms and may contain exemptions for SMEs and start-ups. In this regard, ERGA wishes to further clarify its position and propose common standards on three technical aspects of the repositories.

**Data structure** - ERGA believes that the data provided for in the repositories should be easily accessible in a structured format<sup>1</sup> (e.g., JSON) facilitating compliance monitoring. Regardless of the type of data structure, it is necessary that ad publishers take aspects such as accessibility, capacity, security, ease of use, and responsiveness into account when providing such data.

**APIs** - ERGA suggests, based on its recommendation of API access for the repositories, that such access is supplemented by extensive documentation (e.g., the documentation available for the Twitter researcher access pre-2022). Similarly to the data structure, the APIs facilitating access to the repositories should not establish any restrictions such as thresholds or caps on the amount or type of accessible data.

**Authentication** - Considering the repository requirements provided for in Article 7 of the Regulation and Article 39 of the Digital Services Act, the repositories provided by the designated VLOPSEs should be publicly accessible and thus not require further authentication. In the case of other political advertising publishers (e.g. SMEs), the access authentication should be based on reasonably met security assurances (e.g., tokenisation in the case of digital political advertising publishers).

ERGA believes that transparency in political campaigns constitutes a cornerstone of the democratic values in the European Union. The views presented in this statement are based on ERGA's long-standing expertise in matters pertaining to audiovisual media legislation and on the experience gained by ERGA members in monitoring the digital platforms' commitments in the area of political ads within the Code of Practice on Disinformation. For this, ERGA stands ready to provide further expertise on the matter at hand.

**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 Giacomo Lasorella, President of the Italian AGCOM (Autorità per le Garanzie nelle Comunicazioni) is the current Chairperson of ERGA.*

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<sup>1</sup> The vast majority of experts contributing to the consultation of the European Commission on the [Delegated Regulation](#) on data access provided for in the Digital Services Act consider structured data formats best at fostering transparency and accessibility. See for example [CSMaP](#) and [CMS'](#) contributions.