Report of the activities carried out to assist the European Commission in the intermediate monitoring of the Code of practice on disinformation
(ERGA Report)

June 2019

List of Contents

Executive Summary

Reports from the monitoring activities carried out in 13 Countries[1] have been submitted to the ERGA 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. 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 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 relevant Countries during the period May 5th to May 25th, 2019. 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 Countries.

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. However, the monitoring indicates that the information in the online archives is 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 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 addition, the different definitions of what constitutes political advertising being applied by the different platforms, and the extent to which these deviate from existing definitional frameworks at a Member State level, have the potential to create some confusion.

---

[1] Belgium, Croatia, Cyprus, France, Hungary, Italy, Ireland, Latvia, Luxembourg, Poland, Slovakia, Sweden, Spain

1 - Introduction

1.1 - The notions of disinformation, false information and fake news

The issue of the definition of disinformation was already tackled by ERGA in its report "*Internal Media Plurality in Audiovisual Media Services in the EU: Rules & Practices*", approved by its second Plenary meeting of 2018[2]. Despite its growing importance, especially in the online environment, there is no commonly shared definition of the phenomenon. Fake news, false information and disinformation are all different ways to indicate the same concept. The European Commission in December 2018 defined disinformation as "verifiably false or misleading information created, presented and disseminated for economic gain or to intentionally deceive the public."[3] Other reports, including one prepared for the Council of Europe in 2017, have usefully divided the concept into three different parts as follows: misinformation ("when false information is shared, but no harm is meant"), disinformation ("when false information is knowingly shared to cause harm") and malinformation ("when genuine information is shared to cause harm, often by moving information designed to stay private into the public sphere")[4].

This report will refer to the phenomenon as "disinformation", since this is the term used by the European Commission, in its Communication entitled "*Tackling online disinformation: a European Approach*" published in April 2018.[5] As outlined in Section 2 below, this Communication provided the impetus for the development of the EU Code of Practice on Disinformation, published in September 2018[6].

1.2 – Background: why is ERGA looking at this topic

As the abovementioned ERGA report "*Internal Media Plurality in Audiovisual Media Services in the EU: Rules & Practices*" correctly pointed out, the phenomenon of disinformation has always existed in the linear and traditional media environment, but it is now raising serious concerns because of the specific ways with which the internet and new communications technologies affect the dissemination of information. Instead of broadcasting a single, coherent message to the general public, the algorithms used by the social platforms offer the opportunity to tailor the type of information and messages that should be conveyed to specific portions of the population. Differentiating the messages/information depending on the gender, the social class, the geographical area, the political views or the economic status of the recipients increases the potential for political actors to influence democratic processes and societal debates.

For this reason, recognising that disinformation is an evolving challenge and that the approach to intervention in this field is a sensitive topic, especially considering the rights and principles at stake (in particular the principles of freedom of expression and freedom of information),

---

[2] The report is available at this Webpage: http://erga-online.eu/wp-content/uploads/2019/01/ERGA-2018-07-SG1-Report-on-internal-plurality-LQ.pdf

[3] https://ec.europa.eu/digital-single-market/en/tackling-online-disinformation

[4] https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-researc/168076277c

[5] http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=51804

[6] https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation

the European institutions have tried to counter the spread of disinformation online in recent years by adopting a range of measures[7].

On 26 April 2018, the Commission adopted a Communication on "*Tackling Online Disinformation: a European Approach*". The Communication delineates the challenges online disinformation present to our democracies and outlines five clusters of actions for private and public stakeholders that respond to these challenges. The proposed actions include (inter alia) the development of a self-regulatory code of practice on disinformation for online platforms and the advertising industry in order to increase transparency and better protect users; the creation of an independent European network of fact-checkers to establish common working methods, exchange best practices and achieve the broadest possible coverage across the EU.

In May 2018 the Commission convened the Multi-stakeholder Forum on Disinformation[8] to draft a self-regulatory Code of Practice on Disinformation. The Forum consisted of a "Working Group" composed of the major online platforms and representatives of the advertising industry and major advertisers, as well as a "Sounding Board" composed of representatives of the media, academia and civil society. The Working Group was tasked with drafting the Code, and the Sounding Board was tasked with providing advice and issuing an Opinion on the Code. The Code was published on 26 September, along with the Opinion of the Sounding Board[9].

The Code comprises a preamble, a statement of purposes, and a set of 15 commitments prefaced by explanatory comments that reference the Communication's objectives, detail the commitments' scope and purposes, and provide context. The commitments are organised under five fields:

1. Scrutiny of ad placements (aimed at demonetising online purveyors of disinformation)
2. Political advertising and issue-based advertising (aimed at making sure that political adverts are clearly identified by the users)
3. Integrity of services (aimed at identifying and closing fake accounts and using appropriate mechanisms to signal bot-driven interactions)
4. Empowering consumers (aimed at diluting the visibility of disinformation by improving the findability of trustworthy content and by making it easier for users to discover and access different news sources representing alternative viewpoints)
5. Empowering the research community (aimed at granting researchers access to platforms' data that are necessary to continuously monitor online disinformation)

Signatories to the Code are required to identify which of these commitments they adhere to, in light of their relevance to the products or services they provide. The signatories also commit to cooperating with the Commission in assessing the Code, including providing information upon request and responding to questions.

On 16 October, the Code's initial signatories, Facebook, Google, Twitter and Mozilla as well as the trade association representing online platforms (EDIMA) and trade associations

---

[7] In particular, the Commission set up in late 2017 a High-Level Expert Group to advise on this matter. The Group delivered its report on 12 March 2018. The Commission also launched a broad public consultation process, comprising online questionnaires that received 2,986 replies, structured dialogues with relevant stakeholders, and a Eurobarometer opinion poll covering all 28 Member States. A more practical result was the creation of the Website https://euvsdisinfo.eu/, which provides facts checking against some fake news appearing in the media. This site is run by the EEAS and follows a Council request made in 2015.

[8] https://ec.europa.eu/digital-single-market/en/news/meeting-multistakeholder-forum-disinformation.

[9] https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation.

representing the advertising industry and advertisers (EACA, IAB Europe, WFA and UBA), provided their formal subscriptions to the Code. In addition, Facebook, Google, Twitter and Mozilla outlined a number of specific activities they would carry out with a view to, and in advance of, the European elections of spring 2019, focusing on the security and integrity of elections.

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[10]") assigned to the European Commission, with the help of the European Regulators Group for Audiovisual Media Services (ERGA), the task to monitor the implementation of the five commitment areas of the Code of Practice.

The Action Plan against Disinformation was accompanied by the European Commission's Report on the implementation of the Communication "*Tackling online disinformation: a European Approach[11]*", 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 is being carried out in two phases: the first phase between January and May 2019 is aimed at monitoring the implementation of the Code's commitments that are of particular pertinence to the integrity of the European elections. In the second phase, the Commission, with the help of ERGA, 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 (i.e. in October 2019). To comply with this assignment, when planning its work programme for 2019, ERGA created a specific Task Force as part of Sub-Group 1.

As regards the first phase, the task assigned to ERGA was to monitor, in as many Member States as possible, the implementation by Facebook, Google and Twitter of those commitments which are urgent and relevant for ensuring the integrity of 2019 European elections. Between January and May 2019, the above-mentioned platforms issued monthly reports on the implementation of those actions under the Code most pertinent to the European elections. These monthly reports were regularly published by the Commission[12] and were examined by ERGA as part of its work in this area. In addition, Facebook, Google and Twitter were asked to reply to specific requests for information to support the monitoring activity.

It should also be recalled that the recently revised AVMSD imposes transparency requirements for video-sharing platforms (VSPs) with regard to commercial communications. Recognising the specific nature of the VSPs, the revised AVMSD aims to ensure that users are

---

[10] https://ec.europa.eu/digital-single-market/en/news/action-plan-against-disinformation

[11] https://ec.europa.eu/digital-sigle-market/en/news/communication-tackling-online-disinformation-european-approach

[12] The reports have been published on the following Webpages:
- January: https://ec.europa.eu/digital-single-market/en/news/first-results-eu-code-practice-against-disinformation
- Feb: https://ec.europa.eu/digital-single-market/en/news/second-monthly-intermediate-results-eu-code-practice-against-disinformation
- March: https://ec.europa.eu/digital-single-market/en/news/third-monthly-intermediate-results-eu-code-practice-against-disinformation
- April: https://ec.europa.eu/digital-single-market/en/news/fourth-intermediate-results-eu-code-practice-against-disinformation

informed where programmes and user generated videos contain audiovisual commercial communications. Therefore, the commitments of Code of Practice on Disinformation as well as the monitoring exercise thereof could be seen as complementary to the new advertising rules of the new Directive

1.3 – Defining the boundaries of ERGA's involvement

On February 4, 2019, at a meeting of ERGA Sub-group 1, which incorporates the ERGA Task Force on disinformation, ERGA and the EU Commission discussed the various monitoring options. Initially, the discussion covered the compliance with three key parameters in the Code: 1) scrutiny of ad placement, 2) transparency of political advertising, 3) closure of fake accounts and marking systems for automated bots. However, in following discussions, it was agreed that the monitoring activities for the elections would focus specifically on the commitments of the Code of Practice related to "transparency of political advertising". This, in part, was designed to ensure that monitoring could be conducted in as many Countries as possible.

The first step of ERGA's activity was the analysis of the monthly reports published by the three platforms. These reports demonstrated a commitment to ensuring the transparency of political advertising as they adopted new procedures for the identification of political ads and of their sponsors. In addition they committed to having consistently labelled repositories of all political ads available to the public by the beginning of the electoral campaign.

On April 16th, 2019, the EU Commission and the ERGA Task Force held a technical workshop with Facebook, Google and Twitter to explore *inter alia* how the repositories would work. It was clear from this workshop that the platforms were making efforts to establish the required repositories. It was also clear that each repository would contain different data sets that would be organised in different structure models. This presented challenges for searching, filtering and analysing activities.[13] At the end of the meeting, therefore, the representatives from ERGA stated that an assessment of compliance with the Code's commitments would be very difficult without the provision of additional information and agreed to request additional information from the platforms.

In the communication addressed to the platforms, sent on May 6th 2019, ERGA requested unmanaged and unfiltered access to the raw database containing all the advertisements on the platforms (including the political ads, the non-political ads, the ads that have been published in accordance with the new procedures adopted by the platforms and those that have not been published) for a specific time period, 13th-18th May 2019. This information was required to allow the relevant ERGA Members to run queries, filter the data available on these extracts, and conduct random checks to assess the effectiveness of the process put in place by the platforms to label political and issue-based ads. ERGA requested that these extracts contained all advertisements (one by one, not in aggregated form), including the political ads, the non-political ads, and the active and inactive ads.

---

[13] For example, the Facebook search tool was showing the list of political and non-political ads, while the Google search tool was providing only the ads that Google had labelled as "political"; Twitter instead provided the political ads for the whole of Europe, not filtered by Country, and the list of ads was extremely limited (only one ad was available at the time of the meeting).

For each advertisement, the extracts should show, at least:

a) the unique identifier of the advertisement,
b) the name/identification of the advertiser,
c) in case of political ad, the name of the political entity (i.e. political party or candidate) that benefits from the advertisement,
d) the country where the advertisement is published,
e) target groups to which the advertisement is directed (age, gender, geographic location….), and
f) the amount paid (at least in ranges) for the advertisement[14].

It is noteworthy that in an open letter on 27th March 2019[15] Mozilla, the fourth signatory to the Code expressed a similar view about what was required for a functional open API and highlighted its importance for effective monitoring. "*To do this work effectively there must be fully functional, open APIs that enable advanced research and the development of tools to analyse political ads targeted to EU residents. This requires access to the full scope of data relevant to political advertising, and that access must be provided in a format that allows for rich analysis. Tools provided often lack the necessary data or, due to limited functionality, do not allow for analysis*".

Facebook, Google and Twitter replied to the ERGA Communication of May 6th between May 23rd and May 24th providing details on the features of their search engines, but not offering the required access to the raw data of their advertisement databases. Google, in particular, stated that "*we are not capable to meet the request to "enable NRAs to access, in a machine-readable form, all the advertisements run during the period 13-18 May," as our systems are not geared to build that sort of a database*".

---

[14] Ideally, the repositories should contain the following data for each advertisement:
   a) Unique identifier of the advertisement
   b) Name/identification of the advertiser
   c) Location of the advertiser
   d) Nationality of the advertiser
   e) Language of the advertisement
   f) Type of advertiser (political party, candidate, campaign, foundation, company, private citizen)
   g) In case of political ad, the name of the political entity (i.e. political party or candidate) that benefits from the advertisement; if the beneficiary is a candidate, his/her political party should be identified as well
   h) Date in which the advertisement was published
   i) Date in which the advertisement stopped being published
   j) Country where the advertisement is published (this item should allow ERGA to filter the results Country by Country, thus making it possible for the various NRAs to carry out their monitoring activities autonomously)
   k) Target groups to which the advertisement is directed (age, gender, geographic location….)
   l) Amount paid (at least in ranges) for the advertisement

In the letter to the platforms, ERGA pointed out that the aforementioned data could not be provided easily in the initial version of the extract of the database, but explained that this would be a worthy enhancement of the database for the future

[15] See the open letter from Mozilla, available at this Webpage: https://blog.mozilla.org/blog/2019/03/27/facebook-and-google-this-is-what-an-effective-ad-archive-api-looks-like/

As the platforms had not provided access to the raw data, the Task Force members had to carry out their monitoring activities based solely on the information made available in the reports published by the platforms, through their search engines or by running random checks on the single advertisements published on the platforms themselves. Therefore, the results of the monitoring activities are limited by the fact that they were not carried out on the main source of information (the raw, unmanaged, unfiltered databases), but on the basis of data that was already filtered and managed by the platforms.

2 - The ERGA monitoring activities

2.1 - Methodology adopted

Given the limitations of the data being provided, and the restricted timeframe and resources available, ERGA in consultation with the EU Commission decided to structure its monitoring activity on the basis of the precise wording of the Code of Practice as regards transparency of political advertising.

The Code of Practice, in fact, specifically states that (important parts are underlined): "*The Signatories acknowledge the Communication's call to recognise the importance of ensuring transparency about political and issue-based advertising. Such transparency should be ensured also with a view to enabling users to understand why they have been targeted by a given advertisement […]. Therefore, the Signatories commit to the following:*

1. *Signatories commit to keep complying with the requirement set by EU and national laws, and outlined in self-regulatory Codes, that all advertisements should be clearly distinguishable from editorial content, including news, whatever their form and whatever the medium used. When an advertisement appears in a medium containing news or editorial matter, it should be presented in such a way as to be readily recognisable as a paid-for communication or labelled as such.*
2. *Relevant Signatories commit to enable public disclosure of political advertising (defined as advertisements advocating for or against the election of a candidate or passage of referenda in national and European elections), which could include actual sponsor identity and amounts spent.*
3. *Relevant Signatories commit to use reasonable efforts towards devising approaches to publicly disclose "issue-based advertising". Such efforts will include the development of a working definition of "issue-based advertising" which does not limit reporting on political discussion and the publishing of political opinion and excludes commercial advertising. Given the implications related to freedom of expression, Signatories encourage engagement with expert stakeholders to explore approaches that both achieve transparency but also uphold fundamental rights. The work to develop this definition shall not interfere with the areas covered by advertising self-regulatory organisations*".

The following questions were therefore identified and circulated among the NRAs participating to the ERGA Task Force:

1. What is the degree of transparency of the political and issue-based advertising?
2. Is the platform adopting appropriate and efficient measures to enable users to understand why they have been targeted by a given advertisement?
3. Is the platform adopting appropriate and efficient measures to ensure that political ads are clearly distinguishable and are readily recognisable as a paid-for communication or labelled as such?
4. Is the sponsor's identity publicly disclosed?
5. Are the amounts spent for the political ads publicly disclosed (at least in price ranges)?
6. What progress has been made on the commitment to publicly disclose "issue-based advertising"? Have platforms provided a definition of issue-based ads and complied with it?

In addition, the NRAs were asked to provide answers also to the following questions (which are not specifically deriving from the wording of the Code but are intrinsically linked to the first question above, on the degree of transparency):

7. Are the definitions of political ads and issue-based ads adopted by the platforms consistent with requirements set out in the legislation of the NRA's Member State?
8. Is the "registration/ authorisation" procedure for advertisers of political ads effective[16]? How effective is the process to identify, and remove or re-label political adverts that did not meet the verification requirements?
9. Is the archive presented in a user-friendly manner (e.g. is it searchable and analysable) and does it contain all the required information as defined in questions 2, 4 and 5?

These questions were summarised in a table that was circulated to the NRAs participating to the Task Force activities. The table highlighted the questions that could be answered even if the platforms did not deliver any additional information requested in the Communication of May 6th. The table explained that, for some questions, only the provision of additional information from the platforms would facilitate credible monitoring activity. In the event that no additional information would be provided by the platforms, the NRAs were asked to make use of the information that was available on the platforms, by carrying out random checks on the ads that had been published and analysing the information available on the search tools that had been made available.

---

[16] To be able to answer this question properly, ERGA would benefit from a specific (written) explanation of the "registration/authorisation" procedure adopted by each platform to distinguish the political ads, with reference not only to the electoral period but also to ads that have been published before the electoral period and that could be still active during the campaign. This is a particularly important issue: since in some cases the procedures adopted by the Code's signatories to label the political ads were adopted after the electoral campaigns in some EU Member States had already started, political advertisements had already been published in the platforms and could not be labelled as such. It is important, therefore, to understand how the platforms handled these cases to ensure the transparency of political ads published before the adoption of the labelling procedure

No specific methodology (e.g. number or percentage of advertisements to be monitored, reporting requirements, duration of the monitoring) was specified to answer these questions, since it was agreed that each NRA would be free to use its internal resources or partner with other third party organisations (e.g. independent researchers, academia) and carry out the monitoring whenever it deemed it most appropriate within the designated period (May 6th to May 26th). Support was provided via regular conference calls during the monitoring period and some dedicated bi-literal support was also facilitated where relevant and possible.

2.2 - The ERGA Monitoring Activity

16[17] Countries participated in the ERGA Task Force monitoring activities and answers were submitted in relation to all the questions circulated in the case of 13 Countries (see subsection 2.1). Monitoring activities lasted from the beginning of May to the day of the elections. Below is the summary of the findings of the monitoring activity based on the questions circulated by the Task Force and with results for each platform. The results are an overview of the findings reported by the majority of participating NRA's based on the available datasets and tools.

It is worthwhile highlighting that the monitoring activity was limited by a range of factors including the limited resources available to participating Countries; the limited time available for data collection and analysis; the open methodological approach; the limited data set and tools provided by the platforms; the different definitional frameworks in operation; the fact the it was unclear whether the procedure to identify political ads was operational also with regards to national and regional elections that were held in the various EU Member States on the same period; the fact that the online repositories were constantly updated and evolving during the monitoring period.[18] However, despite these limitations, the fact that the monitoring activities carried out in 13 Countries indicate similar results is a clear sign that the outcomes at a general level are reliable, credible and insightful.

In the following pages the answers to the 9 questions highlighted in subsection 2.1 are summarized, with a reasonable amount of details.

Question 1: What is the degree of transparency of the political and issue-based advertising?

Google: The Google Ad Transparency Report lists all the adverts distributed in a country and is easily searchable in that regard. However, some reports claim that when visiting an advertiser's page that lists all its content, the adverts are not immediately clear. Additionally, micro-targeting information is not provided on the adverts webpage, it is provided in a csv file that can be downloaded by users. Google provides The Google Ad Library, which cannot be accessed directly by a link from a particular Ad. The Google Ad Library contains only the name of the entity that paid for the Ad and no other information is published about the sponsor

---

[17] Belgium, Croatia, Cyprus, France, Hungary, Italy, Ireland, Latvia, Lithuania, Luxembourg, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden

[18] For example, in several cases an advertisement that was not classified as "political" at one point was later classified"political" by a platform. In addition, the authorisation procedures in some instances only applied to the European election, not to local or administrative ones taking place at the same time. Therefore, in these countries, reports may have identified as false negatives (ads that were political but were not classified as such) advertisements which, in reality, were not connected with the European elections. Therefore the reports cannot be considered comprehensive, as much more time and information would have been required.

which limits transparency. While the presence of this information is available, at the same time, it is not clear and immediate. Google does not label (and therefore does not show) issue-based adverts.

Facebook: The Facebook Ad Library facilitates keyword searches but does not offer complete information when a region is the keyword searched. For example, by typing 'Ireland' it is not possible to see all of the adverts distributed in Ireland, only a partial sample. To achieve this, it is necessary to examine the Facebook Ad Library Report which offers regional lists of all advertisers to date, their total number adverts and spending as well as a link to their pages on the Ad Library with a list of adverts and details. The adverts can be filtered by the categories of active and inactive, and it is possible to examine all adverts placed by an advertiser over time. However, this does not offer a complete picture of all of the political adverts in a region. Facebook's advertising database was updated daily but was, at times, possibly incomplete.

Twitter: The monitoring reports suggest that all political adverts in the Twitter Ad Transparency Centre are labelled with the term 'promoted (political)'. In general, information available through Twitter Ad Transparency Centre would have offered a good overview of certified political campaigning advertisers with number of ads, amount spent, targeted audience, actual audience by age, gender, language, region. However, a high number of cases were reported of political ads on Twitter feeds that were carried without a disclaimer, without the sponsors' identity, without information about the amount spent. Twitter does not label (and therefore does not show) issue-based adverts in the Ad Transparency Centre. Therefore significant concerns were expressed about the available transparency of political advertising on Twitter during the monitoring period.

Question 2: Is the platform adopting appropriate and efficient measures to enable users to understand why they have been targeted by a given advertisement?

Google: While Google provides the microtargeting information in a csv file, it does not offer this information on the advert or on the advertiser's page, nor does it provide the top keyword searches used for the Country either on webpages or via a csv. The reports indicate that the monitoring teams generally found that the repository is very challenging when it comes to accessing, filtering, organising and analysing the targeting data.

Facebook: For any ad running on Facebook, every user can access the option "Why I see the ad", which displays an explanation about why any user sees the ad. It also allows any user to hide all ads coming from that advertiser and manage their preferences about ads. In general, Facebook offered age, gender and location distributions. However, it is not clear whether these are the only options offered to political or issue-based advertisers. For example, in creating an advert on a Facebook page, it is possible to select age, gender and locations to micro-target. But also to choose detailed targeting options where it is possible to type in a keyword such as "right-wing politics" or "environment" and match users who have liked the page to the selected interests.

Additionally, on some Facebook pages with more than 25,000 likes it is a function of posting to freely micro-target a post to users who like the page and their friends, which is not recorded on the public database.

Twitter: In most of cases, the age and gender data were provided on adverts, but by contrast the location micro-targeting was not offered to users. Again, in this case, it is not clear what micro-targeting were options offered to political advertisements and if all options are disclosed.

Question 3: Is the platform adopting appropriate and efficient measures to ensure that political ads are clearly distinguishable and are readily recognisable as a paid-for communication or labelled as such?

Google: The political ads published in the Google Ad Transparency Report are generally recognisable as "paid communication" and they are labelled as such ("paid by"). The monitoring suggests that they are generally followed by a name of a political party but there are exceptions. As outlined in the page related to the procedure for the publication of political ads, Google uses the information received during the verification procedure for this identification purpose. The problem is that if the sponsor is not a political entity, it is difficult to understand whether an ad is political or not based on the funder. And since the repositories of ads made available by Google did not include the non-political ads, it was extremely difficult to assess the real percentage of political ads that were not labelled as such. Many NRAs reported that, during their random checks, they found several "false positives" (non-political ads that were labelled as political) but also some "false negatives" political ads that were not labelled as "political").

Facebook: The political ads published in the Facebook Ad Library are recognisable as a paid communication and they are labelled as such ("sponsored", "financed by"). On the top of the ad the following message appears: "*ad related to political content or topics of public interest*". While Facebook's decision to identify ads that have a focus on issues of public interest is welcome, the monitoring reports indicate that the scope applied needs to be further discussed and refined. Some Countries also reported that they detected several political ads that were not labelled as such, especially on Instagram and when the ads referred to local elections or other polls that coincided with the European elections. The explanation could be that Facebook did not extend the procedure to publish political ads beyond the European elections. This was problematic because political entities could publish political ads for local elections without being obliged to follow the "ad hoc" procedure adopted by Facebook for the European elections and gain the same visibility without offering the same level of transparency. All the Countries reported that the political ads published before the first week of May were not labelled as "political", but this is probably because the "ad hoc" procedure started later in May.

Twitter: The monitoring reports highlight several "false positives" (non-political ads that were labelled as political) but also some "false negatives" political ads that were not labelled as "political" and therefore had no information available about the sponsor) across the European Union. For example, no political campaigning advertiser was certified by Twitter in Latvia; despite that, multiple political ads were identified, financed by political parties and candidates, which were not certified as a political campaigning adverts.

Question 4: Is the sponsor's identity publicly disclosed?

The importance of disclosing the identity of the sponsor of a political ad is linked to the concern that subversive networks or groups may use the political ads to orient public opinion and determine the success of a party/candidate while hiding their identity. To avoid this risk, the Code of Practice requires that the sponsors of political ads are all identified. In reality, however, the mere identification of the sponsor is not enough as individual entities might operate in a co-ordinated manner that would not be obvious to citizens. For this reason, the platforms should ideally request (and provide to the monitors) additional data on the identity of the sponsor (e.g. the fiscal code) that may be used to carry out more detailed searches. But this requirement is not included in the Code, therefore the ERGA analysis was limited to the mere identification of the sponsor's name.

Google: As outlined above, Ads in the Google Ad Transparency Report generally include the sponsors' identity; the label "paid by" is usually followed by the name of a political party that sponsors the ad.

Facebook: In general, political ads in the Facebook Ad Library include the sponsor identity. The label "financed by" is always followed by the name of a political party that sponsors the ad or a name of a person. By clicking on the link "*details of the ad*", one can see more information about the sponsor (e.g. the phone number and the mail address of a party contact person, the website and the address of the party headquarters, and so on). There is also a link to the official page of the party or of the candidate. In the case of an ad sponsored by a person one can find some information such as the name and the phone number and/or the mail and/or the address of the person, and the link to his/her Facebook page. However, some NRAS report that they found adverts which were labelled only as 'sponsored' while the sponsor's name was not given. In Ireland this happened in about 16% of cases.

Twitter: The monitoring reports indicate that a significant number of political ads on Twitter were not labelled as political. Therefore no information about the advertiser and the sponsor was available.

Question 5: Are the amounts spent for the political ads publicly disclosed (at least in price ranges)?

Google: Google provides six different files that require reorganisation to understand the spend, targeting options, number of adverts within each region. There is also a chart that shows the progress of money spent by each political party during the period. Not all the information is provided and available at the same time. While individual adverts were listed in one file, the total spend by advertiser was listed in another and connecting the two was challenging. In general Google ads show the total amount spent by an advertiser and some information is also provided on the spend per ad.

Facebook: Facebook offers two ways of reporting spend. In the Facebook Ad Library, the individual adverts provide spend range brackets which are large – mostly €1-€99, €100-€499. It is not clear if the advertiser spent €5 or €90, €101 or €498. Additionally, there are some adverts in the database in Euro Zone countries that are labelled as being paid for in American Dollars and Sterling. This is very strange, considering that Facebook adopted the policy which only allowed advertisers residing in a Country to publish political ads in that Country.

The Facebook Ad Library Report offers other spending information that can be downloaded as two csv files. One file lists the advertiser and an aggregate of how many ads they have placed since the library went live in March, and the total an advertiser has spent. It would list Page Name, (the page where adverts appeared), if it carried a Disclaimer (this appear to correspond to the sponsor's name), the Amount Spent (in total for each advertiser) and the Number of Ads in Library (the number of ads an advertiser has placed in aggregate). The second file lists the spend per Region in most Countries. On the Advertiser pages, Facebook offers weekly aggregates of spend. Some information on the spend per ad is also provided

Twitter: The total amount an advertiser has spent and on how many adverts he published is provided, but the total spend per ad is not available.

Question 6: What progress has been made on the commitment to publicly disclose "issue-based advertising"? Have platforms provided a definition of issue-based ads and complied with it?

Google: Google does not define or label issue-based adverts.

Facebook: Facebook used a definition of issue-based ads in the European Union that identifies the following six issue categories: immigration; political values; civil and social rights; security and foreign policy; economy; environmental politics.[19] While adverts meeting this definition were included in the Facebook Ad Library, the monitoring indicates that not all relevant adverts were included. In addition some relevant issue-based ads ran without the required. This was the case in 16% of all adverts examined in Ireland.

Twitter: Twitter does not define or label issue-based adverts.

Question 7: Are the definitions of political ads and issue-based ads adopted by the platforms consistent with requirements set out in the legislation of the NRA's Member State?

All the reports state that the definitions of political ads and issue-based ads adopted by the platform are not consistent with the requirements set out in the national legislation, where such legislation exists[20]. It was noted that the definitional framework varies across the EU. In many countries, such as Italy, political advertising is prohibited on broadcasting services. National broadcasters can transmit free political messages that are spaces that contain "the motivated illustration of a political programme or opinions and that can last from one to three minutes for the television broadcasters and from thirty to ninety seconds for the radio broadcasters" (art.3 of law 28/2000). These are planned and produced by the political representatives. PSB has an obligation to broadcast political messages beyond electoral periods.

---

[19] https://www.facebook.com/business/help/214754279118974?helpref=page_content
[20] Many Task Force Members highlight that the legal frameworks in their Countires do not provide for a definition of political advertisement or issue based advertisement.

Question 8: Is the "registration/ authorisation" procedure for advertisers of political ads effective? How effective is the process to identify, and remove or re-label political adverts that did not meet the verification requirements?

Google: In its report on the implementation of the Code, Google states that advertisers who want to publish ads that refer to a political party, candidate or political entity are required to undergo the verification procedure adopted by Google. The procedure is described in the Google policy help centre. The verification process consists of two steps. Google requires that election ads contain a disclosure identifying who has paid for the ad. For most ads formats Google will automatically generate a "Paid for by" label, using the information provided during the verification process. The label will display the name of the entity that paid for the ad to users who will see the ad. Google says that if they find that an advertiser has violated their verification policy or provided false information during the procedure, the authorisation is revoked and the account may be suspended. The procedure seems to be working efficiently, but many NRAS found several "false positives" and some "false negatives" on this platform.

Facebook: In its report on the implementation of the Code Facebook states that all advertisers who want to publish political ads or ads concerning issues of public interest within the EU are required to complete an authorisation procedure. As stated above, the random checks conducted by the monitors showed that some ads of national political parties hadn't been published as they had not complied with the procedure. Facebook in these cases contacted the party to ensure that the procedure would be followed correctly. The ads that were refused are published in the Facebook Ad Library. As was the case with Google, the procedure seems to be working efficiently, but many NRAs found several "false positives" and some "false negatives" on Facebook.

Twitter: Twitter also had a verification process in place for political advertisers during the election period. This involved the provision of a range of information and verification by way of a letter to the registered address of the entity registering. There are obvious time issues with this process. The extent to which this contributed to the gaps in the archive is not clear from the reports.

Question 9: Is the archive presented in a user-friendly manner (e.g. is it searchable and analysable) and does it contain all the required information as defined in questions 2, 4 and 5?
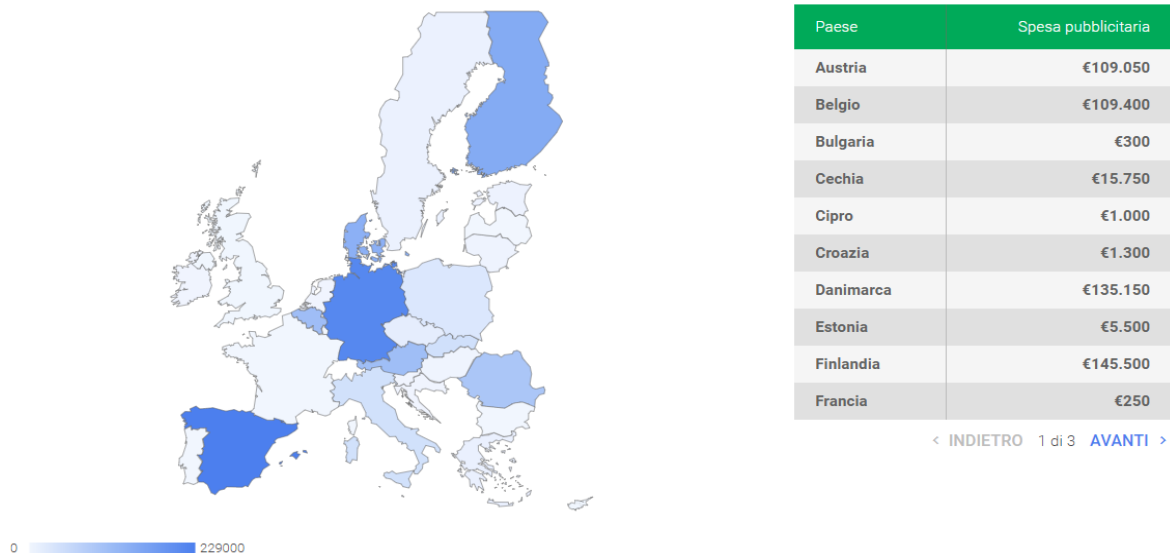
Google: Google provides .csv files of the advertising material which can be downloaded via the Ad Transparency Centre. The repository only includes political ads, which limit the monitors' capacity to verify if all political adverts have been labelled as such. There are six different files that require reorganisation to understand the spend, targeting options, number of adverts within each region. Not all the information is provided and available at the same time: while individual adverts were listed in one file, the total spend by advertiser was listed in another. The connection between the two is not always obvious. Micro-targeting information on Europe was not contained in the csv file provided.

The repository made available in the Google Ad Transparency Report is presented in a user-friendly manner: every citizen, researcher or journalist can search, filter and analyse significant information about (i) political ads that have appeared on Google Ads Services; (ii)

advertisers who have run a political ad on Google and YouTube (and their partners); (iii) the total amounts spent for the political ads in EU and in each EU Member State.

Spesa pubblicitaria per area geografica

Paese	Spesa pubblicitaria
Austria	€109.050
Belgio	€109.400
Bulgaria	€300
Cechia	€15.750
Cipro	€1.000
Croazia	€1.300
Danimarca	€135.150
Estonia	€5.500
Finlandia	€145.500
Francia	€250

‹ INDIETRO   1 di 3   AVANTI ›

0 ▓▓▓ 229000

Inserzionisti principali

I dati indicano la spesa totale degli inserzionisti verificati dal giorno 20 mar 2019. Leggi ulteriori informazioni sul processo di verifica degli inserzionisti.

Cerca per inserzionista 🔍

Inserzionista	Spesa pubblicitaria totale
COALICION ELECTORAL UNIDAS PODEMOS	€132.400
CDU Christlich Demokratische Union	€127.850
Ciudadanos - Partido de la Ciudadanía	€113.700
Nieuw-Vlaamse Alliantie	€91.300
Future Innovation SRL	€74.750
SPD	€68.700
Freiheitliche Partei Österreich	€58.300
SOCIALDEMOKRATIET	€57.500
Kansallinen Kokoomus r.p.	€56.300
Sozialdemokratische Partei Österreichs (SPÖ)	€37.750
Fratelli d'Italia Centrodestra Nazionale	€27.050
Suomen Keskusta r.p.	€24.400
Venstres Landsorganisation	€21.100

Source: https://transparencyreport.google.com/political-ads/region/EU

Moreover, through the EU Transparency Report, Google discloses, for any ad, the sponsor's identity and the amounts spent by the political advertiser. Google's archive contains all the required information as defined in questions 2, 4, 5. Anyone who downloads the data publicly disclosed in .csv format can use:

- the file "google-political-ads-advertiser-stats" in order to verify the total amounts in EUR (or any other currency used in EU) spent for the political ads by any advertiser;

- the file "google-political-ads-advertiser-weekly-spend" in order to verify the total amounts in EUR (or any other currency used in EU) spent for the political ads by any advertiser in a given week;
- the file "google-political-ads-creative-stats" in order to verify the total amounts in EUR (or any other currency used in EU) spent for any political ad running (or that has run) on Google and YouTube properties;
- the file "google-political-ads-geo-spend" in order to verify the total amounts in EUR (or any other currency used in EU) spent for the political ads in each EU member State.

Facebook: The Ad Library can be accessed by anyone, with or without a Facebook account, and publishes a record of all ads globally (running on Facebook and Instagram), for selected countries (including the whole EU), and facilitates keyword search (limited to 100 characters). The Ad Library is presented in a user-friendly manner, but users can search only information about ads run by the political entity, or related to a keyword that is written in the search bar.

The Library will retain the ads for 7 years and holds information for all pages, including:

- page creation date, previous page merges, and name changes.
- primary Country location of people who manage a page, provided it has a large audience, or runs ads related to politics or issues in select countries (Q4).

For any ad in the repository, people can see the range of impressions, the range of budget spent and the age, gender and location of who saw that ad., Users can see, any Country from a dropdown list; the total number of ads and total spend on political and issue-based ads in the Ad Library to date; and the top searched keyword in the last week. Moreover, any user can see: i) the total amount spent by a single political advertiser in the last day, in the last 7 days, in the last 30 days, and in the last 90 days; ii) the total amount spent by all the political advertisers in a single Region in the same time intervals.

Using Facebook's API, active and non-active ads can be searched, including the full reach across micro-targeted demographics. Also issue based ads are included in the Facebook Ad Library and in the API. In May, Facebook released more information on advertising via the Ad Library Report, which could be filtered to list all adverts distributed in all European Countries.

Twitter: Twitter's Ad Transparency Centre is much more challenging if one wants to gather comprehensive data. Very few advertisers are listed, and users must search for a specific

advertiser to get details on adverts placed. It is not presented as a calendar of adverts over a set time, or by Country. Since the facility to identify adverts operates via search term only, many ads could not be identified, and the lists could not be considered comprehensive. Twitter has not yet released data about the total amounts spent in any EU Member State (Q4, Q5).

3. Conclusions

The analysis carried out by the ERGA Task Force, based on the Reports published by the platforms, the information available online, and national monitoring reports indicates that Google, Twitter and Facebook made evident progress in the implementation of the Code's commitments by creating an *ad hoc* procedure for the identification of political ads and of their sponsors the and by making their online repository of relevant ads publicly available. This was a serious effort, aimed at increasing transparency. However, while the platforms provided substantial information that could be meaningful for individual users, the monitoring indicates that the databases required further development in order to provide the tools and data necessary to ensure electoral quality. The online repositories tend to present some information in aggregate or summary form that lacks the required detail[21].

Setting up the monitoring activities to assess the platforms' compliance with the Code was not an easy task for a number of reasons: the notions of disinformation and political advertisement do not have definitions that are shared by the Member States (often the Member States do not have definitions of political ads at all); most NRAs had very limited legal competences, powers and resources to engage in the monitoring activity of online platforms; in several EU Member States, national or regional elections were taking place along with the EU elections, and it was unclear whether the procedure for the identification of political ads covered also the national or regional elections in all the Member States; the data in the online repositories was constantly updated and revised, and was made available only very few weeks before the elections.

Nevertheless, many ERGA members recognised the importance of this assignment and offered a valuable contribution, understanding that the new communications technologies are posing serious challenges to the traditional way of regulating (and monitoring) the audiovisual sector, and that these challenges may be tackled only through forward-looking approaches and innovative methodologies.

The cooperation between NRAs and platforms is still at an early stage at the European and Member State level. Section 1 of this Report highlights that, despite a continuous dialogue, the platforms were not in a position to provide ERGA with all the necessary data and information to fully monitor the application of the Code. This situation embodies the difficulties of the first steps of co-regulatory approaches[22]. Indeed, the fact that Microsoft has

---

[21] For example, spending information tends to be reported as a total over a period of time. By contrast, spend per adverts would facilitate a better understanding of increases and decreases in spends before and during elections

[22] In Italy, for example, the NRA established in 2017 a "technical table against disinformation" with the participation of Google and Facebook which is showing similar difficulties. Another example can be found in France where the regulator has recently adopted a recommendation to online platform operators in the context of the duty to cooperate to fight the dissemination of false information following discussions with the main platforms.

also decided to sign the Code of Practice shows that the idea of involving the platforms in the regulatory process should be pursued further: the monitoring shows that Google, Facebook and Twitter are making efforts to ensure that their platforms are regarded as a safe environment, compliant to the law and cooperating with the competent institutions.

If the path followed by the European institutions with the launching of the Code of Practice aims at fostering a cooperative approach towards regulation (the so-called co-regulatory approach), however, it is important that the provisions of the Code become enforceable and that the institution which is given the task to monitor the platforms' compliance with these provisions is also given adequate tools, information and autonomy to carry out this task. It is crucial that monitors have the possibility of creating their own queries, filters and analysis tools which should be directed towards the raw, unfiltered and unmanaged data in the platforms databases. Information should be provided a way that also allows monitors to easily establish the volume of advertising over a defined period of time; that includes detailed information on the pages that adverts appear; information on who funds them; and identifies the relevant issue for each issue based advert.

It is possible that other researchers and reports may present more critical findings about how the Code in respect of political advertising has been implemented in May 2019 based on a larger data set or more comprehensive analysis tools. The conclusions of this Report are based on the information and tools provided by the platforms. They were reached by teams in 13 Countries which monitored different advertisements, using different methodologies and had access to the online repositories and search engines only when the platforms made them publicly available (two or three weeks before the elections). While these issues impacted the scope and depth of the monitoring activity, the fact that the monitoring activity in 13 different Countries produced similar outcomes is a clear indicator of the reliability and credibility of these conclusions.

Finally, it is clear that compliance with the commitments of the Code of Practice as regards the transparency of the political advertisements (the only activity that ERGA has monitored to date) should be considered as a very initial step in a process that, inevitably, will bring the two sides (regulators and platforms) closer at both at European and at national level[23]. It is important that this newly built synergy, involving also the European Commission, evolves and reaches a higher level of cooperation, starting from the second phase of the monitoring, with which the overall effectiveness of the Code's provisions will have to be assessed.

---

[23] For example, the mere identification of a sponsor, or the disclosure of the amount spent, in line with the requirements of the Code of Practice, may not be enough to adequately monitor whether malicious actors are trying to influence public opinion as it is impossible to understand whether there are other actors behind the sponsors or behind the amounts spent. More detailed information would be needed to run this type of analysis and ensure the required transparency to the political ads. But this is an analysis that will have to be carried out in the second monitoring phase.