

**EDPS Formal comments on the Commission draft Implementing Regulation on the format, template and technical specifications of the labels and transparency notices of political advertisements in accordance with Articles 11 and 12 of Regulation (EU) 2024/900 of the European Parliament and of the Council**

**THE EUROPEAN DATA PROTECTION SUPERVISOR,**

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ('EUDPR')<sup>1</sup>, and in particular Article 42(1) thereof,

**HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:**

**1. Introduction and background**

1. On 2 June 2025, the European Commission consulted the EDPS on the draft Implementing Regulation on the format, template and technical specifications of the labels and transparency notices of political advertisements in accordance with Articles 11 and 12 of Regulation (EU) 2024/900 of the European Parliament and of the Council<sup>2</sup> ('the draft implementing regulation').
2. The objective of the draft implementing regulation is to lay down uniform conditions for the format and template of the labels referred to in Article 11 of Regulation (EU) 2024/900, as well as for the format of the transparency notices referred to in Article 12 of the same Regulation. The draft implementing regulation shall also provides technical specifications for the transparency notices<sup>3</sup>.
3. The draft implementing regulation is adopted pursuant to Articles 11(4) and 12(7) of Regulation (EU) 2024/900 on the transparency and targeting of political advertising.
4. The EDPS previously issued Opinion 2/2022 on the Regulation on the transparency and targeting of political advertising<sup>4</sup>.
5. The present formal comments of the EDPS are issued in response to a consultation by the European Commission pursuant to Article 42(1) of EUDPR. The EDPS

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<sup>1</sup> OJ L 295, 21.11.2018, p. 39.

<sup>2</sup> Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising OJ L, 2024/900, 20.3.2024.

<sup>3</sup> Recitals 2 and 7 of the draft Implementing Regulation.

<sup>4</sup> [EDPS Opinion 2/2022 on the Proposal for Regulation on the transparency and targeting of political advertising](#), issued on 22 January 2022.

welcomes the reference to this consultation in the draft implementing regulation. The EDPS recommends, however, to make reference to this consultation by way of a recital, with reference to the date of issuance.

6. These formal comments do not preclude any additional comments by the EDPS in the future, in particular if further issues are identified or new information becomes available, for example as a result of the adoption of other related implementing or delegated acts<sup>5</sup>.
7. Furthermore, these formal comments are without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Article 58 of the EUDPR and are limited to the provisions of the draft implementing regulation that are relevant from a data protection perspective.

## 2. Comments

8. The EDPS welcomes the reference, in Annex II to the draft implementing regulation, to the individual rights granted in application of the EU legal data protection framework. The template for transparency notices includes a part dedicated to the use of targeting and/or ad-delivery techniques, which provides “*effective means supporting individuals to exercise their rights under Regulations (EU) 2016/679 or (EU) 2018/1725, including the right to amend their personal data and withdraw consent to process their personal data for political advertising purposes*”<sup>6</sup>. The EDPS underlines the importance for data subjects to be able to obtain from the controller the rectification of inaccurate personal data concerning them, as well as to withdraw consent to the process of their personal data for political advertising purposes. The EDPS understands that such withdrawal shall not affect the processing of personal data that the data subjects might have consented to, in the context of using social media platforms or smart televisions.
9. The EDPS further welcomes that the template requires providing information to support individuals to exercise their data protection rights: the identity and contact details of the controller shall be included, as well as the reference to the right to withdraw consent to process personal data for political advertising purposes, and links to interface allowing the exercise of data protection rights, and to information provided pursuant Regulations (EU) 2016<sup>7</sup> and (EU) 2018/1725. The EDPS invites the Commission to consider cases where more than one controller might be involved in

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<sup>5</sup> In case of other implementing or delegated acts with an impact on the protection of individuals’ rights and freedoms with regard to the processing of personal data, the EDPS would like to remind that he needs to be consulted on those acts as well. The same applies in case of future amendments that would introduce new or modify existing provisions that directly or indirectly concern the processing of personal data.

<sup>6</sup> Point 16 of the template for transparency notices.

<sup>7</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR), OJ L 119, 4.5.2016, p. 1–88;

the processing of personal data<sup>8</sup>. Therefore, the EDPS considers that the possibility of multiple ('controller(s)') should be reflected in point 16 (a) of the template for transparency notices.

10. The EDPS also welcomes the obligation to provide transparency notices separately, in the case of political advertisements made available on television and radio broadcasts<sup>9</sup>. This requirement reflects the objective expressly mentioned in Regulation (EU) 2024/900, which provides that '*transparency notices shall be clearly visible and user friendly*'<sup>10</sup>. Against this background, the EDPS underlines the need to ensure that the transparency notices can be easily and directly retrieved, in line with Article 11(1) (e) of Regulation (EU) 2024/900. This point should be further specified in Annex III, which lays down technical specifications for transparency notices. The reference to the transparency notices could be provided for a reasonable period of time via QR code, webpage link (ideally a concise URL) or equivalent measures to facilitate their retrieval.

Brussels, 17 June 2025

(e-signed)

Wojciech Rafał WIEWIÓROWSKI

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<sup>8</sup> See also recital (52), Article 18(4) and Article 19(1) of Regulation (EU) 2024/900.

<sup>9</sup> Annex I, 2 (4).

<sup>10</sup> Article 12(3) of Regulation (EU) 2024/900.