ERGA Subgroup 1 on Media Plurality
4 February 2019

Minutes

Attendees: BAI Ireland (Chair), CSA and VRM Belgium, RRTV Czech Republic, SLKS Denmark, DLM Germany, ESR Greece, CNMC Spain, CSA France, AEM Croatia, AGCOM Italy, CRTA Cyrprus, NEPLPADOME Latvia, RTK Lithuania, NMHH Hungary, BA Malta, CvdM Netherlands, KRRiT Poland, AKOS Slovenia, RVR Slovakia, MPRT Sweden, OFCOM United Kingdom, Medietilsynet Norway, REM Serbia, European Commission.

Introductory remarks

In his introductory remarks, the Chair mentioned that the aim of this meeting would be to discuss the ERGA's involvement in monitoring the effectiveness of the Code of Practice on disinformation. He also mentioned that the Taskforce would have to decide how to accommodate these new tasks in its workflow.

➔ Agenda was adopted

Commission presentation on Code of Practice

Following the introductory remarks, the Commission outlined the key Commission actions concerning disinformation. The Action Plan on Disinformation was presented on 5 December 2018 and it is now in the implementation phase. The Commission also mentioned the Elections Package, and in particular, the Commission Recommendation[1] including transparency obligations for political actors.

With regards to the Code of Practice, the Commission underlined the following key messages:

(i)   The Implementation Report[2] from December 2018 sets three main phases in assessing the effectiveness of the Code of Practice including: (i) initial reporting to the Commission signatories about policies that signatories aim to implement (concluded in January 2019), (ii) intermediary reporting phase from February to May 2019 concerning online platforms and, (iii) the overall assessment by November 2019.

---

[1] Commission Recommendation on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament

[2] Report on the implementation of the Communication "Tackling online disinformation: a European approach"

(ii)   The Code of Practice includes five key commitments that should be implemented by signatories. These commitments relate to the following areas: scrutiny of ad placements, transparency of political and issue-based advertising, integrity of services, empowering citizens and empowering research community.

(iii)   For the intermediary monitoring, only the first three commitments will be examined, as they remain especially important in the context of the EP elections.

(iv)   The effectiveness assessment will include, in particular, verifying that certain functionalities are available. However, such verification should be checked locally as certain features of platforms might differ at national level.

With regards to the intermediate monitoring, the Commission highlighted that the engagement of ERGA members would allow to verify if the specific functionalities that platforms committed to were available in the same way in Member States.

Following this presentation, the NRAs presented their initial positions on the ERGA's involvement.

Belgium mentioned that this monitoring activity might require additional resources and it should be included in the annual work programme. Italy proposed that this assessment could be done in a selective manner, as some NRAs do not have competences or resources to conduct it. The effectiveness of ERGA would also depend on how granulated the information provided by the platforms will be.

The Chair stated that the Subgroup and the respective Taskforce could come up with a proposal describing the methodology and range of activities covered by its monitoring. The Chair also noted that during the ERGA meeting in March, the members would be able to further discuss the potential content of the report on intermediate monitoring.

Concerning the deliverables, the Chair proposed that for the intermediate monitoring phase, the findings could also be collected and compiled into the final report of the Subgroup. The Chair also stated that NRAs are invited to share their additional expertise that might be relevant for this exercise. Last year's ERGA report on Internal Plurality should also be consulted as it contains information on what measures NRAs have put in place to fight disinformation.

The Taskforce on assessing the Code of practice is expected to be led by Italian NRA (AGCOM).

Current developments related to disinformation

The second part of the meeting included a series of presentations concerning the current national developments in the area of disinformation. In particular, this included contributions from Germany, France and Italy.

➔ **Germany – research project on disinformation in the context of the EP elections**

The German NRA updated members about its recently launched project on disinformation. Results are expected to be ready by the end of the year.

This project, led by three German media authorities together with the Technical University of Munich, focuses on political advertising and micro-targeting and aims to provide analysis in the

context of the European Parliament elections in Germany. The research also intends to examine the volume of targeted advertising in social media in comparison with traditional advertising.

➔ **France – new legislation on manipulation of information**

The French NRA updated the SG about the new French law on manipulation of information, which envisages reinforcement of media literacy, implementation of legal proceedings and increasing transparency of online platforms. With regard to the former, the new provisions oblige the platforms to provide a visible and accessible reporting system about fake news. The legislation introduces also higher transparency obligations for platforms during election periods and includes provisions on linear services, allowing for a suspension of a broadcaster in cases of spreading fake news during the election period. Lastly, France stated that the new law is now subject to the implementation phase and it would be supported by secondary legislation (decree).

➔ **Italy – the roundtable on disinformation**

The Italian NRA reported on the fact-checking activities of Italy in the context of the EP elections. It had launched the working table with journalists, political communication specialists and online platforms. The main online platforms proved interest in this self-regulatory approach.

Italy pointed out that the current goals of this working table encompass analysing methodology to detect disinformation and examining fact-checking tools. It also focuses on media and digital literacy issues as well as preparation of campaigns, targeted at schools, on disinformation.

External pluralism

The meeting was concluded by the clarification that, considering the imminent work on disinformation, the Subgroup will focus on the issue of external pluralism in the second half of 2019. In addition, Commission studies, which could feed into ERGA discussion, still await publication.

ERGA members are also invited to inform the Secretariat in case they intend to change their participation in the Subgroup.

Next steps

In the coming weeks, the Italian NRA will provide a plan on how to best accommodate the tasks from the Action Plan on Disinformation into the work of the Subgroup and Taskforce, and share it with the members. The Commission will be involved in the drafting period.

The first meeting of the Taskforce is scheduled for 13 March 2019. It will focus primarily on the intermediate monitoring of Code of Practice.