EUROPEAN PARTNERSHIP FOR DEMOCRACY

Virtual Insanity?

The need to guarantee transparency in digital political advertising

Synthesis of findings from the Czech Republic, Italy and the Netherlands during the European Parliament elections 2019

Contents

Introduction

Digital political advertising has been subject to intense scrutiny around the world since the Cambridge Analytica scandal in 2016. The powerful combination of data exploitation and highly personalised behavioural advertising tools, provided by big tech platforms like Facebook and Google, enable campaigners – both political parties and malicious actors – to manipulate voters, suppress participation and undermine the trust in democratic institutions and electoral processes. However, online campaigning has also revolutionised political campaigning in positive ways. As these ad targeting tools are cheap and effective, they enable all political parties to reach a wider audience, thereby levelling the playing field for smaller political parties and niche parties.[1] Online campaigning also empowers citizens – especially youth – by giving access to relevant information to form their opinion, thereby strengthening the conditions for their participation.

That being said, digital platforms – namely Facebook, Google and to a lesser extent Twitter – have created and amplified a host of challenges to democracy. The risks of digital political advertising are only one among many – far more dangerous – phenomena that undermine democratic institutions and processes. These include increased political polarisation, filter bubbles, disinformation campaigns for political and commercial gain, foreign interference in elections, data exploitation, and the detrimental effect of the online information ecosystem on the viability of quality journalism.[2] The quest for transparency of digital political advertising sheds light on issues at the heart of many of the digital challenges to democracy cited above: the power imbalance and asymmetry of information between citizens, governments and the platforms; the opaque algorithms and data misuse driving the advertisement-driven business model of the platforms; and the limits of self-regulation.

The European Commission took an important step in 2018 when – together with digital platforms and advertisers – signed the Code of Practice on Online Disinformation[3] in view of guaranteeing the transparency of online ads during the European Parliament elections in May 2019. This generated a spike in research focusing on digital ads transparency by academics, civil society and governmental actors. By analysing the platforms' ads libraries, ad labelling or the information provided on the purchase of political ads before and during the elections, these actors aimed to assess the overall level of implementation of the Code of Practice.

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[1] Frederik J. Zuiderveen Borgesius, Judith Möller, Sanne Kruikemeier, Ronan Ó Fathaigh, Kristina Irion, Tom Dobber, Balazs Bodo, Claes de Vreese (2018): Online Political Microtargeting: Promises and Threats for Democracy. Utrecht Law Review, 14 (1). 82-96. Available here.

[2] Owen, T. (2019): The Case for Platform Governance. Centre for International Governance Innovation. Available here.

[3] European Commission (2018): EU Code of Practice on Disinformation. Available here.

With the support of civitates (a philanthropic initiative for democracy and solidarity in Europe), the European Partnership for Democracy has sought to contribute to these efforts by commissioning three country cases on the implementation of the Code of Practice during the European Parliament elections in the Czech Republic, Italy, and the Netherlands. The research examined the extent to which Facebook, Google and Twitter fulfilled their commitments in the Code of Practice regarding enhanced transparency of digital political advertising, in the context of the 2019 European Parliament elections. The researchers interviewed key stakeholders from political parties, civil society, national regulators and digital platforms to assess the extent of meaningful transparency, and the interplay between the EU Code of Practice and national legislation.

The goal of the research was to inform the future follow-up to the Code of Practice by the European Commission and the EU Member States. Therefore, the researchers issued recommendations to the European Commission, the EU Member States, and held multiple multi-stakeholder policy dialogues in Brussels and Member State capitals. The research findings and recommendations are synthesised and summarised below, and at times complemented and corroborated by additional research conducted by academics, civil society organisations and think tanks alike.[4]

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[4] Facebook, Google and Twitter (and not on additional signatories of the Code of Practice) will be referred to in this paper as tech platforms or platforms.

Case studies

Rebekah Tromble, Kristof Jacobs, Tom Louwerse (2019): Transparency in Digital Political Advertisements during the European Parliament Elections 2019. George Washington University, Radboud Universiteit Nijmegen, Universiteit Leiden. Available here.

A corresponding article was published in Dutch language: **Rebekah Tromble, Kristof Jacobs, Tom Louwerse** (2019): Transparantie rond digitale politieke advertenties laat te wensen over. (Transparency around digital political advertisements leaves much to be desired). Available here.

Pavel Havlíček, Jiří Rajtr (2020): Digital Political Advertising in the Czech Republic. Association for International Affairs (AMO). Available here.

A corresponding article was published in the Czech language: **Pavel Havlíček** (2020): Regulace digitální politické reklamy: výzva či příležitost pro integritu volebního procesu? (Regulation of digital political advertising: a challenge or an opportunity for the integrity of the electoral process?). Available here.

Gaia Giombelli, Erica Melloni (2019): Virtual Insanity. Transparency of Digital Political Advertising in Italy. Istituto per la Ricerca Sociale (IRS). Available here.

Definitions of political ads

A first stumbling block in assessing the effectiveness of the Code of Practice is the fact that the question of defining the scope and nature of political and issue-based advertising was (and still is) left up to the tech platforms. The failure of the Code of Practice in defining political and issue-based advertising has paved the way for three diverging approaches taken by Google, Facebook and Twitter, rooted in three different definitions of political advertisement.

Table 1: Overview of definitions used by tech platforms[5]

Google
Political ads: Ads featuring a political party, a current elected officeholder or candidate for the EU Parliament; or ads featuring a political party, a current officeholder or candidate for an elected national office within an EU member state.
Political issue ads: Not defined
Facebook
Political ads: Ads made by, on behalf of or about a current or former candidate for public office, a political figure, a political party, a political action committee or advocates for the outcome of an election to public office; or ads about any election, referendum or ballot initiative, including "get out the vote" or election information campaigns.
Political issue ads: Ads focusing on issues such as immigration, political values, civil and social rights, security and foreign policy, economy, and environmental politics.
Twitter
Political ads: Ads that advocate for or against a candidate or political party. Ads that appeal directly for votes in an election, referendum, or ballot measure. Ads that solicit financial support for an election, referendum, or ballot measure.

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[5] This table is based on an overview provided in the following paper: Privacy International (2019): Social media companies are failing to provide adequate advertising transparency to users globally. Available here.

Political issue ads: Ads that refer to an election or a candidate, or ads that advocate for or against legislative issues of national importance.

The three platforms' definitions of **political advertising** are focused primarily on official candidates, parties and other official political actors. This focus on formal actors results in a neglect of whether and how third-party actors, such as domestic interest groups or foreign actors, might seek influence through political advertising. The scope and focus of these definitions have considerable impact on the transparency tools provided, as for instance in Twitter's ad library it is only possible to query account names – rather than political issues, themes or hashtags. The definition of political ads thus defines the kinds of advertising for which there is enhanced transparency and greatly impacts the functioning of transparency tools.

Where Google's definition was limited to ads featuring candidates, parties or office-holders in specific elections, Facebook also included "get out to vote" campaigns related to a specific election. Twitter then included more general non-election related campaigning for or against a candidate or party, as well as calls for financial support. This fundamental difference in defining political ads made the ad libraries and other transparency tools incomparable across platforms, and resulted in a **fragmented approach to political ads transparency** across platforms.

The Code of Practice also advised the platforms to identify and provide information on **issue-based advertising**. The European Commission thereby placed the power to decide which issues are political in the hands of the tech platforms. Facebook was the only platform to proactively define and identify issue-based advertising, by picking six "political issues" for which all advertising required the additional transparency layer that was required for political ads. The six issues Facebook identified as politically salient were: immigration, political values, civil and social rights, security and foreign policy, economy, and environmental politics. As a result, all environmental movements' campaigns for awareness-raising were obliged to go through the same verification procedure as political parties. This inadvertently disadvantaged such groups as their campaigning was delayed and more burdensome in comparison to other interest groups such as oil companies' advertising, for instance. In contrast, Twitter and Google did not fulfil their commitment to identifying issue-ads and let them run without restrictions.[6]

Lastly, a diverging understanding of the nature of the European Parliament elections campaigning led to different approaches for the implementation of the Code of Practice. While Twitter took a pan-European approach to the elections, Facebook and Google initially limited campaigning within borders and thereby did not allow for pan-European campaigns to be run on their sites.

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[6] Please note that in France, Twitter did not allow advertisers to run 'issue ads' at all.

Main findings:

- There was a fragmented approach across platforms due to different definitions of political and political issue ads;
- Issue ads were exceedingly difficult to define and identify for the platforms, who ultimately failed to do so in a coordinated and coherent manner;
- Ads libraries were incomparable as a result of the different criteria applied.

Recommendations:

- The EU and the EU Member States need to jointly establish a universal definition of political ads and a process for determining which issues are politically salient; this process of achieving such a definition needs to involve a wide range of stakeholders, including civil society, in a multi-stakeholder way; the process for determining politically salient issues likewise needs to be rooted in the national context and involve a wide range of stakeholders;
- Alternatively, the EU needs to seriously consider expanding transparency requirements to all ads (including commercial) to avoid the difficult and contentious process of defining political ads and issue-based ads – the differentiation between which is in many cases highly arbitrary.

Ads labelling & verification of advertisers

In the Code of Practice, the tech platforms committed to developing different tools to increase levels of transparency, including the roll-out of public ad libraries for political advertising in the EU Member States, improved labelling of political ads and new verification processes for political advertisers. They also committed to providing 'tools that help consumers understand why they are seeing particular advertisements'.[7]

Subsequently, during the European Parliament elections, all three platforms added a label to political adverts visible to platform users. When clicked on, the label provided some limited information on the entity sponsoring the ad. Facebook included more information on the advertiser than the other two platforms did, but this information is not included systematically and was often missing.

Facebook and Google also have a "Why am I seeing this ad?" or a "Why this ad" button on all ads, political and commercial, to allow users to find out more about the reasons they are being

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[7] Chapter II.D, para. 11 in: European Commission (2018): EU Code of Practice on Disinformation. Available here.

targeted. However, the information provided is extremely limited and does not sufficiently allow users to understand the reasons they are being targeted, as will be explained below.

Research into Facebook's "Why am I seeing this ad" button in 2018 (before the Code of Practice was adopted) demonstrated how "ad explanations are often incomplete and sometimes misleading while data explanations are often incomplete and vague."[8] Some of these shortcomings were rectified by Facebook in response to the research. The researchers in Italy, the Czech Republic and the Netherlands nonetheless found the information provided in the disclaimers insufficient, with only age, gender and location as the explanation. The disclaimer did not provide an overview of what other information is being used and the source of this data.

Following the Code of Practice, Facebook also increased information provided on pages, including the date on which the page was created, the ads currently run by the page, the ads archived in the Ad Library, name changes and pages that have been merged into it, the number of accounts which manage the page, their country location and other pages linked to the one a user is currently browsing.

All three tech platforms set up a verification process to vet political advertisers, as a measure against third-party manipulation and ingenuine behaviour online. Overall, political advertisers found this process to be burdensome, complicated and too lengthy a procedure considering the dynamic nature of political campaigning. Both in the Dutch and the Czech case, political parties testified that they undertook the steps to register as political advertisers with Google, but never received the final verification and were as a result, kept from publishing their ads on Google channels. A political advertiser in the Netherlands described the registration process with Facebook as 'Kafkaesque chaos'.[9] Facebook's verification process often took up to two full weeks – a very long timeframe in campaigning terms.

In Italy, only three out of five main political advertisers finalised the verification procedure by Google. Not a single political advertiser was verified by Twitter in Italy and the Czech Republic, according to the researchers.[10] Similarly, a Slovakian MEP who had registered and was verified as a political advertiser stated that it took around three days for every sponsored status update of her to be approved, which kept her from being timely in her response to current issues. In the meanwhile, other candidates who did not go through the verification procedure posted ads without any delays, and without disclosing information in the ad library.[11]

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[8] Andreou, A., Venkatadri, G., Goga, O., Gummadi, K., Loiseau, P. & A. Mislove (2018): Investigating Ad Transparency Mechanisms in Social Media: A Case Study of Facebook's Explanations. Available here.

[9] Rebekah Tromble, Kristof Jacobs, Tom Louwerse (2019), p. 18.

[10] The researchers found no political ads for Italy and the Czech Republic in the Twitter ad libraries, however, according to the Twitter report of May 2019, one political party in each country was verified. Available here.

[11] Lexmann, Miriam, speech on 26 June 2019, Alliance for Securing Democracy (2019): "Launch of the European Policy Blueprint for Countering Authoritarian Interference in Democracies."

Those who slip through the maze do not include only political advertisers who did not go through the verification process, but also third-parties, proxy advertisers and illicit actors. Numerous illicit actors were identified who manage several pages without disclosure of their sources of funding or real identity and interests. Moreover, third-party campaigners, advocates, and proxies did not classify as political advertisers and could therefore, go on campaigning and advocating for particular political positions or candidates, without the strain of the verification procedure or the heightened transparency. In the Czech Republic, this led to a lack of transparency in cases where public relations agencies or registered non-governmental organisations led online advertising campaigns, such as the 'Friends of Milos Zelman' association who campaigned for the President.[12]

Likewise, social media influencers paid by candidates to advocate or campaign for them are not covered by the verification process nor heightened transparency either. As the platforms do not receive any of the advertising revenue, they did not account for, nor verify such practices during the European Parliament elections. A noteworthy recent example (unrelated to the European Parliament elections) is how in February 2020, Mike Bloomberg, at the time candidate in the 2020 Democratic Party presidential primaries, paid influential social media accounts to post memes of him – but such posts did not show up in the ads libraries.[13] Following this incident, Facebook introduced a new policy change – the platform now labels such practices as "branded content" with its own verification procedure.[14]

By and large, political advertisers who did not play by the rules largely got away with it, and the rules did not seem to apply to third-parties, proxy advertisers and influencers. In the Czech Republic, the President's party did not issue a final report on the funding of their campaign, and could only be charged by the electoral authorities with the equivalent of EUR 800, contrasting the EUR 888,400 that the party claimed to have used in the campaign.[15] Transparency International assessed that only three out of the main eleven campaigns (out of a total of 42 political parties and movements) made substantial efforts in favour of transparency during the European Parliament elections, while the rest only less or paid only lip service to the online transparency.[16] In other words, the commitments made by tech platforms were unable to uphold levels of transparency where national-level regulation was already weak. Advertisers were able to exploit national-level rules "without teeth" and assumed low penalties as the 'cost of doing

[12] See the case study on digital political advertising in the Czech Republic.

[13] The Guardian (2020): 'Can you post a meme?': Facebook changes ad rules after Bloomberg exploits loophole. Available here.

[14] Ibid 13.

[15] Pavel Havlíček, Jiří Rajtr (2020): Digital Political Advertising in the Czech Republic. Association for International Affairs (AMO), p. 19.

[16] Transparency International Czech Republic (2019): Transparentní volby 2019 – Evropský parlament. Available here.

business' – a worrying sign when considering the vast amounts spent on digital political advertising around the world.

As a result of the burdensome, lengthy and inadequate verification processes of advertisers and single ads for political advertisers, the platforms contributed to an uneven political playing field for online campaigning. Those who played by the rules and went to great lengths to fulfil the verification processes of the platforms were disadvantaged, while illicit actors or those who bypassed regulations and who played it 'dirty' were able to post political ads with only very limited repercussions.

A 2019 audit of Facebook Ads Library in the United States corroborates these findings and establishes that even among those verified political advertisers, critical information was missing for a large number of verified political advertisers. The study found that 86,000 Facebook Pages ran political ads with misleading disclosures between May 2018 and June 2019, representing USD 37 million spent on ads. Out of this sample of misleading ads, over 19,000 ads appeared to be paid for by inauthentic actors, spreading disinformation messages with tactics similar to those employed by the Russian Internet Research Agency.[17] Research by ProPublica similarly traced back twelve political ad campaigns on Facebook to industry organisations, who had placed the ads in the name of non-existing non-profit organisations. Researchers concluded that Facebook has most blatantly failed to verify the identity of ad buyers.[18] While these findings focus on the US, they nevertheless point towards a lack of enforcement and rigour in the verification procedure of political advertisers. These shortcomings skew the digital campaigning environment in favour of those who do not play by the rules, failing to limit inauthentic and illicit behaviour.

Main findings:

- The ad labelling system provides insufficient information on the reasons for targeting and the data used;
- The verification procedure for political advertisers is overly burdensome and lengthy, and the platforms could not deliver in verifying all advertisers who had embarked on the verification process in time for the European Parliament elections;
  - Google failed to verify political advertisers who had gone through all the steps;
  - Facebook took up to two weeks to verify advertisers;
  - Twitter failed to verify any advertisers in Italy and the Czech Republic.

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[17] Edelson, L., Lauinger, T., & D. McCoy (2019): A Security Analysis of the Facebook Ad Library. New York University. Available here.
[18] Leerssen, P., Ausloos, J., Zarouali, B., Helberger, N., de Vreese, C. (2019): Platform ad archives: promises and pitfalls. University of Amsterdam. Available here.

- The verification process did not avoid inauthentic behaviour through verified accounts;
- The verification process did not compel political advertisers to register as such, nor did it proactively identify un-verified political advertisers;
- The verification process failed to account for third-parties, proxy advertisers and social media influencers, thereby failing to provide transparency on such political advertising practices and the advertisers themselves.

Recommendations:

- The European Union needs to oblige platforms to ensure all political advertisers (including third-parties, proxy advertisers and influencers) are compelled to go through the verification process, rather than benefiting from the disadvantages of those playing by the rules;
- The European Union needs to oblige platforms to verify political ads and advertisers in a fast manner so as not to impede candidates' campaign.

Ad Libraries & Application Programming Interfaces (APIs)

The ad libraries created by the three platforms were the main transparency tool that was newly rolled out for the EU Member States ahead of the European Parliament elections in 2019. These ad libraries were supposed to provide a user-friendly overview of all political and issue-ads. However, the different ad libraries showed a number of shared as well as platform-specific shortcomings.

The **Facebook** ad library was the most comprehensive in that it also included issue-ads. Users could browse through the ad library using a wide variety of queries, such as particular social or political issues, political actors and parties, advertisers or ads within a geographic area. Because of this query-based ad library, it was exceedingly difficult to find previously unknown actors. Moreover, as noted by researchers in Ireland: "without having access to the complete set of words used by all advertisers, a user cannot retrieve the full set of political adverts from the Facebook Ad Library API".[19] The Facebook ad library included non-active and active ads, from March 2019 onwards. For each ad, there was an overview of the range of impressions and the demographic and geographic distribution of the audience that the ad reached. The library showed only a range of spent per ad (>100, 100-499, 500-999, … euro), and no targeting

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[19] Kirk, N., Culloty, E., Casey, E., Teeling, L., Park, K., Kearns, C., Suiter, J. (2019): Elect Check 2019 A Report on Political Advertising Online During The 2019 European Elections. Available here.

information nor ads performance information (such as likes, reposts, etc.).[20] Facebook started including all ads in the ad library including commercial ads in 2019 in the US and later in the EU.[21] However, commercial ads can only be queried through page-name searches, there is no general national/regional overview of ads and spending, and single ads lack information on amounts paid per ad. Likewise, there is no information on the number of people reached, or targeting criteria.

Google's ad library, the "Google Transparency Report," did not include issue-based advertising, and only allows users to browse ads by advertiser or political party/ candidate name. The library also includes ads that have been taken down, without including the justification for removal or the period they were online before takedown. For each ad, the library includes the dates an ad ran, a broad range of money spent for an ad, a range of impressions and very basic geographic and demographic targeting criteria (gender, age, location).[22] As with the Facebook Ad Library, the Google Transparency Report provides no insight on the actual audience reached nor any information on performance, beyond impressions ranges. Contrasting to Facebook's approach, Google provides no detailed information on who funded the ad such as a website or email address.

The **Twitter** Ads Transparency Center is actor-centric, meaning it only allows queries based on account names of advertisers. The library provides the most detailed information of all three platforms, with the exact amount spent, number of impressions and payment information. However, there is no information on targeting criteria, and very few advertisers have gone through the authorisation process and are recognised as political advertisers. The Italian and Czech case study found that according to the Transparency Center there were no political advertisers in both countries, as no advertisers were verified. As a result, there were no political ads in the ad library for Italy and the Czech Republic, despite clear evidence that political ads on Twitter had been used there.

All three platforms also made available **APIs** with the data from the ad libraries, for a more extensive analysis of ads. These APIs were, however, rife with bugs. Mozilla researchers have, for instance, tried every day for a period of six weeks to download the full Facebook API, but only succeeded on two days.[23] Mozilla's assessment of the Facebook API concludes: "The current API design puts huge constraints on researchers, rather than allowing them to discover what is really happening on the platform. The limitations in each of these categories, coupled with search rate limits, means it could take researchers months to evaluate ads in a certain region or on a certain

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[20] Facebook spending ranges are: 100 euro, 100-499 euro, 500-999 euro, 1,000-5,000 euro, 5,000-10,000 euro, 10,000-50,000 euro.

[21] Shukla, S. (2019): A Better Way to Learn About Ads on Facebook. Available here.

[22] Google categorises ads into impression ranges of ≤ 10k, 10k-100k, and 100k-1M impressions. The ranges for euros spent per ad are < €50, €50-500, and €500-30,000.

[23] Rosenberg, M. (2019): Ad Tool Facebook Built to Fight Disinformation doesn't Work as Advertised. New York Times. Available here.

topic."[24] In sum, the **Ad Archive did not only fail to empower the average user with heightened transparency, but also researchers**.

A **Czech** investigation into one political party's ads library and their transparent bank account showed that only a quarter of the party's money spent on Facebook ads were included in the ad library.

The **Netherlands** case study found that an identical query from 3 different countries, IP addresses and accounts resulted in different results each time, ranging from 139 relevant ads for the query to 224.

According to Twitter, there were no political ads on Twitter in **Italy**.

(Lack of) information included in the ad libraries

Aside from the major technical shortcomings of the APIs and ad libraries, the ad libraries are hampered from performing their transparency function by a more fundamental obstacle: the **lack of meaningful, accurate information included in the repositories**. This was apparent to researchers on two levels: the inaccuracy and incompleteness of the information included in the ad libraries, on the one hand, and the lack of meaningful information made available by the platforms on matters such as targeting and ad spend, on the other hand. All come down to the impossibility of verifying data when researchers and journalists depend solely on the goodwill of advertisers and the platforms in the data available to them.

First of all, the ad libraries are **incomplete, inaccurate and inconsistent**. In all three case studies, there was abundant evidence of political ads not included in the libraries, and this was true for all three platforms. Political candidates from the Netherlands could not find their own ads in the Google and Twitter libraries – even if they had gone through the process of verification. Twitter did not show a single political ad in the Czech Republic or Italy. A Czech investigation into one political party's ads library and their transparent bank account showed that only a quarter of the party's money spent on Facebook ads were included in the ad library. Moreover, many Czech ads on YouTube were not registered and ran without disclaimers. Other researchers found Instagram ads (owned by Facebook) rarely showed up in the Facebook ad library.[25] The systemic failure of the platforms to include all political ads in the library reflects the lack of rigorous verification and compliance checks on the side of the platforms.

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[24] Mozilla (2019): Facebook's Ad Archive API is inadequate. Available here.
[25] Scott, M. (2019): Inside Facebook's European elections war room. Politico Europe. Available here.

Secondly, while Google and Twitter libraries were quite consistent, the Facebook library's **inconsistency over time** is also striking. The Netherlands case study found that an identical query from 3 different countries, IP addresses and accounts resulted in different results each time, ranging from 139 relevant ads for the query to 224. This inconsistency is closely related to technical flaws in the design and functioning of the APIs, as detailed above.

Information missing in the ad libraries:

-   exact spend per ad / campaign / advertiser;
-   ad performance (shares & likes; focus on reach or engagement);
-   targeting criteria (in the level of granularity available for advertisers);
-   correct and verified information on the advertiser.

A third and most fundamental limitation to the ad libraries was the **scope of information** provided. Where Facebook provided more information about the advertiser, listing phone number, email address, website, and physical address, this was reliant on the goodwill of advertisers and not consistently enforced. Google and Twitter did not even include such information. While Twitter provided the exact amount spent per campaign and an approximation of the number of impressions, Facebook and Google simply showed a broad range of amount spent and impressions. None of these libraries provide an insight into ad performance beyond impressions, such as shares and likes, nor the type of impact the advertiser chose to focus on (reach or engagement). Basic demographic and geographic information about the *audience reached* is shared on Google and Facebook, however, the targeting criteria – which provide an insight into the *intended audience* – are missing. Closely related to the lack of public information on targeting criteria, is that there is no information about whether custom audiences or lookalike audiences were used to target ads, or in the case of lookalike audiences which audience was used.

Targeting criteria are a particularly important piece of information to fully understand how and why political ads are being served to certain audiences and not to others. Targeting criteria are the menu of options advertisers can choose from for identifying who they want their ads to be shown to. This includes different traits and interests of people, and is no different for political or commercial advertisers. While the advertisers have a wide range of options to choose from, users are not provided with this information when they click "why am I seeing this ad" or go to the ad library. The platforms do not provide this level of granularity to users, who see only basic demographic and location data and sometimes a vague reference to past likes and clicks to users.

The reason why it is so essential to redress this **information balance between advertisers, platforms and users**, is that targeting criteria are also critical for understanding and uncovering

potential polarising or discriminatory strategies of political advertisers. Political advertisers can send out hundreds of different messages to different people, with highly personalised content, and even test which messages resonate most with which types of people – a practice called A/B testing.[26] Such varied messaging can create an uneven information space between citizens and mislead citizens about a party's wider policy platform beyond the one issue presented in the ad.[27] Without ad libraries, it was impossible for a user or researcher to identify ads that were not targeted at that person, and as a result, A/B testing was hardly possible to uncover. Even with the ad libraries, however, the lack of information on targeting criteria makes it impossible to identify which population groups are disadvantaged by being deprived of information on political candidates, and which population groups are served possibly manipulative or misleading content.

The need for the platforms to disclose targeting criteria has been asserted by many different actors in the field throughout the period under investigation, before the European Parliament elections.[28] In March 2019, 10 independent researchers brought together by Mozilla detailed five critical features the Facebook Ad Library requires for fulfilling Facebook's commitment of providing meaningful transparency. This included information on ad spend, content, impressions, engagements, segmented audience reached, and important information on microtargeting. Over 60 other researchers signed up to these 5 demands. While small technical changes to the APIs were made, Facebook did not adapt its practices based on feedback and demands from civil society and researchers. Calls to disclose targeting criteria on Twitter and Google were not met either. In line with Mozilla's demands, Privacy International has long called for the disclosure of meaningful information on targeting, including the source of data used to target ads, on the three major platforms.[29]

> **1 of 5 Mozilla demands for meaningful ad libraries:**
>
> "Information about microtargeting, including whether the ad was A/B tested and the different versions of the ad; if the ad used a lookalike audience; the features (race, gender, geography, etc.) used to create that audience; if the ad was directed at platform-defined user segments or interests, and the segments or interests used; or if the ad was targeted based on a user list the advertiser already possessed."

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[26] International IDEA (2018): Digital Microtargeting - Political Party Innovation Primer 1. Available here.

[27] Zuiderveen, F., Möller, J., Kruikemeier, S., O Fathaigh, R., Irion, K., Dobber, T., Bodo, B., de Vreese, C. (2018): Online Political Microtargeting: Promises and Threats for Democracy. Available here.

[28] See Leerssen et al 2019; Mozilla 2019; Privacy International 2019.

[29] Privacy International (2019): Social media companies are failing to provide adequate advertising transparency to users globally. Available here.

Ad delivery

In addition, enhanced transparency on the side of the platforms regarding ad delivery mechanisms is also critical for empowering advertisers. A group of US researchers studied Facebook ad delivery algorithms and found that Facebook "differentiates the price of reaching a user [with an ad] based on their inferred political alignment with the advertised content, inhibiting political campaigns' ability to reach voters with diverse political views."[30] This means that the ad algorithm will offer the ads for a cheaper price to users whose inferred political opinions are in line with the content of the ad, while ads intended to reach a variety of political opinions across the political spectrum will be more expensive and effectively still reach mostly those who are already convinced. While this research was conducted in the United States where data regulations are not as strict as they are in the EU, the foundations of the ad delivery are the same in the EU.

These findings have major implications for political advertisers, regulators and users. Effectively, this means that the **ad delivery algorithm stimulates polarisation** and informational filter bubbles by serving users political ads they will likely agree with, while not showing them political campaigning messages that they will likely disagree with. This happens outside of the control of political advertisers, even to those political parties who specifically target their messages at the wide spectre of opinions or those who are likely to disagree with the party's positions. Without advertisers' knowledge or control, the platforms are making political advertisers complicit in this polarising, filter bubble-enhancing dynamic.

The incompleteness and inaccuracy of the political ad repositories point to a more fundamental problem: there is **no way to independently verify the integrity of the data** provided by any of the platforms, nor the completeness of the ads libraries. It is impossible to comprehensively assess the share of political ads included in ad libraries, because there are no repositories of all sponsored content, be it political, commercial or otherwise. Moreover, there is no oversight body with access to the data that can independently verify these processes. Both government, academia, journalists and civil society have no choice but to rely on the platforms for providing access to data and enforcing their own terms of service – rather than an independent institution enforcing targeted legislation.

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[30] Ali, M, Sapienzynski, P., Korolova, A., Mislove, A., Rieke, A. (2019): Ad Delivery Algorithms: The Hidden Arbiters of Political Messaging. Available here.

Main findings:

- While the ad libraries and APIs made available by Facebook, Google and Twitter are a necessary first step to enhancing transparency, they fail to provide meaningful transparency, due to:
    - limitations in queries and structure of the ad libraries;
    - the failure to identify issue-ads;
    - the lack of meaningful, complete and accurate data provided in the libraries, including targeting criteria, data on the intended and reached audience, exact spend, ad performance, mechanisms for targeting ads (lookalike audience, A/B testing, etc.) etc.
- The APIs were rife with bugs and technical deficiencies, which were not consistently addressed by the platforms when researchers flagged failures;
- There is no comprehensive repository of all paid content, which makes it impossible to verify the accuracy, completeness and consistency of political ads libraries.

Recommendations:

- The European Union should make complete ad repositories, including political and commercial ads, a requirement for Facebook, Google and Twitter, for which their compliance is monitored by an independent oversight institution at the EU level;
- The same level of granularity in information on targeting criteria and practices should be available to users as to advertisers;
- Ad delivery algorithms need to be adapted so that advertisers can actually reach a mixed audience without this affecting the pricing.

Control mechanisms & responsiveness of platforms

The control mechanisms of the platforms were another major shortcoming in the enforcement of their transparency measures. All platforms took down some of the posts that did not comply with the correct labelling and verification procedures, but this was limited to a symbolic fraction of political ads. Facebook was somewhat more proactive in taking down ads due to non-compliance, and in fact, even took down the official "go out to vote" campaign of the European Parliament in the Czech Republic due to non-compliance. Facebook set up a European elections team of just over 20 engineers speaking all 24 EU languages, in what was dubbed "the war room" in Dublin.[31] The engineers were assigned to go through flagged content, but the impact thereof was considered limited and mostly a PR stunt. As detailed before, the Italian and Netherlands

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[31] Scott, M. (2019): Inside Facebook's European elections war room. Politico Europe. Available here.

case studies also found numerous cases where political ads were not labelled as such and political advertisers were not verified.

Privacy International compiled a wealth of anecdotal evidence of the platforms' failure to enforce their transparency requirements.[32] Likewise, the Guardian found that a powerful political lobbying company was able to run multiple Pages via Facebook's Business Manager tool without telling users that they were behind the Pages or ads, or who was paying for their work.[33] The Dutch organisation Bits of Freedom ran ads in Germany using a Dutch Facebook and bank account, without a problem.

The **European Regulators Group of Audiovisual Media Services (ERGA)** identified similar problems of incomplete and inaccurate political ad libraries and labelling in 13 other EU Member States, which led them to conclude that "these archives do not provide a clear, comprehensive and fully credible picture of the nature and scale of political advertising on these platforms during the monitoring period."[34]

More generally, the ERGA report corroborates the findings described through this present synthesis paper, for example, the clear need to establish a shared definition of political ads across platforms and across the EU member states, underlining the recommendation made in this present paper for a uniform, clear co-regulatory framework.

The difficulty of speaking to the relevant person working for the platforms on an EU Member State level was another shared failure of the platforms. Researchers in all three countries struggled to identify and speak to the relevant national focal point of the platforms, and only Google representatives in Italy and the Czech Republic eventually agreed to speak to researchers. What is worrying is that, in the Czech Republic, not only civil society and researchers but also policy-makers, state officials and national security staff found it exceedingly difficult to communicate with the tech giants. For Facebook, for instance, government officials had to go through official complaints procedures just like any other users to get a hold of the responsible person. For election monitoring and protection, there was a single person dedicated to working on both the Czech Republic and Slovakia, countries of more than 15 million people. With regard to presence on the ground there is another representative travelling between the Visegrad

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[32] Privacy International (2019): Social media companies are failing to provide adequate advertising transparency to users globally. Available here.

[33] The Guardian (2019): Revealed: Johnson Ally's firm secretly ran Facebook propaganda network. Available here.

[34] European Regulators Group on Audiovisual Media Services (2019): Intermediate monitoring report: Code of Practice on Disinformation. Available here.

capitals and staying in touch with the debates in the four countries, again with millions of users (5.3 million in the Czech Republic itself). Google was more present in the Czech Republic, however, and made some efforts to accommodate Czech civil society's needs.

Overall, the platforms failed to allocate sufficient manpower and resources to comprehensively verify political advertisers and identify unverified political ads. The thoroughness of advertiser's information and the completeness of the ad libraries depended more on the goodwill of political campaigners and advertisers than on the evaluation mechanisms set by the platforms. Along the same lines, the platforms did not dedicate enough resources to national focal points per country. This shows a lack of commitment on the side of the platforms.

Main findings:

- The platforms failed to put in place adequately control mechanisms, with insufficient manpower allocated to issues such as identify political (or issue) ads that were not labelled as such and political advertisers who had not been verified;
- EU Member States' authorities, researchers and civil society struggled to identify and speak to a representative of each of the platforms in their respective countries;
- The enforcement of the self-regulatory measures was left up to the platforms entirely, with privatised, low-quality, partial enforcement as a result;
- The absence of a complete repository of all ads (commercial and political) made verifying the completeness of the political ad libraries impossible – despite ample evidence of political ads and advertisers that were not labelled as such.

Recommendations:

- All platforms should appoint at least one contact person for national and local authorities per country, particularly on issues of elections;
- A minimum number of staff per number of users in a country should be foreseen for each platform, to adequately identify false negatives and false positives of political and issue-based advertising, support the research community and civil society, and support political advertisers in quicker verification procedures;
- There is a need for an oversight body to oversee and audit internal procedures and ad repositories, to ensure compliance from the platforms.

Policy context at national level

These country cases shed light on the discrepancy between the platforms' approach to delivering transparency and the Code of Practice on the one hand, and national-level legislation on the

other hand. The researchers in Italy, the Czech Republic and the Netherlands paid specific attention to the national regulatory country contexts to ascertain whether there were any legal requirements on the transparency of digital political advertising and to what degree this corresponded with the measures that were introduced with the Code of Practice. By and large, in the three country cases, national level regulation did not adequately guide tech platforms or advertisers on the practices of digital political advertising. Neither did the tech platforms adapt their approach to the national regulatory context.

In the **Czech Republic**, the primary concern regarding elections is disinformation rather than digital political advertising. Reforms to electoral and political party laws in 2016 entailed a range of measures to enhance the transparency of political party and campaign finance. In the 2019 European Parliament elections, this also meant that political parties were required to submit to the state details on all campaign spending – including their online political advertisement (creating a registry of ads that is however without public access). However, the capacity of the state to process this information is limited, with very weak sanctioning mechanisms. The Czech authorities took only a minimalistic approach towards enhancing the transparency of online campaigning, with obligations only for political parties and advertisers, but no obligations on the digital platforms.

There is an on-going revision of the electoral code, but this still overlooks digital political advertising. The researcher found that Czech policy-makers and civil society look to the EU for regulating the platforms, including on issues concerning digital political advertising transparency. At the same time, these actors also stressed the need for a "stronger domestication of Facebook and other tech giants and their better compliance to the Czech national debate, including cultural and societal norms as well as laws and soft regulation."[35]

Transparency when left to political parties' goodwill

In the Czech Republic, three out of the main 11 campaigns (out of a total of 42 political parties and movements) made substantial efforts in favour of transparency as assessed by the Transparency International Czech Republic and its analysis, the rest only less or paid only lip service to the online transparency.

In **the Netherlands**, the Law on Financing Political Parties features some provisions on the campaign spending of political parties, but this is very limited. The law stipulates that a certain portion of public funding can be spent on 'campaign activities', but does not specify how much, what kind of campaign activities, through which outlets, in what timeframe and such. In addition,

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[35] Havlicek, P. & Rajtr, J. (2020): Digital Political Advertising in the Czech Republic. Available here.

the reporting requirements for campaign spending are very limited. Some provisions do exist for advertising more generally, including ads must clearly be recognisable and clearly identify the advertiser.

The Code of Practice and European Parliament Elections were significant in the sense that they raised awareness on the lack of regulation regarding party finance and political advertising transparency in the Netherlands, leading the Dutch government to embark on a wider reform of political party law. In October 2019, the Dutch government announced that it would create a new law on political parties (Wet op de Politieke Partijen) to bridge this gap, including provisions on digital political advertising. One political party, D66, has also proposed an 'Action Plan for Digital Advertisement', which advocates for regulating targeting practices, transparency regarding data usage for advertising and a move away from personalised ads. While the proposal by D66 goes some way of limiting the platforms, it is important to note that the Dutch government's focus lays the primary responsibility with the political parties and national authorities. It does not regulate the digital platforms in any way and does not impose any transparency obligations on them. Dutch policy-makers do keep a close eye on the EU's work around the Code of Practice as the main regulatory avenue for enhancing the transparency of the platforms themselves.

In contrast to the Netherlands, **Italy** does have an elaborate regulatory framework regarding traditional offline campaigning, with provisions on political communication, campaign spending and political party financing. Specific rules exist for the diffusion of political messages in electoral periods, for example on TV broadcasting, specifying the air time of a particular ad, the content and format, and the frequency that it can run. It is also important to note that it is forbidden to pay for advertisements via national broadcasting services, as these have to be run for free. National broadcasting services are also subject to reporting requirements regarding political campaigning.

Online political advertising is, however, constrained only by new self-regulatory measures, which were developed and promoted by the national communication and media regulation AGCOM. The self-regulatory guidelines address questions such as fair access to platforms for different actors, transparency measures or recommendations on fact-checking. However, being self-regulatory in nature, these documents do not foresee enforcement mechanisms, and no obligations are placed on either political parties or the digital platforms. In fact, there was the widespread perception that these self-regulatory measures were introduced primarily to safeguard tech companies than users.

In sum, in all three country cases, national level regulation did not have a noticeable impact on the way the digital platforms approached the digital political advertisement and transparency measures in each country. This means that the Code of Practice remained the only guide to digital platforms – and that of a self-regulatory nature – on how to guarantee transparency of online ads.

Main findings:

- The three countries studied here did not have a regulatory framework that sufficiently covered digital political advertising, and placed primary responsibility for transparency with political parties, rather than the digital platforms;
- National regulatory authorities generally lacked the sanctioning mechanisms and mandates to hold political parties and platforms accountable to the transparency measures;
- In all three country cases, national level regulation did not have a noticeable impact on the way the digital platforms approached the digital political advertisement and transparency measures in each country;
- In all these cases, national authorities looked to the Code of Practice as the main guidance and to the EU as the authority that should regulate the platforms;
- The Czech case emphasised the need for EU-level regulation of the platforms in close cooperation with national authorities, and the need for platforms to also adapt to national regulatory frameworks and value systems.

Recommendations:

- The European Union needs to continue its coordination with the EU Member States in view of strengthening political parties' transparency requirements and regulation at national level, however, remaining cognisant of the fact that by itself such regulation is insufficient;
- The European Union needs to provide for a multi-level regulatory framework that holds platforms accountable and allows for sanctioning – dividing specific competences of regulation and enforcement between the European Commission and the level of the EU Member States' national regulatory authorities.

Policy changes by the platforms since the European Parliament elections

The platforms came under increased public scrutiny in Europe during and following the European Parliament elections, but also in the United States where the campaigns for the primaries of the 2020 elections were approaching. As a result of public and political pressure, the companies made a number of changes to their policies since the adoption of the Code of Practice and the European Parliament elections. An overview of these changes is insightful into the ways the platforms cope with the lack of regulation and the way they try to preserve their own profits and interests while carefully advocating for regulation.

The most important changes and controversies happened at **Facebook**. The major point of contention was undoubtedly Facebook's persistence to allow false information in political ads, and thereby allow political advertisers to spread disinformation.[36] The controversy started in September 2019 when Facebook refused to take down an ad by US President Trump which spread false rumours about his contender Joe Biden.[37] Facebook's CEO Mark Zuckerberg has defended this position by stressing the need to protect free speech, however, critics have pointed out that free speech and paid speech are not the same things.

In fact, over 250 Facebook employees signed an open letter to their CEO urging the executives to rethink the policy.[38] The employees argued: "It doesn't protect voices, but instead allows politicians to weaponize our platform by targeting people who believe that content posted by political figures is trustworthy."[39] The employees demanded to ban misinformation from political ads, a "stronger design treatment for political ads," more obvious labels, restrictions on targeting for political advertisers, and spending limits per politician.

The company has since not changed its policy on mis- and disinformation sponsored by politicians, however, it will be fact-checking political action groups.[40] Facebook has also rolled out controls so users can limit the number of political and issue ads they see and allow users to stop seeing ads based on an advertiser's Custom Audience from a list — which also makes them eligible to see ads if an advertiser used a list to exclude them. The company also made information on the intended potential audience publicly available, and added search functions and filters to ad libraries, to better analyse results.[41] The company also rolled out ad libraries for an additional 32 countries in early 2020.[42]

Finally, Facebook has for the last two years been setting up an independent, global Oversight Board, which will be charged with making the most difficult decisions on content take-downs, and will provide an avenue to appeal automated content takedowns for users.[43] While many have criticised the decision as a PR exercise, the company is investing over $100 million in building the infrastructure to support the board, and on paper, it looks like the board may fundamentally

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[36] Molla, R. (2019): Mark Zuckerberg said a lot of nothing in his big speech. Vox. Available here.

[37] Stewart, E. (2019): Facebook's political ads policy is predictably turning out to be a disaster. Vox. Available here.

[38] Bell, K. (2019): Hundreds of Facebook employees slam company's political ad rules in open letter. Mashable. Available here.

[39] Ibid 30.

[40] Grigonis, H. (2020). Facebook won't ban political ads that lie to voters ahead of the 2020 election. Available here.

[41] Leathern, R. (2020): Expanded Transparency and More Controls for Political Ads. Facebook. Available here.

[42] Facebook Business (2020): Requiring Authorization for Ads About Elections and Politics in 32 Additional Countries. Available here.

[43] Harris, B. (2020): Preparing the Way Forward for Facebook's Oversight Board. Facebook. Available here.

change Facebook's content policies.[44] In early 2020, Facebook also started calling for regulation to ensure transparency, accountability and oversight – arguing they can't be the ones defining political speech, amongst others - in a bid to set the agenda for regulation.[45]

Amid Facebook's political ads controversy, **Twitter** announced in October 2019 it would ban political advertisement altogether.[46] The company argued political discourse shouldn't be compromised by money, and later added it is hard to distinguish political from non-political content. As the case studies and other research showed, Twitter largely failed to uphold its commitments from the Code of Practice in Europe and it is a rather small player in the political ads market. Therefore, the decision to ban political advertising did not come unexpectedly.[47] However, experts have emphasised that enforcing a ban on political ads comes with the same difficulties as heightening transparency of political ads, including the problem of identifying and defining political ads.[48] In sum, banning political ads was a clever PR decision, but does nothing to change the inability of Twitter to enforce a transparency regulation or ban on political ads.

Google likewise adapted its political ads policy ahead of the 2019 UK General Elections, to limit targeting of political ads to the most general targeting criteria of age, gender, and ZIP code location.[49] Instead, Google encouraged contextual advertising instead of behavioural advertising. They also announced they were revising their policy on deep fakes, misleading claims about the census process and on ads that undermine participation or trust in electoral processes.[50]

All these policy changes and controversies point to the need for governments to set standards and regulate online political advertisement practices, rather than forcing the digital platforms to develop their own regulatory tools in response to public concerns over transparency and accountability. Private companies are not placed to decide over what is true or false or to distinguish the political from the non-political issues. Any regulatory response by the platforms would be a form of privatised enforcement, following their own interests rather than the public interest.

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[44] Levy, S. (2020): Why Facebook's oversight board may kill its political ads policy. Wired. Available here.

[45] Zuckerberg, M. (2020): Big Tech needs regulation. Financial Times. Available here.

[46] The Guardian (30 October 2019): Twitter to ban all political advertising, raising pressure on Facebook. Available here.

[47] Scott, M. (2019): Why banning political ads on social media misses the point. Politico. Available here.

[48] Leerssen, P., Ausloos, J., Zarouali, B., Helberger, N., de Vreese, C. (2019): Platform ad archives: promises and pitfalls. University of Amsterdam. Available here.

[49] Mogg, T. (2019): Google restricts targeting of political ads ahead of 2020 election. Digital Trends. Available here.

[50] Spencer, S. (2019): An update on our political ads policy. Google. Available here.

Main findings:

- In response to public pressure, the platforms have all adapted their policies towards digital political advertising since the European Parliament elections:
  - Facebook adapted some transparency tools, expanded the ad library to new countries, and is creating an oversight board;
  - Twitter banned political ads;
  - Google limited targeting of political ads;
- There were numerous controversies and great public interest in the issue of transparency of political advertising, showing citizens' desire for transparency;
- The platforms call for a clear regulatory framework for digital political ads.

Recommendations:

- There is a need for a uniform, clear regulatory framework – beyond self-regulation – for digital political ads that applies equally to all platforms, to set the rules for meaningful transparency and provide accountability and oversight mechanisms.

Conclusions and recommendations

The Code of Practice was a good and necessary first step in improving the transparency of political ads, however, the platforms failed to meet their commitments beyond some first basic steps. A 'lack of teeth' conditioned the weak implementation of the self-regulatory code, including the failure to provide technically well-functioning and comprehensive ad libraries with sufficient information for meaningful transparency. In this context, it bears repeating that the platforms are technically capable of dealing with complex questions. For instance, Facebook shows it has the technical capacity to quickly and relatively successfully identify illegal content, particularly child pornography and terrorism. More recently, all digital platforms have shown considerable commitment to tackle misinformation in the context of the COVID-19 crisis that unfolded in Europe starting February and March 2020. Hence, a lack of commitment, regulation and sanctions are at the heart of the failure of the Code of Practice. On other fronts, the Code of Practice itself failed to provide sufficient regulatory guidance to the platforms. Namely, the fact that the European Commission did not provide a clear, common definition of political and issue-ads led to an incoherent and insufficient approach taken by the platforms.

A lack of transparency was not the only detrimental result from the half-hearted approach to the Code of Practice commitments by the platforms. The platforms failed to adequately verify advertisers and ads in a timely manner, and they failed to enforce their own policies and takedown ads that did not fulfil community standards. This resulted in the creation of an uneven playing field, where intransparent behaviour was ultimately rewarded. Those political parties

who played by the rules were greatly hampered in their online campaigning, while the platforms continued to earn revenue from political advertisers who did not go through the verification procedure without facing any repercussions. Moreover, the control of political advertisers over whom their ads were delivered to also appeared to be compromised, as ads targeting a wider audience with diverse political views were more expensive and discouraged by the ad delivery algorithm.

These findings re-establish that the platforms carry great responsibility for a democratic digital public sphere, to which political competition has largely moved. Democracy requires equal chances to participation, access to quality information, and a level playing field. The current lack of commitment from the platforms infringes on these democratic principles, which calls for regulation – beyond self-regulation.

Political parties also play a fundamental role. National electoral regulators remain the cornerstone of any regulatory framework on accountable and transparent political advertising. Yet research also shows that the EU plays an exceedingly important role in regulating the digital platforms themselves, particularly in the minds of national policy-makers, citizens, civil society and the platforms themselves. This is a global responsibility: as citizens around the world are demanding public political ad libraries, they look to the EU to set the standards of what a good ad library and meaningful transparency mean in the context of elections. Whether the EU likes it or not, it has already set an incredibly important precedent with the Code of Practice, and the follow-up to the Code of Practice will be a source of inspiration for citizens, civil society groups and governments around the world. The EU thus needs to set the precedent on how regional authorities can cooperate with national authorities, the platforms and civil society for a solid, multilevel governance framework for transparency and accountability in digital political advertising.

Based on the research and several multi-stakeholder policy dialogues, we make the following recommendations to the European Commission and the EU Member States for their follow-up actions to the Code of Practice on Disinformation.[51]

1. Co-regulatory approach

The EU and EU Member States need to develop a uniform, clear co-regulatory framework – beyond self-regulation – for digital political ads. The framework shall apply equally to all dominant platforms and set the rules for meaningful transparency and provide accountability and oversight mechanisms.

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[51] These recommendations will be the source of discussion among a multitude of stakeholders over the course of 2020, who will refine these recommendations further and explore possible policy scenarios.

The case studies reinforced once more that self-regulation failed to make the platforms fulfil the commitments made in the Code of Practice. The failure of the platforms to implement their own commitments points to a lack of will and dedicated human and technical resources, rather than technical capabilities. A co-regulatory approach can help overcome this lack of commitment.

2. Transparency of all ads

The EU and the EU Member States need to make complete ad repositories, including political and commercial ads, a requirement for dominant platforms (such as Facebook, Google and Twitter).

By expanding transparency requirements to all ads, such an approach would overcome the problem of defining 'political ads' and 'political issues'. Definitions of political campaigning differ in each EU Member State and finding a shared definition would be an exceedingly difficult process that would fail to take into account national differences and sensitivities. Yet the current approach of letting private companies come up with their own definition led to a fragmented and ethically problematic approach.

The ad libraries will only provide meaningful transparency that enables accountability if they include the following information:

- at minimum, the same level of granularity in information on targeting criteria and practices as advertisers see, including the data source, inferred profile, lookalike audiences, custom audiences, and A/B testing practices;
- at best, targeting for political ads is limited to contextual targeting.

The ad libraries need to be obligatory for all dominant platforms (particularly Facebook, Google and Twitter) and need to be searchable by topic and keywords. An EU regulator will be essential in supporting the dominant platforms with technical guidelines for meaningful and comprehensive ad libraries.

3. Additional layer of transparency for political ads

To complement enhanced transparency of all ads, an additional layer of transparency would be required for political ads – with clear ad labelling and a verification procedure for advertisers. For this, the network of European electoral management bodies needs to jointly agree on a basic definition of political advertisements that the dominant platforms can use. An actor-centric approach would be sufficient for this additional level of transparency. This additional labelling system would also allow the complete ad library to be queried by political ads only, so users have an overview of political ads in their country.

This additional layer of transparency means the platforms will need to be held accountable to their efforts for verifying political ads and advertisers in an easy and fast manner so as not to impede candidates' campaigns. The platforms need to ensure all political advertisers (including third-parties, proxy advertisers and influencers) are compelled to go through the verification process, rather than benefiting from the disadvantages of those playing by the rules.

4. European platform regulator

An independent European platform regulator will be necessary for holding the platforms accountable to their requirements for enhanced transparency, in close cooperation with the network of national electoral regulators regarding issues of political advertising.

A European regulator would oversee dominant platforms' implementation of the co-regulatory framework. This includes verifying the accuracy and completeness of the ad repositories, the verification processes of political advertisers on dominant platforms, and the accuracy of political ad labelling practices. Additionally, a European regulator would take up other essential oversight responsibilities, including amongst others:

- access to data from the dominant platforms for public interest research;
- auditing ad delivery and content curation algorithms, to assess their impact on fundamental freedoms and democratic processes;
- questions of content moderation and other issues that will be regulated in the revision of the e-Commerce directive.

5. Cooperation between national regulators

National electoral regulators remain essential for enforcing political parties' transparency requirements and campaigning regulations, both online and offline. National electoral regulators will need to cooperate with the dominant platforms for ensuring online enforcement of national electoral and campaigning legislation, with close support from the European network of national electoral regulators as well as the European platform regulator. In case national electoral regulators see it necessary to define political issue advertisements, they can do so at the national level in close cooperation with the European regulator.

The European Commission needs to continue to invest in the cooperation and support of the network of national electoral regulators, including with capacity building on digital advertising, mediation between national regulators and the platforms, and support in adapting national legislation to the digital era.

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