



# Political advertising

# Implementation of the TTPA with a focus on insertion-order-based advertising

A practice-oriented guide on transparency and the targeting of political advertising.

## Purpose and positioning of this overview

This overview is **explicitly addressed to companies and the interested public**. It provides **practical guidance for the implementation of the TTPA Regulation, with a specific focus on insertion-order (IO)-based advertising**.

### Important delineation:

- The **decision tree** applies generally to the assessment of whether a message qualifies as political advertising.
- The further focus lies **exclusively on insertion-order-based advertising**. Insertion-order-based advertising refers to direct media buying on a contractual basis, where advertisers (or their media agencies) and political advertising publishers agree in advance on the placement of political or commercial advertising by means of an insertion-order (IO) – including duration, formats, volumes and remuneration.



- **Programmatic advertising** is explicitly excluded, as the highly specific requirements of the TTPA (transparency, control of targeting, allocation of responsibilities) cannot currently be implemented in a stable and comprehensive manner in that context.
- This overview is intended as a best-practice product, not as a final or binding legal interpretation. Its purpose is to guide **readers along a clear end-to-end process, from the initial request through to archiving – with clearly defined decisions, responsibilities and technical control points**.

# Checklist: Political advertising under the TTPA Regulation

This checklist helps assess whether a piece of content falls within the scope of the EU Regulation on the transparency and targeting of political advertising (TTPA).

## 1. Does the content constitute a message?

**A message is any communication, regardless of the medium. Content that cannot be classified as a message includes, for example, a logo or the name of a political actor (e.g. on promotional items), provided that it is not accompanied by a political message.<sup>1</sup>**

**The following questions support the assessment:**

**Does it concern the preparation, placement, promotion, publication, delivery or dissemination of a message in return for remuneration?**

**Is the communication carried out in the context of in-house activities?**

**Is it part of a political advertising campaign?**

### **On the notion of remuneration:**

Under EU law, the concept of “remuneration” is generally interpreted broadly and includes payments or benefits in kind, such as travel arrangements, accommodation, or access to events or venues for which payment would otherwise be required. Political opinions or other editorial content should not be considered political advertising, unless specific payments or other forms of remuneration are granted for, or in connection with, their preparation, placement, promotion, publication, delivery or dissemination by third parties.

### **In-house activities:**

Situations in which entities (e.g. political parties, companies or public authorities) prepare, place, promote, publish, deliver or disseminate messages using their own resources (e.g. employees or party members), rather than outsourcing these activities to external providers of political advertising services.

### **Political advertising campaign:**

This definition covers situations in which linked political advertisements are disseminated on the basis of a common arrangement, without remuneration being directly linked to each individual advertisement. This is particularly relevant for the dissemination of content on social media and for other activities based on common preparation, provided that a contractual arrangement exists.

## 2. Exceptions

**Before assessing who is communicating and what is being communicated, it is advisable to first determine whether the message, on the basis of statutory exceptions, cannot in principle be considered political advertising. If the message falls within one of these exclusion categories, the assessment ends at this point and the content does not qualify as political advertising.**

### **Official communications:**

**Is it an official communication issued by public authorities or electoral bodies relating to the organisation or conduct of elections (e.g. election day, voter registration)?**

### **Public authorities:**

**Is it a communication activity by public authorities that does not aim to influence political processes?**

### **Candidacy information:**

**Is it a legally provided, free-of-charge presentation of candidates or political parties in the media (e.g. public service broadcasting airtime)?**

<sup>1</sup> Guidelines to support the implementation of Regulation (EU) 2024/900 on the transparency and targeting of political advertising

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## 3. Origin and content of the message

**Where no exemptions apply, it must be assessed from whom the message originates and what purpose it pursues. The assessment may start with either element** (the actor or the purpose).

### Does the message originate from a political actor?

It must be examined whether the message originates, directly or indirectly, from a political actor.

Key aspects to consider include:

### Does it concern political parties, political alliances, candidates, holders of public office, or campaign organisations whose sole objective is to influence an election or a referendum?

It is irrelevant whether such actors operate at regional, national or European level.

**OR**

**Does the message originate from a natural or legal person acting on behalf of, in the name of, or in the interest of such a political actor?**

**AND** (exclusion):

**Is the message not a purely private opinion or a purely commercial communication?**

### Is the content of the message political?

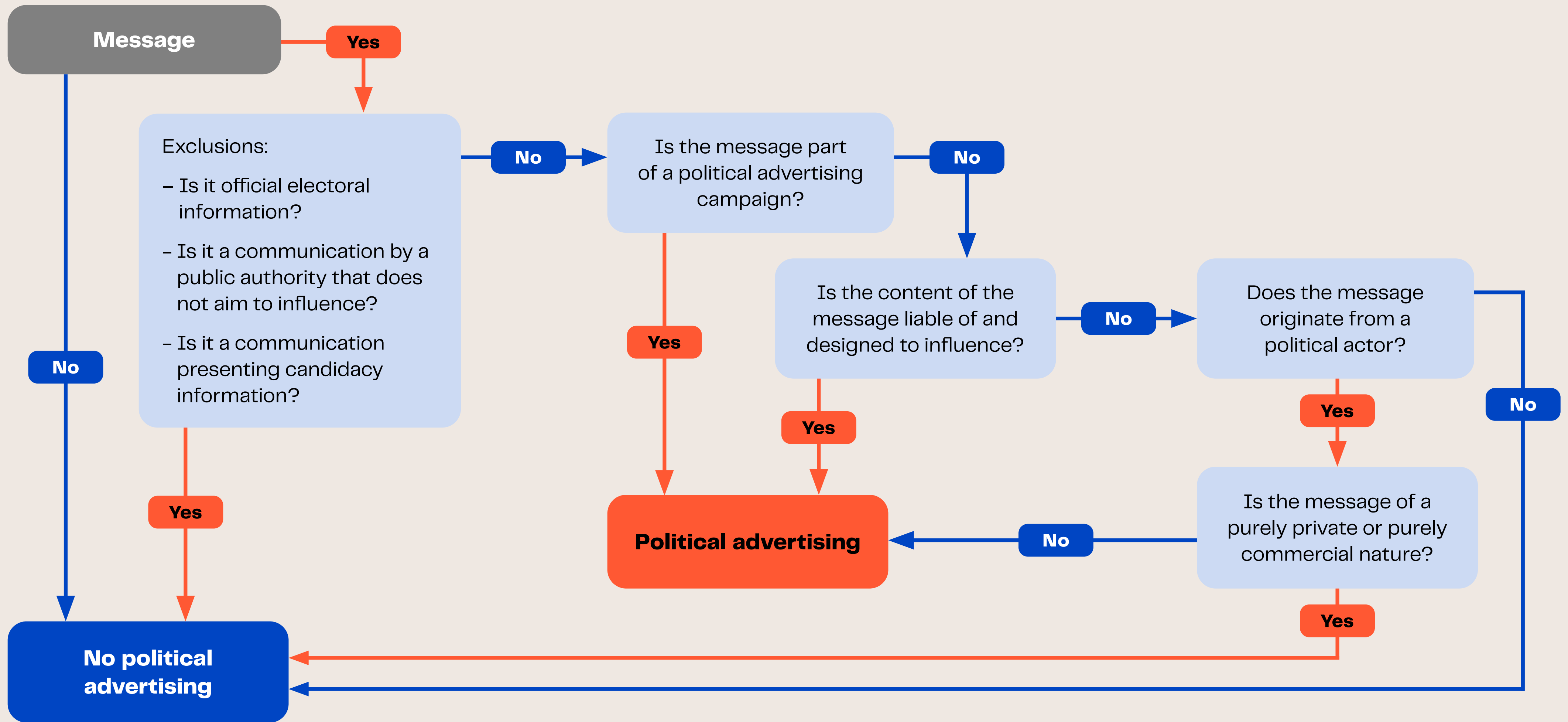
This assessment focuses on the purpose criterion. It must be evaluated whether the advertising is **liable and designed to** exert influence on political processes. Two elements should be considered in particular:

- whether the message is **objectively liable** of influencing political opinion-forming or decision-making processes;
- whether the message is **subjectively intended** to exert political influence, i.e. whether this is part of its design or strategy.

**These questions help to assess the content:**

- **Does the content relate to an election, a referendum or a vote?**
- **Does the message contain references to a legislative or regulatory process?**
- **Does the message address political topics, controversial issues or societal debates?** (e.g. climate, migration, energy, education, security)
- **Is the message, by its form, tone or context, objectively liable of influencing political opinions or decisions?**
- **Do the briefing, task description or similar materials indicate that a political or societal impact is intended?** (e.g. mobilisation, awareness-raising, exerting pressure on decision-makers)
- **Is there an attempt to deliberately shape or influence political opinions or voting behaviour?** (explicitly or implicitly)
- **Is the message strategically designed to exert influence on voters, political actors or ongoing procedures?**
- **Are the content, timing or targeting chosen so as to enable political impact?**

# Checklist



# Overall logic: the end-to-end process chain in insertion-order-based advertising

The implementation of the TTPA in insertion-order-based advertising follows a linear yet decision-driven process logic:

## Request and classification

Is this campaign permitted to run at all?

**Contractual and role clarification** Who owes what to whom?

## Transparency design and campaign set-up

What do users see?

## Targeting and consent

Which data may be used?

## Ad-delivery, monitoring and correction

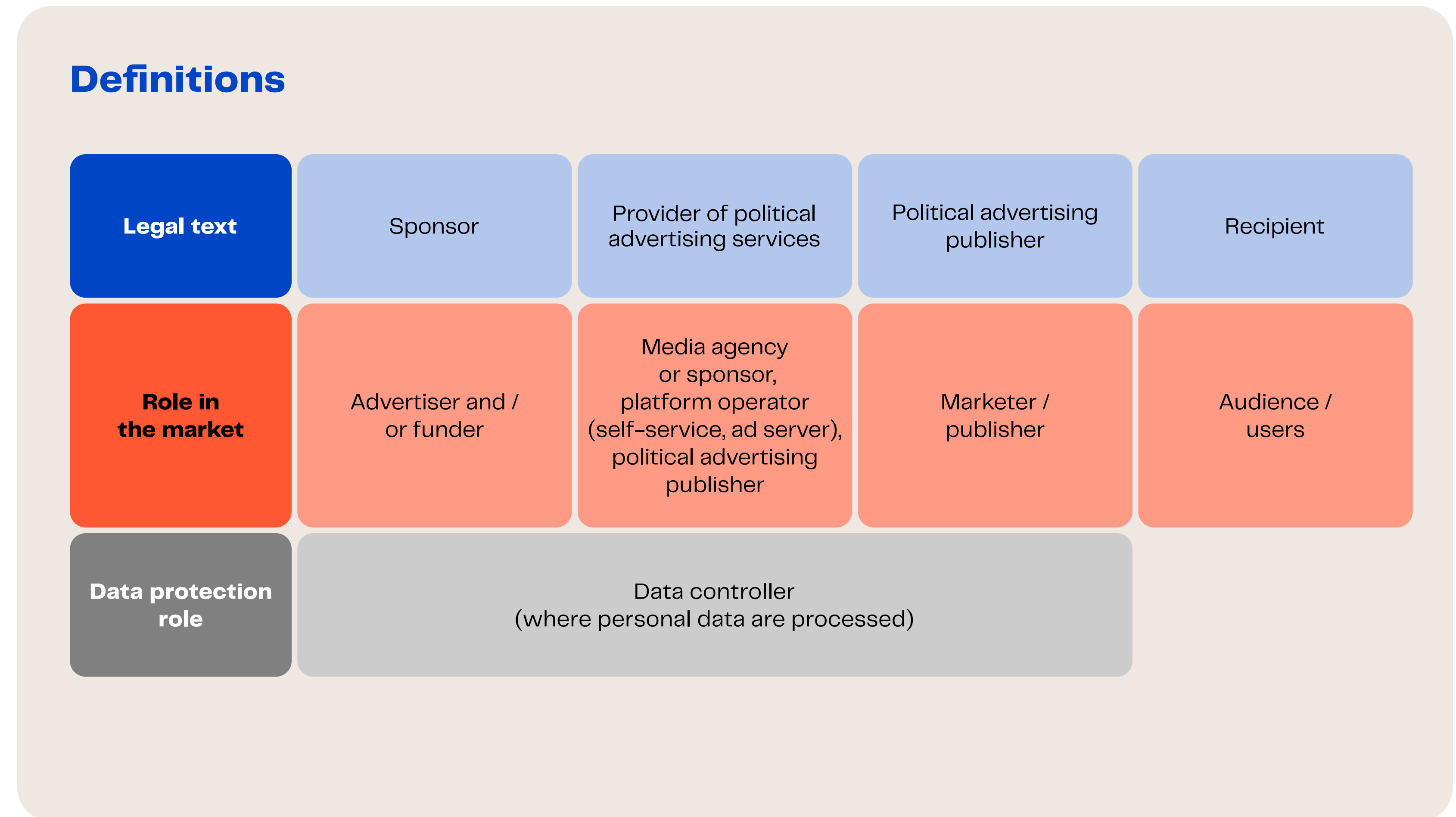
Are corrective actions required?

## Reporting, archiving and authorities

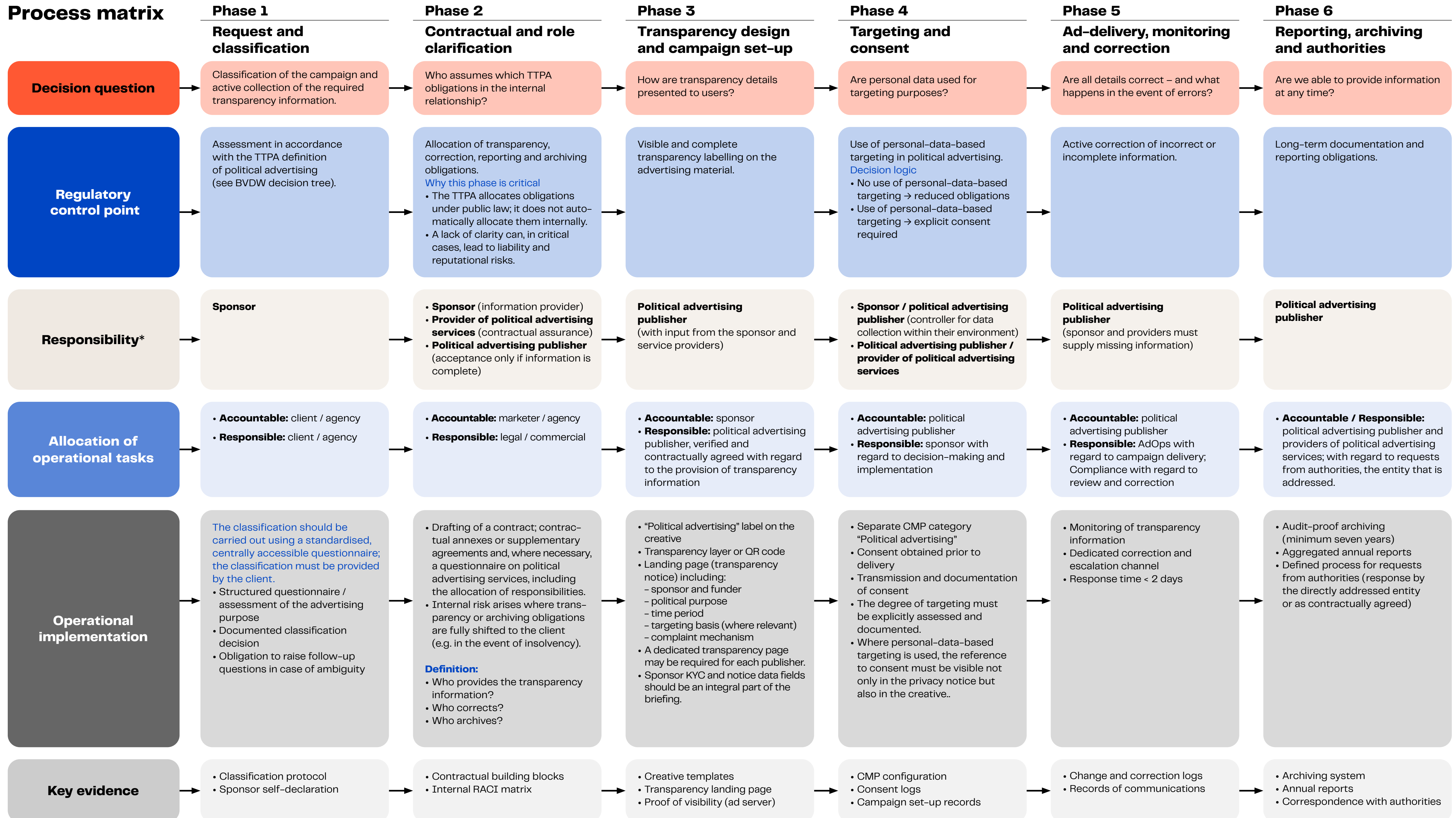
What must be verifiable in the long term?

## Each phase includes:

- a **decision point**,
- a **regulatory control point**,
- clearly assigned **responsibilities**.



# Process matrix



\* The responsibility shown refers to the role that is primarily responsible



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