ERGA report on disinformation: assessment of the implementation of the European Code of Practice

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As part of the European Commission's efforts to combat online disinformation, the European Regulators Group for Audiovisual Media Services (ERGA) was asked to assess the implementation of the European Code of Practice on Disinformation ('the code'). On 5 December 2018, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy presented an Action Plan against Disinformation, which stated that "The Commission will, with the help of the European Regulators Group for Audiovisual Media Services (ERGA), monitor the implementation of the commitments by the signatories of the Code of Practice."

Adopted in September 2018 at the European Commission's initiative, the code was drafted and signed by platforms and representatives of the advertising industry and comprises 15 commitments split into five pillars:

- scrutiny of ad placements;

- political and issue-based advertising;

- integrity of services;

- empowering consumers;

- empowering the research community.

In this context, in June 2019, ERGA published a report designed to contribute to an interim evaluation of the code's implementation by the platforms, concentrating on measures relating to political and issue-based advertising, in particular in the context of the European elections.

A final report was then published on 4 May 2020, evaluating the implementation of the commitments under each pillar and drawing conclusions on their implementation and on the code's effectiveness before proposing recommendations designed to improve the fight against online disinformation.

The report's authors highlight the code's uniqueness and the progress made by the platforms, suggesting that the instrument is a step in the right direction.

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Nevertheless, they identify some significant weaknesses that limit, for example, the possibility of properly monitoring the implementation of the code and its effectiveness. ERGA refers, in particular, to the lack of access to the raw data provided by the platforms, especially for the first three pillars of the code. With regard to media literacy, ERGA highlights the platforms' efforts, but qualifies this by pointing out that initiatives vary hugely from one country or territory to another. Finally, it criticises the lack of access to the platforms' data for the research community.

In other words, ERGA emphasises the need for greater transparency in the way in which the signatories implement the code and for more concrete measures than those adopted to date. It also regrets the fact that only a small number of platforms have signed the code (so far, only Facebook, Google, Twitter, Microsoft and Mozilla have signed it).

In order to tackle the dissemination of online disinformation more effectively, the report contains some recommendations with varying implications. Some of these are mentioned below.

Firstly, the report sets out a series of recommendations aimed at improving the monitoring of the existing code's commitments. For example, for reasons of clarity, ERGA recommends defining a number of key notions (for example, the notion of fake news or political ads) and adopting guidelines on various subjects (such as media literacy campaigns or the relationship between the platforms and researchers) to ensure a more consistent approach among the online platforms. The document also proposes ways of improving the communication of information and data by the code's signatories.

Secondly, the report lists some recommendations aimed at expanding the existing code's commitments. These would require the agreement of the platforms and of the European Commission. They are mainly aimed at harmonising the implementation of the code's commitments and increasing the number of signatories in order to avoid asymmetries between the platforms in the sector.

Finally, ERGA goes further by making recommendations aimed at exploring new tools to counter online disinformation more effectively. For example, it suggests shifting to a more co-regulatory approach supported by a legislative instrument, stating that the EU's forthcoming work with platforms could provide an opportunity in this context.

This report, alongside other sources, will assist the European Commission in its overall assessment of the code's effectiveness, to be published in 2020. It should be noted that the Commission does not discount the possibility of taking measures, including regulatory steps, if it considers the signatories' efforts inadequate.

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http://erga-online.eu/wp-content/uploads/2020/05/ERGA-2019-report-published-2020-LQ.pdf

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

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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