Dear Mr Zuckerberg,

Since 15 April 2019, Facebook has put in place new rules for political advertisement in all EU Member States. Effectively, paid political content will only be allowed in the country where the ad buyer is based in.

These rules create an unprecedented barrier for European political organisations and political parties.

Under the new rules, European political parties, established under EU law, and based on Article 10 of the Treaty on the European Union (TEU), cannot advertise in all EU Member States anymore, but basically only in Belgium.

This is extremely worrying just five weeks before the elections to the European Parliament.

European political parties, by definition, have members and constituencies all across the EU. There are also many citizens of EU Member States who live in another Member State, but still can and want to vote at home. Political groups in the European Parliament – which are by definition not based in one Member State – also cannot advertise their content outside of Belgium anymore. Article 10(4) of the TEU clearly states that “Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.” – not national awareness on the national level of national citizens.

The new rules also do not make the European Parliament elections more secure. While preventing European political parties from advertising their ideas across the EU, big influencers from in- and outside the European Union, who want to have an impact on the European elections, can still pay agencies at the national level and continue their aggressive advertisement everywhere in the Union.

The new rules of Facebook also do not comply with the European rules on the cross-border provision of services. Our rules clearly state that a provider contracted by an EU political actor cannot be restrained to provide its services in only one Member State. This is in line with stable case law on single market freedoms the European Court of Justice has built over the last 60 years.

With these rules, Facebook is de facto putting barriers in place that will harm the European discourse around a European democracy. It brings us back to the times of nation-states vs nation-states, which the EU was founded to overcome.
The new rules will have no negative effect on the forces spreading most of the disinformation that are supported by third countries or foreign political entities. In essence by nationalizing the ad-campaigns, Facebook is disadvantaging the communication of legitimate European transnational organizations.

Facebook Vice-President for Global Affairs and Communications Nick Clegg stated in Brussels in January 2019: "How can you be in favor of an open world and at the same time not allow people on your platforms in a legitimate way to appeal to voters?" We expect that Facebook stands by his words.

We expect Facebook to change its rules within a matter of days to be in compliance with EU rules, in order to allow EU-level political parties and other entities to participate in the European political discourse in the run-up to the European Parliament elections between May 23 to May 26, 2019. All European political parties that are registered with the Authority for European Political Parties and European Political Foundations should immediately be allowed to run Europe-wide advertisements on Facebook.

We will not accept being limited to national public spheres in a common Europe and we do hope that you will work with us to effect the necessary changes.

Dara Murphy, Vice-President and Campaign Director of the European People’s Party
Sergei Stanishev, President of the Party of European Socialists
Jan Zahradil, President of the Alliance of Conservatives and Reformists in Europe
Hans van Baalen, President of the Alliance of Liberals and Democrats for Europe
Reinhard Bütikofer, Co-chair of the European Green Party
Monica Frassoni, Co-chair of the European Green Party
Gregor Gysi, President of the Party of European Left
Lorena Lopez de La Calle, President of the European Free Alliance