

Submission to the EU Commission

Feedback on the Draft Guidance to
Support the Implementation of the
Political Advertising Regulation

INTERNATIONAL PANEL ON THE INFORMATION ENVIRONMENT FEEDBACK ON THE GUIDANCE TO SUPPORT IMPLEMENTATION OF THE POLITICAL ADVERTISING REGULATION

Section 1 Recommendations: Who is covered?

IPIE Recommendation 1: Clarify Content Creator Coverage Boundaries (Section 1.3.2)

Section 1.3.2 states that "The Regulation imposes specific transparency or due diligence obligations to any natural or legal person engaging in the provision of political advertising services", but lacks clarity on when content creators are covered under the Regulation, particularly for political influencers, indirect sponsorship, or hybrid content. Without clearer guidance, content creators may misinterpret their obligations, resulting in inconsistent disclosures and enforcement gaps.

Our systematic review underscores the importance of clear labeling standards, showing that its effectiveness varies depending on the type of content and intervention applied,¹ especially where the distinction between opinion and political promotion may be unclear. Different studies interpret countermeasures inconsistently, making it difficult to compare effects without clearer definitions.²

Section 1.3.2 should be revised to include specific criteria and examples that distinguish:

- Paid political promotion requiring disclosure (e.g. sponsored political posts, compensated advocacy)
- Personal political expression not requiring disclosure (e.g. unaffiliated personal opinion)
- Hybrid scenarios involving indirect compensation or non-monetary benefits (e.g. free travel, exclusive event access, coordinated talking points)

Without further clarification, vague coverage criteria risk uneven self-assessment from creators, leading to systematic under-disclosure.

¹ International Panel on the Information Environment, 2023. *Countermeasures for Mitigating Digital Misinformation: A Systematic Review*. SRP 2023.1. Zurich, Switzerland: IPIE, p. 8.

² International Panel on the Information Environment, 2023. *Strategies for Improving the Global Information Environment: Results from A Systematic Review and Meta-Analysis*. SFP2023.1. Zurich, Switzerland: IPIE, p.6.

IPIE Recommendation 2: Clarify Intermediary Service Exemption Scope (Section 1.2.1.1)

Section 1.2.1.1 exempts intermediary services "provided without consideration for the specific message," creating a potential regulatory gap for platforms that algorithmically influence the visibility, timing, or framing of political content without being paid per message. This exemption may create enforcement blind spots, particularly for content hosting services such as online platforms, which control the delivery environment and visibility of political messages. The effectiveness of content labeling in prompting user scrutiny depends on consistent and visible application.³ Platform design choices, such as the placement, prominence, and clarity of labels, therefore play a critical role in whether users notice and understand them. At the same time, challenges in implementing algorithmic detection systems increase the risk of under-enforcement, as large-scale classification techniques often struggle with limited or incomplete datasets.⁴

The current exemption framework may not adequately address platforms that:

- Use algorithmic curation, ranking, or amplification that affects the visibility of political content
- Control user experience features such as label prominence, placement, or opacity
- Manage or process data essential to political ad classification or attribution

To ensure that the impact of these platform practices can be measured and effectively overseen, the guidance could further specify, in line with the encouragements set out in this section, that hosting services such as online platforms should supply ranked exposure data comparing political and baseline (non-political) content. Without the provision of such measurable data, the influence of platform practices may remain a matter of subjective interpretation, making effective enforcement impossible.

Section 2 Recommendations: What is political advertising?

IPIE Recommendation 1: Acknowledge Limitations of Algorithmic Detection Systems (Section 2.3)

Table 1 in Section 2.3 outlines criteria for identifying political advertising, but the guidance does not address the technical challenges involved in applying those criteria at scale. In practice, platforms are likely to rely on automated systems to identify and label political content, yet current detection technologies face well-documented limitations in both accuracy

³ International Panel on the Information Environment, 2023. *Countermeasures for Mitigating Digital Misinformation: A Systematic Review*. SRP 2023.1. Zurich, Switzerland: IPIE, p. 8.

⁴ Idem, p. 9.

and coverage.⁵ This presents a particular challenge for implementation on digital platforms, where political content appears in many formats and contexts and circulates at high volume. Section 2.3 should include guidance on the operational limits of automated classification systems and provide implementation safeguards. Absent these additional specifications, platforms may implement automated classification systems that produce inconsistent or unreliable results.

IPIE Recommendation 2: Promote Standardization in Political Ad Measurement and Reporting (Section 2.3)

The guidance implies harmonized implementation of political advertising definitions and detection methods but does not offer standards for how accuracy should be measured or how results should be reported. Without shared metrics and reporting formats, the guidance risks being implemented inconsistently, making evaluation and oversight difficult. This mirrors a broader issue identified in our analysis: the lack of standardization in existing research on countermeasures has made it difficult to compare findings across studies.⁶ To support consistent implementation, Section 2.3 should be revised to:

- Mandate baseline metrics for political content identification, including accuracy, precision, recall, and false discovery rate by content format
- Specify reporting formats that allow for cross-platform comparison
- Require disaggregated performance data, including false positives and false negatives, by content type and context

Without these additional measures, regulators may struggle to evaluate labeling effectiveness or detect implementation gaps, weakening oversight and allowing platforms to interpret criteria inconsistently.

Section 3 Recommendations: Obligations under the Regulation

IPIE Recommendation 1: Strengthen Content Labeling Standards (Section 3.3.1)

Section 3.3.1 requires publishers to ensure political advertisements are made available together with a label, but provides insufficient implementation guidance on how labels should be designed and presented. While the guidance anticipates "format, template and technical specifications" through a Commission Implementing Regulation, the current guidance lacks direction on effective design principles. Labeling effectiveness varies significantly depending

⁵ Ibid.

⁶ International Panel on the Information Environment, 2023. *Strategies for Improving the Global Information Environment: Results from A Systematic Review and Meta-Analysis*. SFP2023.1. Zurich, Switzerland: IPIE, p.6.

on design and presentation,⁷ making implementation approach critical to whether they achieve their intended effects. Without clearer implementation guidance, publishers may meet labeling requirements but fail to produce clear labels, resulting in compliant but ineffective political advertising disclosures.

Emerging evidence from our meta-analysis indicates that co-locating corrective information alongside misleading content represents one of the most effective interventions for improving trustworthiness, perceived accuracy, and retaining factual information.⁸ This intervention is particularly critical for election administration content, where misinformation about polling station hours, voter ID requirements, or registration deadlines can directly contribute to voter disenfranchisement. Section 3.3.1 should include guidance for platforms on providing accurate, authoritative election information alongside political content that may contain misleading claims about voting logistics.

Section 3.3.1 should provide clearer guidance on how publishers can fulfill labeling obligations effectively, including:

- Visibility and placement standards for labels
- Evidence-based design principles for label effectiveness
- Minimum standards for label prominence, clarity, and accessibility
- Guidelines for clear label presentation
- Corrective information and co-location standards for election administration content

IPIE Recommendation 2: Enhance Transparency Notice Implementation Guidance (Section 3.3.1)

Section 3.3.1 requires transparency notices to be available electronically and in a machine-readable format, but lacks guidance on how publishers should present this information effectively. Current guidance focuses on technical compliance requirements without addressing how transparency information should be designed and presented.

Research shows that labeling effectiveness varies significantly across different types of information and interventions.⁹ This variation means that design and presentation determine whether notices work effectively, making technical compliance alone insufficient. Without implementation guidance based on research, publishers may meet technical requirements but fail to achieve effective disclosure.

⁷ International Panel on the Information Environment, 2023. *Countermeasures for Mitigating Digital Misinformation: A Systematic Review*. SRP 2023.1. Zurich, Switzerland: IPIE, p. 8.

⁸ Idem, p.9.

⁹ Ibid.

Section 3.3.1 should provide guidance on effective transparency notice presentation, including:

- Evidence-based principles for effective notice design
- Standards for information presentation that prioritize relevant information
- Requirements for cross-device and multi-platform consistency
- Guidelines for making notices accessible to diverse audiences



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