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Subject: Policies towards ads for European Parliament elections

Dear Mr [REDACTED],

Thank you for your letter of 6 February addressed to Commissioners King, Jourová and Gabriel on the subject of Facebook's policies towards advertisements for the May 2019 European Parliament elections.

We welcome your intention to put in place certain measures intended to minimise the risk that advertisers use your platform to improperly influence the outcome of the forthcoming elections to the European Parliament in a way that would endanger their integrity.

As you note in your letter, the national authorities of the Member States are primarily responsible for the monitoring and enforcement of elections. It is therefore not for the Commission to take a position on the compliance of the measures you intend to put in place with applicable national rules. Those taking part in advertising and campaign activities in the context of elections are obliged to ensure compliance with relevant national rules applicable to electoral matters while at the same time respecting any rule applicable to companies operating in the internal market (including rules that may find their source in Union law, such as the General Data Protection Regulation, and the e-commerce Directive). Political parties, foundations and campaign organisations are also required to comply with specific national rules in an election context.

In order to support free and fair elections to the European Parliament, the Commission adopted, in September 2018, a package of measures comprising a Communication; specific guidance regarding the processing of personal data in an electoral context; a Recommendation addressed to Member States, political parties, foundations and campaign organisations, on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament. It also included a targeted legislative proposal to address situations in which political parties or associated foundations benefit from practices infringing data protection rules, with a view to deliberately influencing or attempting to influence the outcome of European elections.

The recommendations addressed to Member States include:

[REDACTED]
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- encouraging and facilitating the transparency of paid online political advertisements and communications;
- promoting the active disclosure to citizens of the Union of information on the political party, political campaign or political support group behind paid online political advertisements and communications;
- encouraging the disclosure of information on campaign expenditure for online activities, including paid online political advertisements and communications, as well as information on any targeting criteria used in the dissemination of such advertisements and communications; and
- engaging with third parties, including media, online platforms and information technology providers, in awareness raising activities aimed at increasing the transparency of elections and building trust in the electoral processes.

The Recommendation is also addressed to European and national political parties, foundations and campaign organisations, calling on them also to ensure that citizens of the Union can easily recognise online paid political advertisements and communications and identify the party, foundation or organisation behind them.

The Recommendation furthermore invites Member States to establish national cooperation networks involving data protection authorities, authorities in charge of cybersecurity, etc, to contribute to quickly detecting potential threats to the elections to the European Parliament and swiftly enforcing existing rules. In order to facilitate the sharing of expertise and best practices among Member States including on threats, gaps and enforcement, the Recommendation also invites Member States to designate a single point of contact to meet in a coordination network on the elections to the European Parliament to be best prepared to protect the 2019 elections. The first meeting of this network took place on 21st of January. Information on the activities of this network can be found on the website of the Commission via the following link https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights_en#electionsnetwork

We remain open arranging a meeting on this point.

Yours sincerely,

J. Morrison

R. Nikolay

L. Borissova