Council of the European Union

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Tackling the spread of disinformation online: State of play and future perspectives
	- Presidency discussion paper

In preparation for the Cultural Affairs Committee meeting on 29 October, delegations will find attached a draft discussion paper on the above subject prepared by the Presidency. The attached paper, once finalised, will serve as the basis for the policy debate at the EYCS Council on 26-27 November 2018.

Tackling the spread of disinformation online: State of play and future perspectives

Presidency discussion paper

Misleading or outright false information not only erodes citizens' trust in media and institutions, but may be used, often in conjunction with cyber attacks, to harm the integrity of elections and policy-making processes. Although disinformation is not a new strategy used to undermine public trust into democratic institutions, rapidly evolving social media and online platforms, and increased use of big data and artificial intelligence foster the spread of false information and thus pose a different threat to democracy.

In March 2015 the European Council stressed the need to challenge ongoing disinformation campaigns and invited the High Representative, in cooperation with Member States and EU institutions, to take appropriate measures and to elaborate an Action Plan.

Also the European Parliament, in a June 2017 Resolution, called upon the Commission "to analyse in depth the current situation and legal framework with regard to fake news and to verify the possibility of legislative intervention to limit the dissemination and spreading of fake content."

In this respect, in the past twelve months, the Commission has launched and implemented a comprehensive initiative to tackle online disinformation with a view to responding to this phenomenon through a range of actions designed to support European democratic values and processes. These are the steps the Commission took to address this cross-sectional issue:

- In November 2017, the Commission organised a multi-stakeholder conference and a workshop with Member States, in conjunction with the launch of a public consultation on fake news and online disinformation.
- In January 2018, it convened a High Level Group on fake news and online disinformation, which presented its final report in March 2018, suggesting a multi-dimensional approach to disinformation and recommending self-regulation (including a Code of Practice) as a first step.

- Building upon these results, the Communication 'Tackling online disinformation: a European approach'[1] was published on 26 April 2018. It was presented and discussed in the Audiovisual Working Party on 17 May 2018. In this document, the Commission provided a definition of fake news, content which is not necessarily illegal but potentially harmful, and emphasised that online platforms have to act swiftly and effectively to protect users from disinformation. It also supported the creation of an independent European network of fact-checkers, and highlighted the necessity to foster media literacy and quality journalism.

- Based on this Communication, the Commission convened a multi-stakeholder forum on disinformation, with the main task of drafting an EU-wide Code of Practice on Disinformation, as a means of self-regulation. The Code was published on 26 September.

- On 16 October 2018, Google, Facebook, Twitter and Mozilla and several trade associations representing online platforms, the advertising industry and the advertisers subscribed the "EU Code of Practice on Disinformation". This Code covers five areas, with the commitment to disrupt advertising revenues from companies that spread disinformation, tackle fake accounts and online bots, make political advertising more transparent, allow users to report instances of disinformation more easily and provide a better research framework to monitor the spread of disinformation. The Commission will assess the implementation of the Code of Practice on disinformation by the end of the year.

- While the Sounding Board (consisting of representatives of the media, civil society, academia and fact checkers) criticised this Code asserting that there was "no common approach, no meaningful commitments, no measurable objectives or KPIs, no compliance or enforcement tools and hence no possibility to monitor the implementation process", Commissioner Gabriel highlighted that this was the first time worldwide that an industry agreed, on a voluntary basis, to self-regulatory standards to fight disinformation.

- Furthermore, the Commission adopted an election package, which included a Recommendation calling for European and national political parties to make available on their websites the same sort of information on political advertising that platforms would be committed to make available for online political ads distributed over their services.

More recently, the European Council in its conclusions of 18 October 2018 called "for measures to protect the Union's democratic systems and combat disinformation, including in the context of the upcoming European elections, in full respect of fundamental rights" and asked for a rapid

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[1] Doc. 8578/18.

examination and follow-up by the competent authorities of the measures already proposed by the Commission.

Against this background, at the meeting of the EYCS Council, the Austrian Presidency would like to concentrate the debate on the role and the responsibilities of media actors in counter-acting disinformation.

The Ministers are invited to share their views in relation to the following questions:

1. Given the importance of media pluralism, quality journalism, media literacy and questions of transparency and accountabilities, what actions at EU level do you consider in the context of disinformation to be the most effective?

2. Have you started or do you plan any initiatives to address this issue at national level?

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