

Feedback on the draft Commission Implementing Regulation on the European repository for online political advertisements

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The [Civil Liberties Union for Europe](#) (Liberties) is committed to the protection of democracy, fundamental rights, and the rule of law as enshrined in the EU Treaties and the Charter of Fundamental Rights of the European Union. Through extensive research, advocacy, and monitoring work across the Union, Liberties has long contributed to ensuring that civil liberties and democratic values are respected in both law and practice.

Transparency in political advertising is a cornerstone of a well-functioning democratic system. In this light, Liberties strongly welcomes the provisions laid down in [Regulation \(EU\) 2024/900](#) on the transparency and targeting of political advertising (TTPA) establishing a European repository for online political advertisements and considers their swift implementation essential. Given the scale of online political influence and the proximity of multiple electoral processes across the EU, the establishment of the repository is not only timely but urgently needed.

Liberties has three main observations regarding the [draft Commission Implementing Regulation](#).

1. THE NEED TO CLARIFY THAT PLATFORMS CANNOT OPT OUT OF TTPA OBLIGATIONS THROUGH FORMAL ADVERTISING BANS

In 2024 and 2025, respectively, [Google](#) and [Meta](#) announced that they would no longer allow political advertisements on their platforms. [In practice](#), however, political advertisements continue to appear on these services, often “under the radar”. Such content may be detected and removed only after a delay of several hours or days; during that period, it is nonetheless displayed to users, amplified through recommender systems, and monetised by the platform.

From Liberties’ perspective, this raises a critical issue of interpretation under the TTPA. In our view, platforms that host, distribute, and monetise political advertisements, even temporarily, and even contrary to their stated advertising policies, continue to qualify as political advertising publishers within the meaning of the Regulation. A self-declared ban on political advertising cannot, in itself, exempt a platform from the obligations that arise when political advertising is in fact disseminated on its services.

This interpretation is consistent with the objectives and structure of the TTPA, including its transparency requirements and the role of the European repository for online political advertisements as a comprehensive public record of political advertising disseminated within the Union. The effectiveness of the repository would be undermined if political advertisements that are published and monetised in practice, but later removed, were excluded from its scope.

This interpretation is also aligned with [Regulation \(EU\) 2022/2065](#) on a Single Market for Digital Services (Digital Services Act, DSA) and the [Commission’s election-related guidelines adopted pursuant to Article 35\(3\)](#) thereof (Guidelines). The DSA requires very large online platforms and very large online search engines to identify, assess, and mitigate systemic risks

to electoral processes and civic discourse. The Commission's guidelines provide interpretative guidance indicating that risks to electoral processes may arise, *inter alia*, from the dissemination of political advertising and other political content. The Guidelines further indicate that, where platforms decide not to allow political advertising on their services, effective verification mechanisms and enforcement measures are expected to be put in place to give effect to such decisions.

In light of these observations, **Liberties considers that the Commission should explicitly clarify that platforms cannot rely on formal advertising bans to avoid transparency and accountability requirements under the TTPA.** Where political advertisements are disseminated on a platform in practice, even temporarily and even where subsequently removed or disabled, the platform remains a political advertising publisher within the meaning of the TTPA and remains subject to the corresponding transparency obligations. Accordingly, platforms that formally prohibit political advertising must nevertheless be technically prepared to comply with the requirements associated with the European repository for online political advertisements.

In particular, where political advertising content is detected after publication, platforms should be required to:

- identify the content as political advertising without undue delay;
- obtain, retain, and store the relevant transparency information from the advertiser or publisher; and
- ensure that such information is transmitted to, and remains searchable in, the European repository for the full retention period laid down in the TTPA.

Such clarification is necessary to ensure the effectiveness and coherence of the EU regulatory framework for political advertising.

First, from the perspective of democratic accountability, excluding political advertisements that are published and disseminated in practice, but later removed, would create a structural gap in transparency and undermine the repository's function as a comprehensive public record.

Second, from an enforcement perspective, repository data is indispensable for assessing whether platforms that have announced political advertising bans are in fact complying with their risk-mitigation obligations under the DSA, including those relating to elections and civic discourse. In this regard, the discontinuation of dedicated political advertising repositories by Meta and Google following their withdrawal from the political advertising market further underscores the importance of a robust and searchable European repository that enables meaningful oversight by regulators, researchers, and civil society.

Third, from a regulatory coherence perspective, permitting platforms to avoid repository-related obligations by reference to internal advertising policies would risk undermining both the TTPA and the DSA and could incentivise purely formal advertising bans that displace political advertising into less transparent formats rather than preventing its dissemination.

Liberties recognises that the Implementing Regulation cannot expand or redefine the material scope of the TTPA, or that of the DSA. Questions concerning the regulatory treatment of influencer-based political communication can only be addressed through legislative amendment.

Nevertheless, Liberties emphasises that the implementation of the European repository should be future-proof, and should not, through design or technical choices, preclude the later inclusion of paid political influencing, including political advertisements disseminated via influencers on online platforms in the form of organic posts (or comparable formats). As influencers play an increasingly significant role in shaping public opinion and democratic processes, we believe that increased transparency requirements should apply to paid political influencing, including inclusion in the European repository.

In this regard, Liberties recalls that Article 27 of the TTPA provides for a review of the Regulation and considers that this review should explicitly assess the treatment of paid political influencing and its inclusion within the Regulation's transparency framework. Liberties therefore encourages the Commission to ensure that the technical architecture and implementation choices adopted at this stage do not create structural or technical barriers to such future inclusion following the TTPA review.

2. RISK OF DELAY AND PLATFORM LEVERAGE UNDER ARTICLE 5

Article 5 of the draft Implementing Regulation requires that the launch of the repository be announced "sufficiently in advance" to allow companies to adapt to the new requirements. While a reasonable adaptation period is understandable, Liberties is concerned that, without a clearly defined timeframe, this provision risks delaying implementation indefinitely.

Liberties therefore urges the Commission to specify a concrete adaptation period and to carefully consider the democratic costs of any further postponement. Adaptation requirements should not become a de facto mechanism through which large platforms can delay or weaken the application of transparency obligations.

3. IMBALANCED STAKEHOLDER INVOLVEMENT UNDER ARTICLE 6

Article 6 of the draft Implementing Regulation correctly recognises the need for the "active involvement of a wide range of stakeholders" in establishing the European repository, a principle that Liberties fully supports. However, the informal expert group established by the Commission appears to be composed exclusively of providers of political advertising services. This composition risks narrowing stakeholder input in practice, despite the broader objective set out in the draft.

Liberties therefore calls on the Commission to establish an expert group that genuinely reflects the diversity of affected stakeholders, including economic operators, researchers, consumers, and civil society organisations. Such a group would be better placed to contribute good practices, research findings, operational insights, and real-world experience to the development of an effective and trustworthy repository.

CONCLUSION

Liberties considers the Commission's draft an important step towards the long-overdue establishment of the European repository for online political advertisements. However, clearer guidance is needed to ensure that platforms cannot evade transparency obligations through formal advertising bans while political advertising continues to circulate in practice.



Combined with clearer timelines and more inclusive stakeholder engagement, such clarifications are essential to ensure that the repository fulfils its purpose as an effective tool for transparency, democratic accountability, and public trust.

