European Commission: Guidance on Strengthening the Code of Practice on Disinformation

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On 26 May 2021, the European Commission adopted its Guidance on Strengthening the Code of Practice on Disinformation (see IRIS 2019-1/7).

The Guidance calls for the reinforcement of the Code by strengthening it in the following areas:

- The Commission encourages platforms active in the EU, relevant stakeholders in the online advertising ecosystem, private messaging services, as well as stakeholders that can contribute with resources or expertise to the Code's effective functioning, to join the Code. The Code should include new tailored commitments corresponding to the size and nature of services provided by signatories.

- Platforms and players in the online advertising ecosystem must take responsibility and work better together to defund disinformation, notably by exchanging information on disinformation ads refused by one of the signatories, improving transparency and accountability around ad placements and barring participation by actors that systematically post debunked content.

- The Code should provide comprehensive coverage of the current and emerging forms of manipulative behaviour used to spread disinformation, and include tailored commitments to ensure transparency and accountability of measures taken to reduce its impact.

- The signatories must make their recommender systems transparent and take measures to mitigate the risks that these fuel such as the viral spread of disinformation. They should also provide their users with accessible, effective tools and procedures to flag disinformation with the potential to cause public or individual harm. Users who have been subject to measures taken in response to such flagging should have access to an appropriate and transparent mechanism to appeal and seek redress. The Code should also enhance the visibility of reliable information of public interest, and warn users who interact with content marked as false by fact-checkers.

- The Code should include better cooperation with fact-checkers and increase coverage across EU countries and languages. The Code should also include a

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robust framework for access to data for researchers.

- The Code should include an improved monitoring framework based on clear key performance indicators (KPIs) measuring the results and impact of actions taken by the platforms as well as the overall impact of the Code on disinformation in the EU. Platforms should regularly report on the measures taken and their relevant KPIs to the Commission. Information and data should be provided by the platforms in standardised formats, with Member State breakdowns.

Signatories should also develop a Transparency Centre where they indicate which policies they have adopted to implement the Code's commitments, how they have been enforced, and display all the data and metrics relevant to the KPIs. The Guidance also proposes the establishment of a permanent task force chaired by the Commission. It would be composed of signatories, representatives from the European External Action Service, the European Regulators Group for Audiovisual Media Services (ERGA) and from the European Digital Media Observatory (EDMO). The task force, which will also rely on the support of experts, will help review and adapt the Code in view of technological, societal, market and legislative developments.

The Commission will call upon the signatories of the Code of Practice to convene and strengthen the Code in line with the Guidance. It also encourages new signatories to join the Code. To this end, the Commission will reach potential new signatories and interested parties. The signatories should proceed swiftly with revision of the Code and provide a first draft of the revised Code in the autumn. This year the Commission will also propose a legislation to improve the transparency of political advertising. The Guidance also calls for reinforced commitments in this area to pave the way towards the upcoming strengthened legislative framework and to devise industry-led solutions in its support.

European Commission Guidance on Strengthening the Code of Practice on Disinformation (COM(2021) 262 final)

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