ERGA: Report on the implementation of the European Code of Practice on Disinformation

IRIS 2019-10:1/7

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As part of the fight against disinformation, and at the request of the European Commission – which adopted a communication entitled "Tackling online disinformation: a European approach" on 26 April 2018 – online platforms and advertising industry representatives drew up a self-regulatory European Code of Practice on Disinformation. This document comprises 15 separate commitments organised under five fields: scrutiny of ad placements; political advertising and issue-based advertising; integrity of services; empowering consumers; and empowering the research community.

The Action Plan against Disinformation jointly adopted by the EC and the High Representative of the Union for Foreign Affairs and Security Policy on 5 December 2018, states that "the Commission will, with the help of the European Regulators Group for Audio-visual Media Services (ERGA), monitor the implementation of the commitments [made] by the signatories of the Code of Practice". This was confirmed in the report assessing progress made in the implementation of the April Communication, which was published on the same day.

In this regard, in June 2019 ERGA published a report intended to provide an interim assessment of the implementation of the Code of Practice. Before turning to ERGA's conclusions on the subject, it is worth describing the method used by the European Regulators Group.

The report focuses on the first six months of 2019. In view of the high political stakes at the start of the year in respect of the European elections, the monitoring process focused mainly on the transparency of political advertising on three signatory platforms: Facebook, Google and Twitter. ERGA set up a sub-group to carry out this work. The members participating in the monitoring exercise had to answer nine questions, the results of which are summarised in the report (e.g. What is the degree of transparency of political and issue-based advertising? Are the amounts spent on political ads publicly disclosed?). A total of 16 regulatory authorities took part in the exercise, 13 of which answered all the questions. They based their answers on (i) the information published in the platforms' monthly reports (all three platforms involved had to send monthly reports on the implementation of the code between January and May 2018) and (ii) the various public databases, which were filtered and managed by the platforms; the

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platforms also carried out searches and directly checked advertisements that they ran and. It should be noted that, according to its report, ERGA asked the platforms to provide raw, unfiltered data over a short period of time. However, the platforms did not provide access to this data.

In its conclusions, ERGA stressed that Facebook, Google and Twitter had made evident progress in the implementation of the code – in particular by creating public databases of political advertisements and procedures aimed at identifying political ads and their sponsors. However, it added that the databases could be developed further, that some information was inaccurate or incomplete, and that it regretted the platforms' failure to provide raw data (which was necessary in order to conduct an autonomous and effective monitoring process). It also noted that Facebook was the only platform during the course of the exercise to have tackled the question of issue-based advertisements by making them more transparent within its databases. Lastly, ERGA stated that “in general terms, these archives do not provide a clear, comprehensive and fully credible picture of the nature and scale of political advertising on these platforms during the monitoring period.”

The European Commission will continue to evaluate the implementation of the code by platforms (with ERGA’s help) during the second half of 2019. At the end of 2019, it will provide an overall assessment, and it does not rule out the possibility of taking further measures (including measures of a regulatory nature) if the signatories’ efforts are unsatisfactory.

Report of the activities carried out to assist the European Commission in the intermediate monitoring of the Code of practice on disinformation (ERGA)

http://erga-online.eu/wp-content/uploads/2019/06/ERGA-2019-06_Report-intermediate-monitoring-Code-of-Practice-on-disinformation.pdf

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