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Public consultation on a proposal for an initiative on greater transparency in sponsored political content, and other supporting measures

Fields marked with * are mandatory.

Introduction

The digital revolution has transformed democratic politics. Political campaigns are now run not only on the doorstep, billboards, radio waves and TV screens, but also online. This gives political actors new opportunities to reach out to voters, and new opportunities for civic engagement and public participation. However, the rapid growth of online campaigning and online platforms has also opened up new vulnerabilities. This can apply to national, regional, municipal and European elections, as well referenda. The definition of partisan or political advertising varies across Member States and around the world. In some Member States, political ads may only be placed by political actors (e.g. parties and candidates), and are limited in their financing and when they can be used. Other ads with more general political messages, aims or effects (i.e. regarding more general political issues such as the environment or migration – ‘issues ads’) are also placed, including by other actors (companies, civil society, citizens but also political parties) and during other periods than in the context of an election.

Political ads can be placed through publishers (radio, television, media websites and commercial websites, social networks and other online platforms) by a variety of actors, ranging from political parties to communication consultancies and advertising agencies. Their preparation and financing can involve many service providers, from banks to data brokers and analysis, often with a cross-border element. The relevant rules are mostly national, and often diverge. In some cases they do not cover the online environment. They can thus cause legal uncertainty and have potential gaps and loopholes in their enforcement.

Attempts to interfere in recent elections, including European elections, and manipulate the democratic debate have intensified. Political advertising is one of the ways that information manipulation is amplified and disseminated, and through which political interference can be achieved. The content of an ad can be misleading, or the way that it is circulated (including by micro-targeting specific messages tailored to particular groups) and amplified (for instance by political actors posing as ordinary voters). Online advertising and the overall digitalisation of political campaigning may therefore have adverse impacts on democracy.

Citizens need access to transparent information on political ads to participate in the political debate, freely take political decisions and hold politicians accountable. Journalists, researchers, fact-checkers and other stakeholders also rely on transparency. In addition, public authorities can only monitor and enforce relevant rules on political advertising if all actors involved act transparently. There can be legitimate reasons for certain limitations to transparency, not least to protect personal data. The use of citizens’ personal data must comply fully with the General Data Protection Regulation (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>).

The European Democracy Action Plan (https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan_en) recognises the need for more transparency in political advertising and communication, and the commercial activities related to it, in order for citizens, civil society and responsible authorities to be able to see clearly the source and purpose of such advertising. The European Democracy Action Plan therefore announced a legislative proposal on the transparency of sponsored political content as well as support measures and guidance for Member States and other actors, such as national political parties and competent authorities.

This initiative addresses all actors involved in financing, preparing, placing and disseminating political advertising (such as political and marketing consultancies and advertising and campaign organisations) and complements the rules set out in the proposal for a Digital Services Act, which applies to online intermediaries, and the wider EU framework for the digital services market. It is also complementary to the revised Audiovisual Media Services Directive, which extends the European qualitative standards applicable to audiovisual commercial communications in traditional audiovisual media services to those available on video-sharing platforms. The initiative will cover both online and offline activities, and could cover the range of elections in the EU, including European Parliamentary elections. More information can be found in the inception impact assessment (<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12826-Transparency-of-political-advertising>) for this initiative. The initiative will be complemented by the revised Regulation on the statute and funding of European political parties and foundations, planned for Q3 of 2021 that aims to increase transparency of funding for European political parties and foundations and to enhance the European dimension of European elections.

This public consultation builds on the extensive consultation conducted by the Commission recently, including for the Digital Services Act and the European Democracy Action Plan. It is an opportunity to further explore the particular issues raised by an intervention to introduce greater transparency in political advertising and related measures, including how it could contribute to the resilience of democracy in Europe, to the overall transparency of political campaigning, as well as to understanding how relevant market actors might be affected.

We want to hear from you!

The European Commission welcomes views from European citizens on the issues that concern them. That is why we have prepared this consultation – your views and experience are essential to shaping our policies to serve the interests of European citizens.

You can send us your views until **2 April 2021**. The Commission will prepare a consolidated and anonymous analysis of all responses to the questionnaire and publish it online.

How to take part

Answering this questionnaire (in any official EU language) should take between 15 and 20 minutes. The questionnaire closes with an open question for you to include suggestions and other views, and a question to allow you to indicate whether we may contact you to follow up.

Civil society organisations, public authorities and private businesses also have the possibility to complement their submission by additional position papers to just-transparency-consultation@ec.europa.eu (<mailto:just-transparency-consultation@ec.europa.eu>).

In the email, please, specify your name, nationality, the name of your organisation (if relevant) and your function in the organisation.

You can learn more about the use of the answers in the privacy statement (<https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement>).

About you

Language of my contribution

English

I am giving my contribution as

Business association

First name

DOT Europe

Surname

AISBL

Email (this won't be published)

info@doteurope.eu

Organisation name

255 character(s) maximum

DOT Europe

Organisation size

Micro (1 to 9 employees)

Transparency register number

255 character(s) maximum

Check if your organisation is on the transparency register (<http://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en>). It's a voluntary database for organisations seeking to influence EU decision-making.

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Country of origin

Please add your country of origin, or that of your organisation.

Belgium

The Commission will publish all contributions to this public consultation. You can choose whether you would

prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the personal data protection provisions (<https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement>)

Questions on political advertising and related services

Political advertising can cover a wide range of activities and a wide range of formats, from leaflets to radio, billboards, websites and social media. Political ads can promote particular parties or candidates, they can impart information, raise money or address political subjects more generally. They are regulated and defined differently from state to state, but for the purposes of this consultation we would approach this term very broadly.

Q1. Is political advertising permitted for elections in your home country?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q2. Which format of political ads have you encountered most often in your country?

- a. Leaflets
- b. Posters
- c. Radio
- d. TV

- e. Online
- f. Other

Q3. Have you ever encountered any of the following (check all which apply):

- an advert raising money for a political objective (cause, candidate, party etc)
- an advert promoting participation in an election
- an advert providing essential information about an election (public service information)
- an advert attacking another political movement, actor, party or group
- sponsored political editorial in a newspaper or magazine
- an ad which promoted a political view without clearly being a political ad (an 'issues ad')
- political advertising outside an election period
- political advertising promoted in your country which appeared to be sponsored from outside your country
- political advertising in European Parliamentary election promoted by a European (not national) political party

Q3.1 Should definitions of political advertising include the following:

	include	exclude	neutral	Don't know
an advert raising money for a political objective (cause, candidate, party etc)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
an advert promoting participation in an election	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
an advert providing essential information about an election (public service information)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
an advert attacking another political movement, actor, party or group	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
sponsored political editorial in a newspaper or magazine	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
an ad which promoted a political view without clearly being a political ad (an 'issues ad')	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
political advertising outside an election period	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
political advertising promoted in your country which appeared to be sponsored from outside your country	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
political advertising in European Parliamentary election promoted by a European (not national) political party	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your response (optional)

While we welcome the attempt of this consultation to define categories of political advertising, the terminology used in this question is very confusing: how could "political advertising outside an election period" not be considered as political advertising?

We also support the inclusion of "sponsored political editorial in a newspaper or magazine" in the definition since users come across political ads offline as well as online. Thus the future measures should also be applicable to the offline world.

"Issue ads" as a stand-alone category are highly contextual and notoriously difficult to identify reliably, especially as the definition is fluid and will change and evolve during a campaign.

Q3.2 Should definitions of political advertising be:

- a. Defined in law
- b. Dynamically adaptable
- c. Don't know
- d. Other

Please explain your response (optional)

It is necessary to transparently inform users about political advertising and sponsored content. Therefore, a legal definition of political advertising would be valuable. This will bring legal certainty and clarity for online service providers regarding the type of action they can undertake and how they can deal with political advertising on their services.

A definition of political advertising will also contribute to a harmonisation of the concept at EU level, which is desirable in view of the entry into force of several pieces of legislation aimed at regulating the online world.

Last but not least, it is not the role of the online service providers to define political advertising but it is rather up to the policy-makers to enshrine the definition of political advertising in law.

Q4. Have you ever encountered political advertising online?

- a. Yes
- b. No
- c. Don't know

Q4.1 Roughly how often?

- a. Daily
- b. Weekly
- c. Monthly
- d. Seldom

Please indicate where you have most often or most memorably encountered political ads?

Q4.2 Regarding the advertising you encountered, were you able to easily find the following information

	Yes	Maybe	No	Don't know
1. clear labelling that it was a political ad	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. information about who placed the ad	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. information about entities sponsoring or co-sponsoring the ad	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. information about the amount paid	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. (where relevant) information regarding the use of targeting (whether and why the ad was targeted at you specifically)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Other information about the ad	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify

Questions on relevant rules for political advertising:

In most Member States, there are rules that limit party spending for election campaigns, which can differ among Member States in their scope and substance, and their applicability online. Within a Member State, they can differ for national, regional, municipal and European elections, and referenda. Rules include upper limits for spending on specific campaigns or political actors, as well as on who and how funding can be obtained. Other rules include who may place political adverts and when.

Q5. Are you aware that there are rules limiting party spending for electoral campaigns in your country?

- a. Yes
- b. No
- c. Don't know

Q5.1 Do you think that the limits of political party spending for electoral campaigns should be:

- a. Increased (more money)
- b. left as they are
- c. decreased (less money)
- d. Don't know

Q6. Should spending by actors other than political parties (such as foundations and campaign organisations) on political ads during an election period count towards campaign or political party spending

limits?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

This question seems ambiguous - "actors other than political parties" could be any other entities wishing to pay for what might be considered a "political" ad during an election period, even where that actor might not necessarily be affiliated to a political party or organisation. If that would be the case, then it would amount to limiting ad spending for all actors trying to engage in political discourse. Alternatively, it could count the advertising campaigns led by these "other actors" within the expenses of a specific political party just because they support similar political objectives, even where there is no clear link between the two. Consequently a risk of destabilisation might exist should e.g. a foreign actor manipulate a political advertising campaign. On the other hand, if there is a clear link between the "other actors" and a political party and its political objective, the expenses for an advertising campaign they would be running should indeed be counted in the political party spending limits.

Q7. Should spending on 'issues ads' during an election period count towards campaign or political party spending limits?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

Q8. Should civil society and other actors have to follow the same rules as political parties when paying for and placing political advertising?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

The answer here ultimately depends on the definition of political advertising e.g. would political advertising comprise issue-based advertising? In this case, ads from non-governmental organisations or civil society organisations would fall in the scope of political advertising. Thus, civil society organisations and NGOs should follow the same rules as political parties if they want to launch a political advertising campaign.

Many of the services relevant to political ads, from their design and planning, to their placement and funding, are conducted across borders within the EU single market and also from outside the EU.

Q9. Should there be rules set at EU level on how political adverts can be funded?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

The importance of shared responsibility when it comes to transparency should be taken into account as advertisers themselves play a crucial role in terms of providing necessary information and thus should be legally responsible for ensuring their content complies with applicable law, whether online or offline.

Q9.1 Do you think the following sources of funding should be permitted to pay for political ads in your country?

	Yes	Maybe	No	Don't know
1. Anonymous donations through online payment services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Crowdfunding	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. EU citizens residing in another Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Individuals or companies from third countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Third-country state actors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Bank loans	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q9.2. Should there be limits set at EU level to how much money can be spent in total on political advertising in a particular campaign?

- a. Yes
- b. Maybe
- c. No

d. Don't know

Q9.3. Should there be limits set at EU level to how much money can be received by a particular party, candidate or campaign from any single source?

- a. Yes
 b. Maybe
 c. No
 d. Don't know

Q9.4. Should there be rules set at EU level as to how a specific amount of political advertising during an election should be allocated (for instance through proportionately allocated 'online/offline ad vouchers'), to ensure access for more parties to the campaign?

- a. Yes
 b. Maybe
 c. No
 d. Don't know

Please explain your response (optional)

This would be incompatible with the way online advertising typically works. Introducing an 'online ad voucher' would not guarantee greater visibility or a dedicated placement for any advertiser due to the dynamic nature of the auction process.

Q10. Should there be rules set at EU level requiring all political advertising be clearly and specifically labelled as such?

- a. Yes
 b. Maybe
 c. No
 d. Don't know

Please explain your response (optional)

Q11. Should there be rules requiring all the sponsors of political ads to be disclosed within the ad itself?

- a. Yes
 b. Maybe
 c. No
 d. Don't know

Please explain your response (optional)

Once again, the question is not clear - while DOT Europe would not be opposed to the idea, the definition of "sponsors" is missing here. It can comprise all the individuals who contributed financially to the ad or even all the persons involved in the creation of the ad. In this case, disclosing all the "sponsors" within the ad can be difficult in practice.

Q12. Should there be rules requiring political ads to be truthful and not misleading about verifiable factual claims?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

Firstly, everything linked to politics is based on personal ideas, beliefs and interpretation of facts. What one believes can be considered as erroneous by others. Secondly, advertising does not necessarily base its claims on substantial evidence.

Platforms can be tasked with displaying an ad in a certain way and with certain labels, but advertisers should be responsible for the accuracy and lawfulness of their ad's content.

On the other hand, we acknowledge the need to enhance the quality of "political ads" on online services. While some of our members already have policies in place to bring more transparency to political ads, online service providers could be responsible for the way an ad is displayed (presence of specific labels for instance). However, the responsibility for the content of the ad itself, in terms of accuracy and lawfulness, should still lie in the hands of the advertisers.

Q13. Should there be rules in times of elections campaign regulating how advertising space is allocated online?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

In the offline world during the period in the running up to elections, candidates are allocated a certain amount of screening time on television and this is strictly respected, thanks to specific format offered by the medium. However, what is measurable offline is not measurable online in this situation. Making sure that a precise user sees every candidate the same amount of time means that a service provider would have to track all the websites visited and if and how much time the user sees a candidate, to then propose content featuring less seen candidates. This kind of tracking goes contrary to the GDPR and the prohibition on general monitoring (Article 15 of the e-Commerce Directive, Article 7 of the proposed DSA).

Q14. Are you concerned about the possibility of foreign actors (such as foreign states or foreign organisations) being able to sponsor political advertising to increase their own influence within the EU?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

Overall, DOT Europe members take the risks of manipulation of their services extremely seriously, and have policies across their services that prevent the kinds of coordinated influence operations.

It should be mentioned here that the notion of foreign actors can also include EU countries funding political campaigns or involved political campaigning in other Member States during election period. However, the question that remains is what would a "foreign actor" be in the context of European parliamentary elections?

Q15. Are you concerned that political advertising, especially online, can be used to intentionally spread false or misleading information (disinformation)?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

Spreading false and misleading information through advertising does not happen solely online. There are a lot of offline instances nowadays and the concern expressed in this question should also be directed towards other media displaying advertising. War propaganda is one of the examples showing that this is not a new phenomenon and that advertising can be used to mislead the population without the help of online service providers, see for example: <https://www.irishtimes.com/news/ireland/irish-news/there-s-nothing-new-about-fake-news-war-of-independence-exhibition-shows-1.4085633>

Q16. Should political actors or organisations that violate or are systematically non-compliant with agreed rules be sanctioned

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

Q17. Do you consider that specific measures are needed to ensure that the competent authorities can have more effective oversight over political advertisement online?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

The negative answer here is due to the absence of clear definitions at the moment. It is necessary to know what competent authority could have more power to oversee online political advertising and what shape this oversight mechanism would take before deciding whether or not it would be beneficial to have more specific measures. More clarity would also be welcome regarding how competent authorities would deal with cross-border enforcement and what kind of cooperation could be put in place between the different competent authorities.

Questions on European elections:

European Parliamentary elections are currently organised nationally, according to each Member State's rules, which means that relevant rules such as the periods during which political ads can circulate, the amounts allowed to be spent, and whether they can circulate at all, vary from Member State to Member State.

Q18. Should there be certain common rules for political ads in European Parliamentary elections?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

Q18.1 Which rules do you believe should be common in European Parliamentary elections (tick as many responses as you agree with).

- the period during which political ads are permitted
- the types of actor entitled to place political ads
- the types of actor entitled to fund political ads
- the amounts of money permitted to be spent on political ads in a period
- equal or proportionate access to placing political ads on social media platforms for the various political actors contesting an election
- the amounts of public money granted to support smaller parties' campaigns
- Other

Q19. Please indicate your preference

During a European election, who should be able to place a political ad (check one answer only)?

- 1. Any person or legal person (company or foundation), from anywhere
- 2. Any person (not a legal person) from anywhere
- 3. Any person or legal person residing in any Member State
- 4. Any person (not a legal person) residing in any Member State
- 5. Any person or legal person residing in the specific Member State the ad will circulate
- 6. Any person (not legal person) residing in the specific Member State the ad will circulate

Campaigns in European elections are organised nationally, but some parties register to promote candidates in more than one Member State, which means that the administrative formalities must be completed and complied with in each state in order to 'register' a campaign. This can be challenging. Similarly, when citizens wish to campaign for support for a European Citizens Initiative (a way for citizens to help shape the EU by calling on the European Commission to propose new laws), they must do so in multiple Member States.

Q19.1 Should there be a facilitated procedure for registering a pan-European political advertising campaign for use during European Parliamentary elections?

- a. Yes
- b. Maybe
- c. No

d. Don't know

European political parties do not sponsor particular candidates nationally, but they do campaign in European Parliament elections. They could be required to meet certain specific transparency requirements for the political ads they sponsor.

Q20. Please indicate which you think should apply:

European political parties should

	Ye s	N o	Neit her	Don't know
1. disclose their ad spending online in real time	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. maintain examples on their website of the ads they sponsor	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. disclose the advert targeting services they use	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. refrain from using certain technologies which can be used to mislead (e.g. micro-targeting and other data-driven techniques, ad amplification, etc)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. refrain from political advertising altogether (rely on national campaigns only)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Questions on transparency requirements:

Transparency in political ads can support citizens, media and NGOs to hold political actors to account, but it could also support competent authorities. Transparency includes retaining basic information about transactions including the identity of who paid for the advert, the amount paid and what precisely was paid for. It can also involve publishing such information under certain circumstances.

Q21. Should publishers of political ads retain certain basic information from those placing such ads?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Q21.1. What information should be retained? (optional)

The question is unclear because the definition of "publishers" is lacking here. From a platform's perspective, the information that we think is most relevant (and most in line with effective transparency measures for platforms) is (i) who is running an ad and (ii) who sees an ad.

Q21.2. What information should not be retained? (optional)

Other companies are involved in political ads, including in their financing (providing loans, handing donations and fund raising), and preparation and placement (advertising, marketing communications and other specialist agencies and consultancies).

Q22. Should service providers involved in political ads also have obligations to retain and provide information?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

It is unfortunate that this question lacks clarity. What does "service providers involved in political ads" mean? Does it mean online service providers that display ads on their service? Online service providers that paid for ads? Online service providers that have a feature enabling users to create ads? Online service providers that have a political advertising policy?

Political advertising can be published through various media, online and offline. The online environment introduces many new channels for advertising, such as boosted and targeted social media posts, sponsored search results, and personalised ads appearing within apps, video streaming services, and other websites and online service platforms (such as online retailers).

Q23. Should requirements to retain information apply to all political ads, regardless whether online or offline?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please elaborate your response (optional)

We welcome this initiative but would remind policy-makers that any measure of data retention should be in line with existing legislation on the matter.

The Digital Services Act proposes to require all very large online platforms to ensure public access to repositories of advertisements displayed on their online interfaces.

Q24. Should all political ads be made similarly accessible:

- a. only to competent authorities by being retained for a period
- b. specifically registered with the competent authorities
- c. also to citizens, eg through a common online database or by being retained on the advertiser's website
- d. they should not be accessible
- e. don't know

Q24.1 please specify reasons

Questions on targeting and amplification:

Advertising can be targeted to reach specific people, and it can be amplified to boost its actual or apparent popularity. Targeting can be simple: a political party can circulate campaign material to its registered members. However, increasingly sophisticated tools have come to be used in this process – such as microtargeting, where sophisticated tools and personal and other data are used to direct ads to particular groups of users, allowing the messaging to be personalised and even manipulative. Other techniques exploit features of the online architecture to increase the impact of ads, for instance through deliberately polarising messaging to exploit user-interaction based ranking, or even through manipulated interactions to increase the circulation of messages.

Q25. Should there be any additional limits on targeting and amplification methods, besides compliance with data protection rules?

- a. Yes
- b. Maybe
- c. No
- d. Don't know

Please explain your response (optional)

What are the "amplification methods" referred to in the question? If a user shares an ad with 100 other users, is that considered by policy-makers to be an amplification method? A legislative framework regulating this type of behaviour could be considered very intrusive and could undermine freedom of speech online. Furthermore, if targeting methods cover micro-targeting, DOT Europe reminds policy-makers that those practices are lawful, very well regulated and abide by the most recent data protection rules. Whereas in Q.20, micro-targeting practices are considered as a tool primarily destined to mislead the user, it is important to underline that micro-targeted ads are relevant in the context of elections. Indeed, if a candidate wants to become the next 'Prezydent' of Kraków (Poland), she/he might want to launch an advertising campaign on social media to raise awareness on her/his candidacy. However, only the inhabitants of Kraków are interesting to the candidate and the use of micro-targeting practices is highly relevant to achieve this goal.

Q25.2 Complete all which apply

Should EU rules control the following other amplification methods?

	Yes	Maybe	No	Don't know
1. paid for likes	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
2. bot software	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3. paid for influencers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q26. Provided relevant data protection rules are complied with (e.g. that explicit consent to the use of the relevant data was obtained) do you think the targeting of political ads could be allowed for certain criteria (eg by geographic location, income bracket, gender, age, political affiliation, and general preferences and interests derived from a user's online activity)?

- a. Yes
 b. Maybe
 c. No
 d. Don't know

Please specify which criteria could be allowed

Closing questions:

Q27. Please share any additional comments or remarks you may have regarding the topic of this public consultation.

3,000 character(s) maximum

DOT Europe is grateful for the possibility to answer this public consultation. However, the general line of questioning observed shows that there is an urgent need for definitions. The use of generic terms such as "other actors than political parties", "political advertising" and "issue ad" shows that there are still too many grey areas in this field, leading to answers that could be not as objective as what policy-makers had expected. Likewise, the kind of technologies and behaviours targeted in this consultation are not straightforward enough to enable precise answers. Explicit definitions would be welcome in future legislation in order to provide legal certainty for online service providers and guarantee safe space for users online.

A discussion concerning issue-based advertising is of utmost importance too, since particular social issues in one European country can be considered as political whereas this is not the case in other Member States. Future legislation should also ensure that the framework proposed is future-proof since new social and political issues can emerge at any time.

Q28. Would you like to participate in a phone interview to further discuss the topics of this open consultation? If yes, we may contact you through the email provided in the introduction.

Yes

No

Contact

Contact Form (</eusurvey/runner/contactform/TransparencySponsoredPoliticalContent>)
