Public consultation for legal entities on fake news and online disinformation

Fields marked with * are mandatory.

Public consultation for legal entities - "Fake news and online disinformation"

The phenomenon of fake news and online disinformation is a source of deep concern for its potential effects on the reputation of public institutions, the outcome of democratic deliberations or the citizens' opinion-forming on important public policies such as health, environment, immigration, security, economy or finance.

Although not new, this phenomenon is often said to be more pervasive and impactful today than ever before because of the ease with which news can be posted and shared by anyone on social media, the velocity at which such news may spread online, and the global reach they might effortlessly attain.

For the purposes of defining appropriate policy responses, a broad distinction can be drawn between false information that contain elements which are illegal under EU or national laws such as illegal hate speech, incitement to violence, terrorism or child abuse, and fake news that fall outside the scope of such laws. This consultation only addresses fake news and disinformation online when the content is not per se illegal and thus not covered by existing legislative and self-regulatory actions.

When tackling fake news, the public intervention must respect and balance different fundamental rights and principles, such as freedom of expression, media pluralism and the right of citizens to diverse and reliable information.

The purpose of the consultation is to collect views from all parties concerned across the EU as regards the scope of the problem and the effectiveness of voluntary measures already put in place by industry to prevent the spread of disinformation online and to better understand the rationale and possible directions for action at EU and/or national level.

This questionnaire specifically targets legal entities and journalists, including independent/freelance journalists. There is another questionnaire for citizens.

Your input will be used by the Commission to nourish policy discussions at EU level on the spread of disinformation online.

The consultation process will be complemented with a Eurobarometer public opinion survey to be launched early 2018 to measure and analyse the perceptions and concerns of European citizens around fake news.

Identification of respondents

- * Please indicate your sector of activity
 - News media
 - Online platform
 - Fact-checking organisation
 - Civil society organisation
 - Academia Educational sector
 - Public authority
 - Other

* Other

- Manufacturing
- IT services
- Agriculture and Food
- Health and Care
- Energy
- Automotive and Transport
- Financial services/banking/insurance
- Retail/electronic commerce
- Public sector
- Research scientific, education
- Consumer protection group
- Other
- * Please specify other
- * Respondant's first name

Grégoire

- * Respondant's last name Polad, Director General, ACT
 - * Organisation's name

ACT, Association of commercial television in Europe,

* Contact details Rue des Deux Eglises, 26, 1000 Brussels

- * Company/organisation website www.acte.be
- * Legal seat of the organisation you represent Rue des Deux Eglises, 26, 1000 Brussels

- * Countries in which your organisation is active
- Austria Belgium 🔲 Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany 0 Greece Hungary Ireland 1 Italy Latvia Lithuania Luxembourg Malta Netherlands Poland Portugal 1 Romania Slovak Republic Slovenia 🔲 Spain Sweden United Kingdom Extra-EU All around the World
- * Brief description of entity's sector(s) of activity

300 character(s) maximum

Number of employees < 10 </p> 11-50

51-250 © > 250 Turnover of your organisation in 2016

< 2 million EUR
2-10 million EUR
11-50 million EUR
> 50 million EUR

If part of a group of companies, please specify the identity of the group.

300 character(s) maximum

The ACT represents the interests of leading commercial broadcasters in Europe. The ACT member companies finance, produce, promote and distribute content and services benefiting millions of Europeans across all platforms. Regulated broadcasters ensure a plurality of high quality news.

* Is your organisation registered in the Transparency Register of the European Commission and the European Parliament?

O Yes

O No

Not applicable: I am replying as an individual in my personal capacity

* Please indicate your organisation's registration number in the Transparency Register.

100 character(s) maximum

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If you are an entity not registered in the Transparency Register, please register in the Transparency Register before answering this questionnaire. If your entity responds without being registered, the Commission will consider its input as that of an individual.

For journalists: please briefly indicate the topics you cover

600 character(s) maximum

For <u>media companies</u>: please provide a short overview of your online and off-line news and information services.

600 character(s) maximum

ACT is a trade association that represents commercial television in Europe but does not per se offer online and offline news and information services other than industry information, positions, news and other information pertinent to the activities of the sector and its views on European policies.

For <u>social media and online platforms</u>: please provide a short overview of your core services. Please specify those enabling users to access news and information through your platform.

For c<u>ivil society organisations</u>: please explain the corporate mission of your organisation and briefly describe its activities, including those designed to reduce disinformation.

600 character(s) maximum

For the <u>educational sector</u>: please clarify whether primary/secondary/higher, and indicate whether your institute teaches media literacy.

600 character(s) maximum

For <u>academia</u>: please briefly describe your field of research and its relevance for a better understanding of the phenomenon of fake news.

600 character(s) maximum

For <u>public authorities</u>: please briefly describe whether and how your organisation is involved in reducing the impact of disinformation.

600 character(s) maximum

* Your contribution,

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001

can be directly published with your personal information (I consent to publication of all information in my contribution in whole or in part including, where applicable, my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)

can be directly published provided that I/my organisation remain(s) anonymous (I consent to publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that this is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication).

Scoping the problem

"Fake news" represents an ill-defined concept encompassing different types of disinformation, such as misrepresentation of reality or distortion of facts. In the context of this questionnaire, the focus is on news that is intentionally created and spread online to mislead the reader (e.g. for political or economic reasons). Generally, individual opinions, satire and pure journalistic errors are not considered as fake news. While the spread of certain fake news may constitute an illegal conduct under EU and/or national laws (e.g. as illegal hate speech, incitement to violence, terrorism or child abuse defamation, libel, etc.),in many other cases fake news may have harmful effects on society without being necessarily illegal.

The following sub-set of questions is aimed at enabling the Commission to scope the problem and assess the mechanisms that may contribute to the spread of fake news which are not deemed illegal.

1. In your opinion, which criteria should be used to define fake news for the purposes of scoping the problem?

2000 character(s) maximum

ACT represents commercial broadcasting groups that amongst themselves operate several hundreds of channels throughout the EU and dozens of dedicated news channels. While each news organisation may have different criteria to assess fake news, a consistent criteria throughout is whether the text, audio and/or video news piece intentionally misinterprets or distorts reality or constitutes statements that have no grounding in fact. It is important to exclude from this satire or other expressions that would qualify as opinions or predictions. Indeed, any definition should be careful to preserve online liberties of individuals (within existing laws) while respecting other individuals' right to be properly informed. In the broadcasting sector, the issue of mis/disinformation is covered by various national and European policies that have helped establish and uphold principles of editorial responsibility. Specific transposition of AVMS articles can be easily accessed via the European Audiovisual Observatory's site at <u>http://avmsd.obs.coe.int/cgi-bin/search.php</u>. The Eurobarometer 86 (Autumn 2016, p.21) had the following to say about Trust in media. "Television is the second medium in which Europeans express the most trust: 50% (+2 percentage points since autumn 2015), versus 46% (-1). Trust in television ranged from 48% to 53% between autumn 2009 and autumn 2016". Meanwhile "Europeans' trust in the Internet is more stable but represents a minority view, while distrust has risen (36% "tend to trust" the Internet, +1 percentage point, versus 48%, +3). The trend is similar for online social networks (trust: 21%, +1, versus distrust: 59%, +4)."

2. Are the following categories of fake news likely to cause harm to society? Please answer on a scale from 1 to 4: 1 (no harm), 2 (not likely), 3 (likely) to 4 (highly likely).

	No opinion	1	2	3	<mark>4</mark>
Intentional disinformation aimed at influencing voting	0	0	0	0	0
decisions at elections	0				
Intentional disinformation aimed at influencing health policies		0(2(0(0
Intentional disinformation aimed at influencing environmental policies	0		0-	0	
Intentional disinformation aimed at influencing immigration policies	0	0	0	-0-	-0-
Intentional disinformation aimed at influencing economy or finance		0	0	0	0
Intentional disinformation aimed at undermining trust in public institutions		0	0	0	0
Intentional disinformation aimed at undermining public security	- ©	 	0)	 ©	©
Intentional disinformation aimed at generating advertisement revenues	Ø	0	0	0	0
Other categories of intentional disinformation	0	0	0	0	0

* Please specify which other categories of fake news are more likely to cause harm to society.

3. If you have remarks on these categories, please explain why and/or suggest additional categories of fake news.

300 character(s) maximum

Harm is created by intentional mis/disinformation, regardless of category

4. In your opinion, what are the main economic, social and technology-related factors which, in the current news media landscape, contribute to the increasing spread of fake news? For instance, you can address reading behaviour, advertising revenues, the changing role of journalists and/or the impact of sponsored articles. 3000 character(s) maximum

<u>Technology/transparency:</u> Due to many readers relying on social media for information where they can access it for free and where no binding regulation on editorial responsibility exists, fake news phenomenon has spread significantly. Tools/algorithms that are being used to select and promote content on platforms have been a mystery as very non transparent but they have been used to tailor news offerings to individuals. They are in this way creating some sort of filter bubble as they are based on assumption of user's interest. Additionally, there is also a lack of filtering procedures by trusted, established and reliable journalists when posting information on online platforms.

<u>Economic</u>: The current online environment is advertising dominated resulting in a need to generate high levels of traffic in order to support the costs of storing such data. As such there is an economic disincentive for platforms or social networks to act decisively on content that generates high levels of traffic. Fake news at its core is a piece of disinformation seeking to exist by creating buzz i.e. generating traffic.

<u>Regulatory</u>: Due to over two decades of light touch regulation on platforms and social networks, users do not have the same level of protection when consuming media on platforms rather than on licensed broadcast channels. As such there is a general lack of media readability and literacy; contributing to general users confusion.

- 5. In which media do you most commonly come across fake news? Select the most relevant options.
 - Traditional print newspapers and news magazines

Traditional online newspapers and news magazines

Online-only newspapers

- News agencies (e.g. Reuters, ANSA, AFP)
- Social media and messaging apps
- Online blogs/forums
- TV 🗌
- 🔲 Radio
- News aggregators (e.g. Google News, Apple news, Yahoo news)
- Video sharing platforms (e.g. YouTube, DailyMotion, Vimeo)
- Information shared by friends or family
- No opinion

6. Indicate which of the following dissemination mechanisms, in your opinion, have the highest impact on the spread of fake news in the EU? Select the most relevant options.

- Online sharing by human influencers / opinion makers
- Online sharing done by bots (automated social media accounts)
- Sharing among social media users
- Recommendation algorithms used on online platforms
- Media editorial decisions
- Others

* Please explain which other dissemination mechanisms have an impact on the spread of fake news in the

7. Which of the following areas have, in your view, been targeted by fake news during the last two years? Please, for each area, use a scale from 1 to 4; 1 (not targeted), 2 (marginally targeted), 3 (moderately targeted), 4 (heavily targeted).

	No opinion	1	2	3	4
Political affairs (e.g. elections)		-0-	-0-	-0-	-0-
Security		-0-	-0-	-0-	-0-
Personal life of public figures (e.g. politicians)	0	-0-	-0-	-0-	-0-
Show biz and entertainment	0	-0-	-0-	-0-	-0-
Immigration (e.g. refugees)	0	-0-	-0-	-0-	-0-
Minorities (e.g. religious, ethnic, sexual orientation)	0	-0-	-0-	-0-	-0-
Health (e.g. vaccines)	0	-0-	-0-	-0-	-0-
Environment (e.g. climate change)	0	0-	-0-	0	-0-
Economy and finance (e.g. market rumours)	0	0	0	-0-	
Science and technology (e.g. fake or misleading studies)	Ø	Ø	Ø	0	0

8. In your view, has <u>public opinion been impacted</u> by fake news in the following areas during the last two years? Please for each area use a scale from 1 to 4: 1 (no impact), 2 (some impact), 3 (substantial impact) to 4 (strong impact).

	No opinion	1	2	3	4
Political affairs (e.g. elections)	0	0	0	0	0
Security	0	0	0	0	0
Personal life of public figures (e.g. politicians)	0	0	Ø	0	0
Show biz and entertainment	O	0	Ø	0	0
Immigration (e.g. refugees)	O	O	Ø	0	0
Minorities (e.g. religious, ethnic, sexual orientation)	O	0	0	0	0
Health (e.g. vaccines)	O	0	0	0	0
Environment (e.g. climate change)	O	0	0	0	0
Economy and finance (e.g. market rumours)	O	0	0	0	0
Science and technology (e.g. fake or misleading studies)	Ø	0	0	Ø	0

studies)

9. If you are an online platform or a news organisation, please explain the criteria you use to rank news content on your platform/online website and a description of their impact on the ranking of other sources of news.

3000 character(s) maximum

Commercial broadcasters are professional media companies that focus on quality of news and reliability. This underpins viewer trust and with it loyalty. Viewer trust is a core driver of our activities and a key asset. Each broadcasters has one set of rules governing what it publishes and meets the responsibilities expected of them according to the laws in place that are there to ensure a functioning democracy. Broadcasters invests enormously in quality journalism, assign internal teams of experts who verify the authenticity of news content and proactively collaborate with experts to proactively find fake news that is circulating as they have an important role in promoting reliable and truthful information.

Assessment of the measures already taken by online platforms, news media organisations and civil society organisations to counter the spread of disinformation online

Concrete steps have been taken by online platforms, news media organisations and civil society organisations (e.g. fact checkers) to counter the spread of disinformation online. For instance measures have been taken to deprive fake news websites of online advertising revenue, to close fake accounts, and to establish flagging mechanisms (by readers and trusted-flagger organisations alerting the platforms about content of dubious veracity) and collaborations with independent fact-checkers adhering to the International Fact-Checking code of principles.

The following subset of questions is aimed at collecting information needed to better identify the positive impact, and the drawbacks, of current measures to counter the spread of disinformation online.

10. To what extent, if at all, have the following measures reduced the spread of fake news? Please evaluate each of the following statements on a scale from 1 to 4; 1 (no contribution), 2 (minor contribution), 3 (appreciable contribution), 4 (great contribution).

	No opinion	1	2	3	4
Pop-up messages on social media, encouraging readers to check news and sources		0			
Mechanisms to display in prominent position information from different sources representing similar viewpoints (e.g. "related articles" but	ton)		0		
Mechanisms to display in prominent position information representing different viewpoints (e.g. "other sources say" button)	Ø				
Mechanisms enabling readers to flag content that is misleading and/or fake			0		
Warnings to readers that a post or article has been flagged /disputed	Ø				
Fact-checking through independent news organisations and civil society organisations (explaining why a post may be misleading)			0		
Mechanisms to block sponsored content from accounts that regularly post fake news			0		
Closing of fake accounts and removal of automated social media accounts (based on the platforms' code of conduct)			0		

For the measures you have rated equal or below 2 in the previous question please specify why, in your opinion, they are not so effective

600 character(s) maximum

11. If you are an online platform or a news organisation and you have adopted measures aimed at countering the spread of disinformation on your online platform, news media or website, or on those operated by third parties, please explain the measures you took. Please provide a short description of their characteristics as well as their results.

Editorial responsibility, truthful reporting, top quality content and the safest environment are the DNA of TV. Television is still perceived as most trustworthy medium among all. Recent research made by ThinkTV - Concern for Fake News- nlogic, OmniVu, Total Canada (2017) confirmed that TV is the most trusted news source across all demographic groups. Additionally, levels of trust in traditional media are increasing across Europe as people question the veracity of what they see and read online according to the Eurobarometer 86, EBU Media Intelligence Service, Trust in Media (2017). Traditional media invests heavily in quality journalism, training of journalists, promotes quality and reliable information, invests in fact checking mechanisms, and collaborates with wide range of experts to identify fake news. Additionally, they form different teams of experts from versatile departments within a company to verify the authenticity of user generated content before using it as a source of news, state clear principles of high editorial standards and journalistic independence in internal Codes of Conduct, participate or lead different working groups on press freedom and journalistic and editorial independence.

12. If you are an online platform or a news organisation, which tools do you use to assess the content uploaded on your platform/the quality of online information used to produce news content? Please evaluate each of the following measures on a scale from 1 to 4; 1 (rarely), 2

(occasionally), 3 (often), 4 (always).

	No	1	2	3	4
Fact checking (human fact checkers)	O	0	0	0	0
Peer reviews	0	0	0	Ø	0
Flagging (by users)	Ø	0	0	0	0
Flagging (by trusted flaggers)	0	0	0	0	Ø
Automated content verification tools	Ø	0	0	0	0
Other	0	0	O	0	O

* Please explain which other tools you frequently use to assess the content uploaded on your platform/the quality of online information used to produce news content.

Commercial broadcasters use strict monitoring and filtering procedures by trusted and reliable news teams (editors, journalists, consultants) that systematically deliver editorial judgement, fact-checking and third party filtering.

13. In your view, are readers sufficiently aware of the steps to take to verify veracity of news, when reading and sharing news online (e.g. check sources, compare sources, check whether claims are backed by facts)?

- O Yes
- O No
- No opinion

You are welcome to provide a comment on readers' awareness on the precautions they should take when reading and sharing news online

600 character(s) maximum

14. If you are an online platform or a news organisation, what does your organisation do in order to inform readers about the precautions they should take when reading and sharing news online (e. g. periodic notifications, media literacy programmes) ? How do you help them assess a specific article/post (tools to investigate the source, links to facts & figures, links to other sources etc.) ?

Scope for possible future actions to improve access to reliable information and reduce the spread of disinformation online

It is sometimes argued that the mechanisms put in place so far by online platforms and news media organisations to counter the spread of fake news only capture a small fraction of disinformation, and that this involves labourintensive human verification of content and does not prevent virality of fake news through social media. Moreover, concerns have been voiced about the risks of censorship and the need to ensure a more diversified and pluralistic ranking of alternative news sources on social media.

The following questions are aimed at collecting information on additional actions which may help to provide a comprehensive and effective response to the phenomenon of fake news.

15. Do you think that more should be done to reduce the spread of disinformation online?

- O Yes
- 🔘 No
- No opinion

You are welcome to comment on what should be done to reduce the spread of disinformation online.

3000 character(s) maximum

We would suggest strong emphasis on media literacy programmes and initiatives, awareness raising campaigns specifically focused on young people (students, pupils). We also suggest that legislators look to solutions to ensure that the public can expect the same level of protection from harmful content/information no matter what medium they access the content from.

16. In your view, which measures could <u>online platforms</u> take in order to improve users' access to reliable information and prevent the spread of disinformation online?

3000 character(s) maximum

As stated above we believe that providing a comparable set of rules for platforms is essential to ensure symmetry of rules applying to broadcasters and online platforms/social media. They both have an impact on democracy and are far from being neutral, especially in opinion making. All should comply equally with basic sets of rules concerning privacy, transparency and truth. Especially more transparency should be requested with regards to prioritising, selecting and publishing content (more understanding about how algorithms operate in their selection/choices). Tangibly, viewers should be able to expect fast removal of fake news, within a clearly defined timeframe, and a permanent removal of accounts whose core purpose is to produce/distribute/promote mis/disinformation.

17. How effective would the following measures by online platforms be in preventing the spread of disinformation? Please evaluate each action on a scale from 1 to 4; 1 (no impact), 2 (low impact), 3 (moderate impact), 4 (strong impact).

	No opinion	1	2	3	4
Rank information from reliable sources higher and predominantly display it in search results or news feeds. (4)	O	0	0	0	0
Provide greater remuneration to media organisations that produce reliable information online (4)	Ø	0	0	0	0
Allow more control to users on how to personalise the display of content.(2)	0	0	0	0	0
Allow direct flagging of suspicious content between social media users.(3)	0	0	0	0	0
Invest in educating and empowering users for better assessing and using online information.(3)	0	0	0	0	0
Provide buttons next to each article that allow users to investigate or compare sources.(3)	Ø	0	0	0	0
Inform users when certain content was generated or spread by a bot rather than a human being.(2)	Ø	0	0	0	0
Inform users about the criteria and/or algorithms used to display content to them (why they see certain content). (4)	0	0	0	0	0
Support civil society organisations to improve monitoring and debunking of fake news. (3)	Ø	0	0	0	0
Employ fact-checkers at the online platform. (3)	0 (0	0	0	0
Further limit advertisement revenues flowing to websites publishing fake news. (4)	Ø	0	0	0	0
Improve and extend to all EU Member States online platforms' current practices, which label suspicious information after fact-checking. (4)	00	C	C	Ő	(
Invest in technological solutions such as Artificial Intelligence to improve the discovery and tracking of fake news. (4)	Ø	0	0	0	0
Develop new forms of cooperation with media outlets, fact- checkers and civil society organisations to implement new approaches to counter fake news. (3)	0 0	Ø	0	0	
Other	0	0	0	0	(

* Please specify other. 600 character(s) maximum

18. In your view, which measures could <u>news media organisations</u> take in order to improve the reach of reliable information and prevent the spread of disinformation online?

3000 character(s) maximum

The issue of fake news is central to social media and video sharing platforms. Broadcasters are already being subject to heavy regulation but will continue to focus on top quality journalism, identification of fake news by investing in fact checking mechanisms, verification tools for authenticity of news content and most importantly on high quality. They will also continue investing in media literacy initiatives for users and training programmes for journalists and using effective mechanism to promote trusted media sources on social media platforms.

The ACT believes that the response to fake news needs to be first and foremost borne by platforms. By putting all the responsibility on civil society and news media, the EU would essentially be advocating for a privatisation of gains from fake news and a mutualisation of the risks of fake news to society. While we encourage civil society to play a part, platforms should lead the way by investing and recruiting staff to ensure the environment they provide is trustworthy and safe.

19. How effective would the following measures by <u>news media organisations</u> be in strengthening reliable information and tackling fake news? Please evaluate each actions on a scale from 1 to 4; 1 (no impact), 2 (low impact), 3 (moderate impact), 4 (strong impact).

	No opinion	1	2	3	4
Invest more in new forms of journalism (i.e. data-based investigative journalism) to offer reliable and attractive narratives. (3)	0	0	0	0	0
Increase cooperation with other media organisations (2)	0	0	0	0	0
Help readers develop media literacy skills to approach online news critically (3)	Ø	0	0	0	0
Help readers assess information when and where they read it (e. g. links to sources) (3)	Ø	0	0	0	0
Support civil society organisations and participative platforms (for instance using the model of Wikipedia/Wikinews) to improve monitoring and debunking of fake news. (2)	00) @) @) (9
Invest in technological solutions to strengthen their content verification capabilities, in particular for user-generated content, order not to contribute to the proliferation of fake news.(3)	00	0	0	C	in
Other	0	0	0	C	C

Please specify other.

20. In you view, which measures could <u>civil society organisations</u> take in order to support reliable information and prevent the spread of disinformation online?

21. How do you rate the added value of an independent observatory/website (linking platforms, news media organisations and fact-checking organisations) to track disinformation and emerging fake narratives, improve debunking and facilitate the exposure of different sources of information online? Please evaluate each of the following statements on a scale from 1 to 4; 1 (strongly disagree), 2 (disagree), 3 (agree), 4 (strongly agree). If you find it useful, you can voice suggestions for independence hereunder - e.g. academic supervision, community-based structures or a hybrid

such as Wikipedia.

		No opinion	1	2	3	4
The public would benefit from an independent observatory that acts like a knowledge centre, gathering studies and providing general advice on how to tackle disinformation online.	¢	0	0	0	0	
The public would benefit from an independent observatory that looks at popular social media posts, asks fact-checkers to look at them, and provide warnings (to platforms, public authorities, etc.) that they need to be flagged.		Ø	0	0	0	0
The public would benefit from an independent observatory /website that looks at popular social media posts, researches the and develops counter-narratives when necessary.	0	0	0	0	© fa	acts
The public would benefit from an independent observatory /website that does not look at posts, but instead helps to gather factual information (and possibly user ratings) for each source, to create a factual snapshot of each source's activity and reputation	¢	5 0	0	0	0	help
An observatory is not useful for the public		0	0	0	0	0

22. What actions, if any, should be taken by public authorities to counter the spread of fake news, and at what level (global, EU, national/regional) should such actions be taken?

Please refer to previous answers.

23. Please provide any comment and/or link to research that you consider useful to bring to the Commission attention.