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Interim Assessment of the Implementation of the Code of Practice on Disinformation

The European Regulators Group for Audiovisual Media Services (ERGA) is engaged in analysing and countering disinformation that is having damaging impact on democratic societies.

In this regard, ERGA has been supporting over the first half of 2019 the European Commission in monitoring the implementation of the commitments made by Google, Facebook and Twitter under the Code of Practice on Disinformation, particularly in the area of political and issue-based advertising.

The first monitoring results carried out in 16 EU member states (see ERGA report) show that progress has been achieved by the platforms, but at the same time point to some shortcomings. The main problem was the lack of access to adequate, detailed raw data necessary for a comprehensive monitoring. Additionally the monitoring highlighted some issues related to user-friendliness of archives made available to end-users and some cases in which the political ads were not properly labelled.

ERGA will continue its expert support to the Commission over the second half of 2019 and invites the signatories to strengthen their efforts to implement the Code of Practice in a complete, transparent and accountable manner.

The Joint Communication adopted on 5 December 2018 by the European Commission and the European External Action Service (also known as “Action Plan against disinformation”) assigned to the European Commission, with the help of ERGA, the task to monitor the implementation of the five commitment areas of the Code of Practice. The Action Plan was accompanied by the European Commission’s Report on the implementation of the Communication “*Tackling online disinformation: a European Approach*¹”, which also refers to the role of ERGA in the monitoring of the implementation of the Code in the various Member States.

The monitoring of the implementation of the Code by ERGA is carried out in two phases.

In its first phase, the monitoring aimed at verifying the signatories’ commitments to the protection of the integrity of the electoral processes that have been implemented prior to the EU elections.

¹ <https://ec.europa.eu/digital-single-market/en/news/communication-tackling-online-disinformation-european-approach>

To that end, ERGA has created a specific Sub-Group that is supporting the Commission in monitoring the implementation of the commitments made by Google, Facebook and Twitter under the Code of Practice on Disinformation. Monitoring reports relating to 16 Member States have been elaborated within this Sub-Group.

The monitoring was based on material stored in the archives of political advertising established by each of the platforms using their own criteria. The platforms were not in a position to meet a request from ERGA to provide access to the overall database of advertising, even on a limited basis, during the monitoring period. This was a significant constraint on the monitoring process and emerging conclusions.

Overall the monitoring confirmed that archives of political advertising were made available by the platforms in all the studied national situations during the weeks before election. Facebook was the only platform that made progress on making “issue-based” advertising more transparent in its archive. The archives continued to evolve in terms of structure and content during the monitoring period, and this is reflected in the results from the different Member States.

While some information was provided in the archives in relation to the identity of the relevant political actors, the sponsors, the volume of advertising and the overall amount spent, the monitoring indicated that the information in the archives was not complete and that not all the political advertising carried on the platforms was correctly labelled as such. Consequently, and, in general terms, these archives, in their current state (form), do not provide a clear, comprehensive and fully credible picture of the nature and scale of political advertising on these platforms during the monitoring period.

In the second phase of the monitoring exercise, the Commission will provide a comprehensive assessment on the implementation of the commitments of all the five pillars of the Code after an initial 12-month period.