

Political Advertising Regulation

***PRACTITIONER'S GUIDE
FOR EACA MEMBERS***

March 2025



THE EACA MEMBERS REGULATION (EU) 2024/900 ON THE TRANSPARENCY AND TARGETING OF POLITICAL ADVERTISING - PRACTITIONERS GUIDE

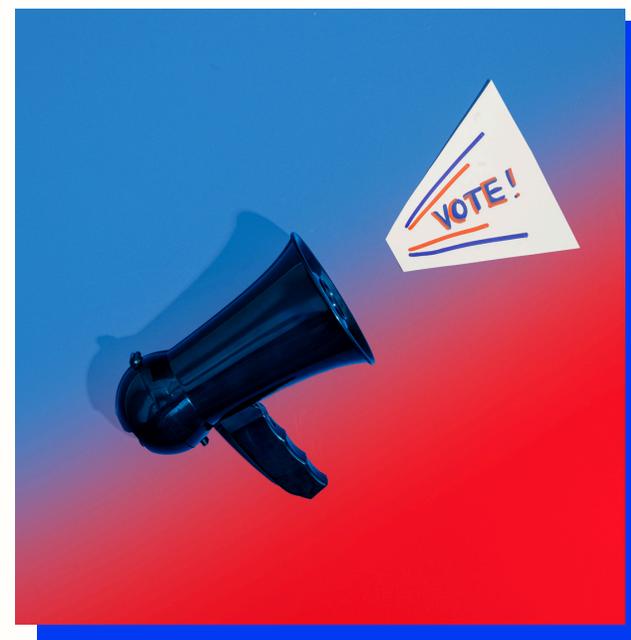
This guide provides a comprehensive overview of the Political Advertising Regulation for communication agencies, focusing on how the Regulation affects marketing and advertising strategies. It outlines the key provisions that are relevant to EACA members and provides practical steps to ensure compliance.

- 1 Objectives**
- 2 What are political ads? Definition & Identification**
- 3 Labels & Transparency Notice of Political Ads**
- 4 Transparency obligations**
- 5 Targeted political ads & non-discrimination**
- 6 Other relevant provisions**
- 7 Penalties**
- 8 Political Advertising Regulation Timeline**

Objectives of the Regulation (EU) 2024/900 on the transparency and targeting of political advertising

The **Political Advertising Regulation**, adopted on **13 March 2024** by the European Parliament and the Council of the European Union, imposes obligations on all providers of political ads and aims to establish a common European approach regarding:

- The **definition** and **identification** of political ads
- Minimum **transparency** rules
- Limitations to **targeted political ads**
- **EU public repository** for online political ads
- **Foreign interference** during elections
- **Non-discrimination** across borders



2 What are Political Ads?

Definition

Political advertisements include **paid and unpaid messages created for or on behalf of political entities**, with the aim of **influencing voting behaviour or electoral outcomes**. These ads, regardless of the means used or the location of the service provider or sponsor, are intended to be disseminated within the EU, made publicly available in one or more EU Member States, or targeted at EU citizens. The regulation applies regardless of the provider's place of establishment or the sponsor's place of residence.

These types of ads are excluded:

- Content of political advertisements
- Official sources (Member States and EU)
- Legally allocated free media time
- Other aspects of political advertising, such as the conduct of political campaigns
- Content under editorial responsibility (unless specifically remunerated)
- Views expressed in a personal capacity

'political advertising' means the preparation, placement, promotion, publication, delivery or dissemination, by any means, of a message, normally provided for remuneration or through in-house activities or as part of a political advertising campaign:

- (a) by, for or on behalf of a political actor, unless it is of a purely private or a purely commercial nature; or
- (b) which is liable and designed to influence the outcome of an election or referendum, voting behaviour or a legislative or regulatory process, at Union, national, regional or local level;

and does not include:

- (i) messages from official sources of Member States or the Union that are strictly limited to the organisation and modalities for participating in elections or referendums, including the announcement of candidacies or the question put to the referendum, or for promoting participation in elections or referendums;
- (ii) public communication that aims to provide official information to the public by, for or on behalf of any public authority of a Member State or by, for or on behalf of the Union, including by, for or on behalf of members of the government of a Member State, provided that they are not liable and designed to influence the outcome of an election or referendum, voting behaviour or a legislative or regulatory process; and
- (iii) presenting candidates in specified public spaces or in the media which is explicitly provided for by law and allocated free of charge, while ensuring equal treatment of candidates;

2 What are Political Ads?

Identification

The European Commission will develop detailed **guidance** to help differentiate political ads from commercial or issue-based ads. This guidance will outline key features to consider:

Sponsor

Objective of the message

Content of the message

Context in which the message is conveyed (e.g. period of dissemination)

Language used

Means used to prepare, place and deliver the message

Targeted audience

Label & Transparency Notice of Political Ads

Providers must display transparency information:

Within the ad

- **Label**
- **Statement** that the ad is political
- Identity and contact details of the **sponsor**
- Election, referendum, **legislative progress** to which the ad is linked
- **Transparency notice** and where to retrieve it

Outside the ad - Transparency notice

Info present within the ads, plus:

- **Payments:** amount for the ads, how it is calculated, its origin (public vs private/EU vs non-EU)
- Link to the **European repository** for online political ads (yet to be established)
- Link to the **notification mechanism** (yet to be established) for unlawful ads
- Where applicable: if the ads violated the regulation, if it is targeted, and its reach (e.g. views, engagement)
- Must be up to date, retrievable and retained for **7 years**

4 Transparency Obligations

Reporting, Record-Keeping and Notification

TRANSPARENCY & GOVERNANCE				
- Labeling & Transparency Notice				
Requirements	DSA	Provider of online platforms	TTPA	Publisher
Is it a political advertising		✓		✓
Sponsor		✓	+ entity ultimately controlling the	✓
Who paid for the ad		✓		✓
Why is the recipient targeted		✓	! Whether targeting or ad-delivery techniques were used + additional	~
		+ how to change the targeting parameters		
Ad timeline		X		✓
Aggregated amounts & value of other benefits received (provider, publisher & political campaign) + their origin + methodology used to calculate the amounts		X		✓
Linked elections or referendums and legislative or regulatory processes		X		✓
Link to the European repository		X		✓
Mechanism(s) to notify non-compliance to publishers + information on previous suspension/discontinuation of the non-compliant ad		X		✓
Where feasible – reach of the ad (views, engagement)		X		✓

Providers of political advertising must:

- Ensure that all political ads carry an accessible **transparency notice**, retrievable for seven years, and in a machine-readable format.
- Include in the transparency notices: **sponsor details**, **payment sources**, **targeting methods**, and a link to the **EU repository** once operational.
- Ensure **contracts** with sponsors comply with transparency obligations.
- Contact the sponsor or provider to **correct any incorrect information** or to halt the dissemination of the ads immediately. Notify them of any such decisions accordingly.
- Establish a system for **reporting illegal ads**, ensuring that notifications are confirmed, verified, investigated, and addressed within 48 hours prior to elections.

5 Targeted Political Ads & Non-Discrimination

Online targeted ads

Users:

- Need to give explicit and separate consent for targeted ads using personal data
- Should not be asked for consent if they have already expressed it through automated means
- Must be able to withdraw consent in the transparency notice
- Must have an alternative option that does not involve processing of data

Targeted ads are prohibited:

- Using sensitive data (e.g. racial, ethnic origin, political opinions)
- Targeting individuals of at least one year under the voting age

Specific and **strict transparency obligations** (see article 19)

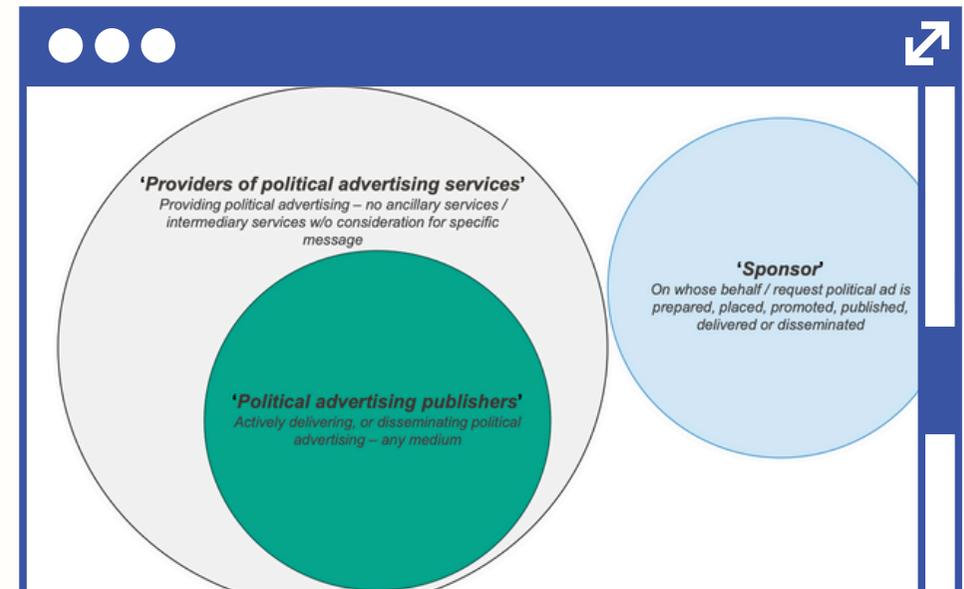


Non-Discrimination

Providers are prohibited from discriminating against EU sponsors based solely on their location or residence. This requirement may make it more challenging to refuse the provision of cross-border political ads.

Other Relevant Provisions of the Political Advertising Regulation

- **EU Online Repository:** All online political ads will be available in European repository for online political advertising that the Commission will set up
- **Restrictions for 3rd countries sponsors:** Non-EU sponsors cannot fund political ads three months before elections, including through intermediaries or affiliates
- **Very Large Online Platforms (VLOPs) & Very Large Online Search Engines (VLOSEs):** Should identify, analyse and assess any systemic risks related to political ads in their risk assessments & adopt mitigation measures (in line with the Digital Services Act)



Penalties for Non-Compliance

The regulation mandates that **Member States define and enforce sanctions** that are **effective, proportionate, and dissuasive**. It does not set a specific percentage for fines, it requires that:

- the maximum fines be at least 4% of the total worldwide annual turnover of the preceding financial year for undertakings;
- or at least EUR 20,000,000 for other entities.
- For natural persons, the maximum fines should be at least EUR 1,000,000.



Political Advertising Regulation Timeline

Institutional Approval

November 2021: Regulation proposed by the European Commission.

December 2022: Council of the European Union adopted the proposal and agreed on its general approach for negotiations with the European Parliament.

February 2023: The European Parliament adopted almost 300 amendments to the original text.

Publication

March 2024: Council of the European Union and European Parliament formally adopted the Regulation on the transparency and targeting of political advertising.

13 March 2024: Publication in the Official Journal.

Entry into force

13 March 2024: Entry into force of the anti-discrimination clause.

9 April 2024: The Regulation entered into force.

Application

10 October 2025: Most provisions of the Regulation will become applicable.

**Any questions?
Please don't hesitate to contact**



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