







Feedback on the draft Commission Guidance to support implementation of the Political **Advertising Regulation**

The Civil Liberties Union for Europe welcomes the draft guidance to support implementation of the Political Advertising Regulation (TTPA). We agree that effective transparency in political advertising is vital for citizens to recognise such messages, understand their origins, and engage in democratic discourse in an informed way. At a time of rapidly increasing online political advertising, sophisticated targeting techniques, and growing risks of manipulation, clear and enforceable transparency rules are essential to protecting free and fair elections. We appreciate that the guidance aims to support all actors covered by the Regulation, as well as national authorities, in ensuring these standards are applied effectively in practice. We also appreciate the strong attention the draft guidance gives to content creators (influencers). These actors will play an increasingly important role in the political advertising ecosystem in the coming years, and it is therefore essential that their obligations under the Regulation are clearly explained.

In light of the above, we provide the following comments.

SECTION 1: WHO IS COVERED?

We welcome the draft's clear explanation of the roles and responsibilities of sponsors, providers of political advertising services, and publishers, including content creators. The inclusion of influencers and other creators as political advertising publishers reflects the reality that these actors now play a significant role in shaping political discourse.

In Section 1.2.1.1, the guidance usefully encourages online intermediary services that are not political advertising publishers to facilitate compliance by their users, for example, by providing tools to label political content, supply transparency notices, and enable notifications of potentially non-compliant material. While we recognise that the Regulation does not empower the Commission to make such facilitation mandatory for these services, we would welcome clarification on how this encouragement relates to the Commission's understanding of Articles 26(1) and 26(2) DSA.

Specifically:

- whether Article 26(1) is understood to cover only advertisements for which the platform itself is remunerated, rather than all advertisements that are paid for by someone; and
- whether the encouragement in Section 1.2.1.1 is intended to cover the gap between Article 26(1), which applies only to ads paid for the platform, and Article 26(2), which applies to influencers engaging in commercial communication.

In addition, the reference in this section to services "normally provided for remuneration" could benefit from clarification. In ordinary usage, this might be understood as covering services that are generally offered for payment, even if in a specific case they are not. Yet in the examples provided, "normally provided for remuneration" appears to mean "actually provided for remuneration." We would welcome clarification on whether this is indeed the intended meaning.

In Section 1.3.2, the guidance discusses content creators' transparency and due diligence obligations and refers to the EU consumer law acquis, including guidance on the Unfair Commercial Practices Directive. It is unclear whether the Commission's intention is to draw an analogy (i.e. that similar disclosure principles apply) or to suggest that political advertising also falls under the consumer acquis. We would welcome clarification on this point, as the latter reading would be confusing.

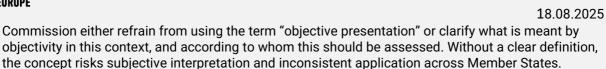
SECTION 2: WHAT IS POLITICAL ADVERTISING?

In Section 2.1, Example 23, the "objective presentation of candidates" in public spaces or in the media free of charge is described as falling under the third exception. We suggest that the









In Section 2.2.2 on in-house activities, the wording is unclear. Our understanding is that messages produced and disseminated in-house, for example, by a political party's employees and distributed through organic posts or in groups on social media, still constitute political advertising under the Regulation. However, certain obligations apply only where external political advertising services are contracted. We would appreciate clarification whether this is the intended meaning, and in particular whether "relevant only" refers to the applicability of obligations (e.g. on targeting and ad delivery) rather than to whether the activity qualifies as political advertising at all.

SECTION 3: OBLIGATIONS UNDER THE REGULATION

While we consider that the Regulation and its recitals are relatively clear on the meaning of "ultimate ownership or control," and good-faith actors would not misinterpret this, there remains a real risk of misuse at Member State level. In some Member States, there is a risk that authorities may treat organisations supported by international foundations or donors, including respected mechanisms such as the EEA and Norway Grants' Civil Society Fund, as being "ultimately controlled" by thirdcountry entities. Such financial support does not in itself confer governance rights or decisive influence.

We therefore recommend that the Commission include an explicit clarification in Section 3.2.2. This would help prevent misuse of Article 5(2) against legitimate civic actors, while fully preserving its purpose of safeguarding elections from malign foreign interference.

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