



Warsaw, 18 August 2025

Dear Sir / Madam,

We welcome the proposed *Guidance to support the implementation of Regulation (EU) 2024/900 on the transparency and targeting of political advertising*. We view this regulation as an important step toward improving accountability and limiting undue political influence online, and we are eager to help ensure its success.

While the proposed framework rightly aims to raise standards for paid political advertising, it largely leaves out some important risks to civic discourse and electoral integrity. Based on our experience with implementation and the analysis of decisions in practice, we identify several aspects in the current draft that require improvement. In particular, these include provisions that risk creating a chilling effect on much-needed civic engagement, contradictory examples attached to definitions of terms, and loopholes benefiting professionals directly involved in the political process.

We are looking forward to the updated version of the Guidance, but note that the current draft presents several paradoxes that remain unresolved. In particular, it does not fully address the (difficult to define) grey areas between neutral, factual communication and content that effectively promotes specific political narratives. As the main goal of the regulation is to harmonise rules on political advertising across the EU, it is vital to ensure a clear and common understanding of key terms for both institutions and citizens, leaving little room for misinterpretation.

We outline specific points on the following pages, hope to see these suggestions incorporated, and remain at your disposal to discuss them further.

Best regards
Jakub Szymik

The current version of Guidance requires additional clarification on several points, including:

1. General exclusion of media from the scope of the “sponsors” section (1.1)

By excluding media actors, the current draft risks creating loopholes that allow politically aligned outlets to promote partisan messages, including those financed by state organisations or political actors. This could undermine the regulation’s intent. A notable example is [state-sponsored broadcasting that has spread discriminatory and homophobic narratives under the guise of neutral media coverage](#). As divisions between media workers, influencers, and political actors are often blurred, adopting a broad exclusion is an excessive measure.

2. Excessive obligations for scope regarding organic content (1.2.1)

Further precision is needed regarding when organic, unpromoted content should be labeled as political advertising. For example, posts documenting study visits, educational events, or CSO activities that required financial support might be covered under the current wording. Overly broad labeling obligations risk creating a chilling effect on non-profit, educational, and civic actors, limiting their ability to share socially relevant information.

3. Unclear definition of “content creator” and related concepts (1.3.2)

The Guidance currently leaves unclear where the boundary lies between regulated “content creators” and individuals simply expressing personal political opinions, such as through personal blogs. The lack of “influencer” definition across Member States add to this confusion. We also caution against relying on references to potential future legislation (e.g., the Digital Fairness Act), as this does not provide legal certainty today.

4. Ancillary services exemptions (1.2.1.1; 1.2.1.2)

We were surprised by some of the exemptions granted to ancillary services.

- Regarding hosting by social media platforms, Example 4 suggests platforms carry no responsibility for political messages unless the content is boosted or paid for. This contradicts earlier Commission’s *Guidelines for providers of Very Large Online Platforms and Very Large Online Search Engines on the mitigation of systemic risks for electoral processes*, which stressed platforms’ systemic responsibilities — particularly in relation to recommender systems and the provision of contextual information for political content.
- Similarly, the exemption for marketing agencies seems disconnected from their actual role, as such agencies frequently shape both the content and

presentation of political campaigns and should therefore fall within scope.

5. Overly subjective assumptions in Examples (2.1; 2.2.6; 2.3)

Several examples in the draft rely on subjective assumptions — e.g., that certain comments on local policy are “likely” spontaneous or that health campaigns are “unlikely” to influence a regulatory process. Such assessments contradict the stated principle that each case should undergo holistic analysis. Illustrative examples should not normalize subjective or potentially biased judgments.

6. Confusing “Practical steps” section for identifying political advertising (2.3)

The “Practical steps” table lacks precision and risks encouraging subjective interpretation. The list of open-ended questions does not provide clear criteria, and the suggestion to apply additional scrutiny to linguistic minorities is concerning. As this is the only table presented in the document, it appears to suggest an authoritative role. To serve this purpose, it would need to provide a clear path indicating the steps to be taken after answering each question. Is answering “yes” to any single question (or to a certain number of them) sufficient to classify a message as political? In its current form, the table adds to confusion and as such it should be revised in line with best annotation practices or otherwise omitted.

The document would also benefit from including the following issues, which are currently absent:

1. Allowing self-promotion by incumbents

Per (ii) of the definition, ‘Political advertising’ excludes public communication from government officials. This risks controversy when officials run for reelection, as even purely informative messages can influence outcomes. Using platforms for self-promotion during election campaigns is especially problematic and could be flagged as a ‘bad practice’ example.

2. Risk of overlap between public information campaigns and political self-promotion

The Guidance does not sufficiently address the risk that post-legislative public information campaigns may be used to advance the political interests or achievements of particular actors. This area might require clearer safeguards to avoid misuse of public resources for partisan purposes.

3. Acknowledging the role of political advertising repositories

Repositories maintained by VLOPs have improved the standards of electoral monitoring by providing near real-time data. Should platforms decide to discontinue these tools, transparency in campaign financing and compliance verification would be seriously undermined. We recommend including stronger safeguards to ensure repositories remain available.

4. Clarifying rules in cross-border scenarios

One of the core promises of the Regulation was to address cross-border political advertising. Yet the proposed *Guidance* offers no meaningful clarification on this issue. We believe additional, concrete guidance is needed to provide legal certainty for cross-border operations and enforcement.

5. Lack of attention to systemic risks arising from platform design and malicious actors

At the tools level, the framework appears focused on restricting access to above-the-line advertising, while omitting some of the deeper challenges to electoral integrity and civic discourse, including coordinated inauthentic behaviour and systemic platform features that amplify such content. Addressing these gaps will be essential to ensure the regulation fulfils its intended purpose.