

ACT FEEDBACK ON THE EUROPEAN COMMISSION'S ROADMAP ON ITS GUIDANCE ON STRENGTHENING THE CODE OF PRACTICE ON DISINFORMATION

REFERENCE DOCUMENT

- European Commission's [roadmap](#) on its Guidance on strengthening the Code of Practice on Disinformation
- Joint statement [10 Confidence Building Measures](#) for platforms to deliver verifiable and tangible actions to tackle disinformation online
- ACT [Guidance and Indicators for the Code of Practice 2.0](#)

CONTEXT

This paper's aim is to give feedback on the Commission's roadmap on its Guidance on strengthening the Code of Practice on Disinformation and share the Association of Commercial Television in Europe's views on tackling disinformation.

ACT VIEW

The Association of Commercial Television in Europe ("ACT") represents Europe's leading Commercial Broadcasters in Europe. ACT members make up the vast majority of television and on-demand audiovisual media services available in Europe. As highlighted in previous exchanges, ACT welcomes the Commission's work to step up the fight against the spread of disinformation by strengthening the Code of Practice on Disinformation (CoP).

The upcoming Guidance is an opportunity for the EU to deliver high standards, effective monitoring and adaptation to new threats and for Platforms to show that they are truly committed to protecting and empowering European citizens. The Guidance must therefore be **ambitious and lead to a real step change** of what is being asked of Platforms in the fight against disinformation. This will be necessary to **ensure the credibility of the European approach** to ensure the political promises made on disinformation are translated into effective measures. This should also be seen as an **opportunity for Platforms** that are signatories to the CoP to put in place more **meaningful and verifiable measures & KPIs** within and between their services to rebuild the near complete evaporation of public confidence in their services (according to the [2018 Eurobarometer](#), 26% percent of Europeans trust news from social media).

We commend the Commission's intent to evolve to a more robust instrument, namely a "true" co-regulatory instrument, based on clear commitments and subject to an oversight mechanism. It is an opportunity for the Commission to address and fill the gaps of the current Code, which, as the European Regulators Group for Audiovisual Media Services (ERGA) [stressed](#), has "significant weaknesses" which "justify a shift from the current flexible self-regulatory approach to a co-regulatory one". The Guidance should therefore lead to a **significant reinforcing of the CoP** as a first step towards a **binding instrument**.

These commitments will need to be developed, monitored and regularly updated in accordance with the Commission's [principles](#) for better self- and co-regulation in particular the principles of openness, good faith, monitoring and evaluation. As such, and according to the EC's own best practices, a **multi-stakeholder approach to the drafting** of the strengthened CoP under the foreseen **co-regulatory approach** will indeed be essential to guarantee openness and legitimacy of outcomes. All parties involved have an important input in this discussion

and are directly impacted. Therefore all dialogues, whether they relate to monetization, research APIs, or other, should be open to those taking part. The Commission should also remain firmly in control of the review and drafting process of the CoP.

We note and welcome the Commission's focus in the roadmap on the following area:

- *Reducing the monetisation of disinformation linked to sponsored content by limiting: 1) false or misleading issue-based advertisements on online platforms or on third-party websites, 2) the placement of ads on websites that are purveyors of disinformation;*
 - The guidance should also encourage the creation of market incentives to tackle the spread of disinformation by creating near perfect information on advertising markets through a significantly increased level of transparency.
- *Strengthening the integrity of services offered by online platforms by developing appropriate measures to limit the artificial amplification of disinformation campaigns (e.g. limit fake accounts and use of bots);*
 - An important element related to this aspect not mentioned in the roadmap is the use of proxy services used by malicious actors to coordinate numerous accounts from across the world. As this is a mainstream tool used to develop coordinated behavior the guidance should take into account such tools and, at the very least, demand indicators on the extent of their use.
- *Ensuring effective data disclosure for research on disinformation, including easy access to the relevant data, by developing a framework in line with applicable regulatory requirements and based on the involvement of all relevant stakeholders (and independent from political influence);*
 - An effective data disclosure framework will be an essential element of a successful CoP 2.0. However, such a data access framework should not be limited to researchers but must also be available to regulators and fact-checkers (with appropriate safeguards).
- *Monitoring the impact of disinformation and the effectiveness of the platforms policies, including by key performance indicators (KPIs). In this context, timely information on the platforms' policies and access to relevant data and their assessment of relevant developments is key;*
 - Ambitious cross-platform and stand-alone Key Performance Indicators (KPIs) on a member state by member state basis will be needed to measure consistently the scale of the problem and the impact of actions on the whole online ecosystem, but also to make the CoP future-proof and facilitate onboarding of future signatories. KPIs should notably encompass actual investments and workforce dedicated to tackling disinformation, money flows and actions undertaken. The verification of KPIs will be problematic without regulator access to data and/or where platforms oppose business secret. Regulators' involvement in the monitoring and enforcement of the CoP via ERGA will therefore be essential.

Furthermore, the following elements are absent from the Roadmap and should be reflected in the Guidance:

- **No self-regulation** – The guidance should clearly indicate that the strengthened CoP will be a binding co-regulatory tool from the start. The Commission should therefore explore means to make the CoP commitments binding until the DSA framework and its backstop come into force.
- **The strengthened CoP as an interim tool to deliver until the entry into force of new statutory rules** – Given the often lengthy legislative process and the urgency of the situation, the strengthened CoP should anticipate and incorporate proposed (Digital Services Act) and soon to be proposed (political advertising initiative) transparency measures related to moderation and recommendation algorithms and advertising.

- **Involvement of data and privacy auditors** – Dialogues on the review of the CoP should include data and privacy auditors to give insights on KPIs to fact check data use, verifiability, aggregation and cross platform ability. Independent auditing and monitoring of the strengthened CoP will also be key.
- **An iterative process** – The guidance should set out an iterative process to fix gaps, address emerging threats, and incorporate new platform designs impacting standalone/cross-platform commitments.
- **Sanctions** – In accordance with the Commission’s principles for better self- and co-regulation, the strengthened CoP should foresee sanctions for non-compliance. Involving regulators in the CoP through ERGA will be key in this regard.

Finally, we would recommend the Guidance take stock of the [10 Confidence Building Measures](#) for platforms to deliver verifiable and tangible actions to tackle disinformation online. This joint statement by media, civil society, journalists, fact checkers and leading researchers should serve as a useful checklist to ensure the Guidance meets the minimum measures to allow the CoP 2.0 to deliver the necessary step change expected.