



Input into the call for evidence on guidance on implementing EU rules for political advertising

Introduction

The European Board for Media Services – hereafter the Media Board – as established by the European Media Freedom Act (2024), is an independent advisory body at European Union level. The Media Board is composed of independent national regulatory authorities (NRAs) of the audiovisual media sector from all EU Member States. It builds upon and replaces the European Regulators’ Group for Audiovisual Media Services (ERGA), which was created in 2014. The Media Board aims at fostering a European regulatory framework allowing a free, pluralistic, trusted and competitive European media ecosystem that reflects cultural diversity, while guaranteeing the protection of fundamental rights and empowering European citizens to forge informed opinions and participate effectively in the social and democratic debate.

On 28 May 2025, the European Commission (EC) launched a call for evidence¹ to support the development of implementation guidance for Regulation (EU) 2024/900 on the transparency and targeting of political advertising (TTPA). The Media Board’s contribution builds on the extensive work carried out by ERGA in the years 2022–2023.² This input reflects the experience and expertise of media regulators, who often play a key role in overseeing political advertising, particularly in relation to content and election campaigns regulation across both traditional and online media.

Area-specific input

Identification and practical assessment of political advertising

- The definition of political advertising provided in Art. 3 is very wide, and risks to encompass cases that are not strictly and directly related to political advertising.
- The definition of political advertising is particularly challenging in cases where ads refer to political issues, without naming political actors directly.
- Demonstration of practical examples or processes in the guidance shall help stakeholders - especially platforms, advertisers, and regulators - accurately and consistently identify political ads and apply appropriate labelling and transparency obligations.

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14581-Political-advertising-guidance-on-implementing-EU-rules_en

² [ERGA Position Paper on the Regulation on the transparency and targeting of political advertising \(August 2022\)](#); [Regulation on the transparency and targeting of political advertising ERGA priorities for the trilogue negotiations \(April 2023\)](#); [ERGA presents its statement on the ongoing trilogue negotiations on the Regulation on the transparency and targeting of political advertising \(June 2023\)](#).

Issue-based advertising

- Recent elections in the EU show that issue-based advertising is frequently used by influencers and third parties (that is, subjects who are not directly involved in the political arena) to promote specific items of the political agenda of a party or a candidate (e.g. immigration, climate changes, conflicts) without transparently declaring the support to the party or the candidate, thus making detection and classification difficult for both platforms and regulators.
- The Media Board notes that several platforms now claim they no longer accept political advertising and therefore believe they are no more subject to the TTPA Regulation. However, these same platforms have, in many cases, been found to carry issue-based advertising.
- The Media Board acknowledges that the identification of issues that may be considered political in the context of an election can vary over time and across countries. For this reason, the Media Board believes that one of the practical solutions to implement and enforce the provisions on issue-based advertising could be the publication of a non-exhaustive national list of relevant topics that are likely to be regarded as political ahead of each election or referendum. Such an initiative, informed by national legislation, case law, and relevant administrative decisions, would support a more consistent and informed application of the Regulation. It would also provide clearer guidance to platforms, advertisers, and other relevant actors in determining when specific advertisements fall within the scope of the TTPA and must comply with related labelling and transparency requirements.

Unlawful interference, including from third countries

- Interference in elections by third-country entities or nationals poses a serious and growing threat to democratic processes across the EU. To safeguard the integrity of elections, the TTPA includes important provisions in Art. 5 para. 2(b) limiting the ability of third-country actors to sponsor or finance political advertising in the EU.
- The EC should provide detailed guidance on the level of granularity required in transparency notices regarding the origin of funds and other benefits (Art. 12 para 1(e)) when it originates from outside the EU. The EC should offer recommendations on how advertisers, publishers, and regulators should verify the information on origin of funds or other benefits provided by sponsors from and how to proceed when the information is missing, unverifiable, or potentially misleading.
- Guidance should emphasise the critical importance of oversight during the three months leading up to elections or referendums in the EU, with a special focus on foreign interference risks. Regulators should be adequately equipped to ensure the proper monitoring, in particular during that period. Advertisers, publishers and platforms should be encouraged to intensify their efforts to guarantee the completeness and accuracy of the information.

Advertising repositories

- To facilitate monitoring activities, the data provided for in the repositories should be easily accessible in a structured format (e.g. JSON) and interoperable (or at least allowing combined monitoring) with the ads repository provided for in Art. 39 of the Digital Services Act (DSA). 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.

- The EC should emphasise in the guidance that repositories should provide API access, supplemented by extensive documentation. Similarly to the data structure, the APIs facilitating access to the repositories should not establish any unnecessary restrictions for thresholds or caps on the amount or type of accessible data.
- Considering the repository requirements provided for in Art. 7 TTPA and Art. 39 of the DSA, the repositories provided by the designated very large online platforms and search engines (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).
- The Media Board acknowledges that the obligation to submit data to the repository could become burdensome, which is why it is only foreseen for VLOPSEs. However, the Board also expresses concern that, since smaller platforms are not required to submit their data into the repository, it will be impossible to monitor whether they comply with their TTPA obligations. The guidelines of the EC might flag this problem and propose adequate solutions (e.g. fostering voluntary commitments from the smaller platforms).

Governance structure, institutional and cross-border cooperation and sanctions

- Effective oversight of the TTPA requires a coordinated and well-integrated governance framework involving all relevant authorities at both national and EU levels. Central to this structure is the network of national contact points established under Art. 22(8) of the TTPA, which plays a pivotal role in facilitating coordination, promoting consistent implementation, and supporting cross-border cooperation. This network, with the participation of the EC, should serve as a central hub for dialogue and operational alignment among national authorities.
- To avoid fragmentation and ensure regulatory coherence, the network of national contact points should closely cooperate with other bodies responsible for the enforcement of related legal frameworks, particularly the European Board for Digital Services, the Media Board, and the European Cooperation Network on Elections. Clarifying the interlinks between these bodies and fostering practical exchanges on high-level issues in the future will be essential to ensure complementarity between frameworks, enhance legal clarity, and improve the overall effectiveness of enforcement.
- At the national level, collaboration among Digital Services Coordinators (DSCs), media regulators, election management bodies, and data protection authorities is crucial. Media regulators, in particular, should play a significant role in the implementation framework, given their key role in content regulation and enforcement.
- While the TTPA sets a maximum amount of the financial penalties it does not currently establish a minimum threshold. To ensure the Regulation is effectively enforced, the EC's guidance should recommend that the Member States introduce minimum financial sanctions that are both dissuasive and proportionate. The guidance should urge Member States to

coordinate their sanctioning approaches, to avoid fragmented enforcement and loopholes that could undermine the implementation of the TTPA.