

Subgroup 3 – 2021 Terms of Reference (ToR)	
Name of Subgroup (SG 3)	Disinformation
SG Chair, NRA	Ľuboš Kukliš , The Council for Broadcasting and Retransmission (Slovakia)
Background	<p>The Subgroup on Disinformation is a continuation of ERGA’s long term focus on the challenges that fast-changing informational environment poses to media plurality.</p> <p>In 2018 ERGA focused on the topic of internal media plurality. The relevant Subgroup gathered rules that the EU member states (and some other European countries) employ to safeguard pluralistic and duly objective discourse on the most important political questions and processes, such as elections.</p> <p>In 2019 ERGA has been tasked by the Commission to monitor the implementation of the Code of Practice on Disinformation. The outcome of this activity was a report, in which it identified several shortcomings of the existing self-regulatory mechanism and proposed recommendations on how to make the Code of Practice more effective – particularly by enhancing transparency and moving from self-regulation to more effective co-regulatory model.</p> <p>In 2020 ERGA’s Subgroup on disinformation continued in this line of work, conducting interviews with external experts, organising events with platforms and other relevant stakeholders and networks, and preparing reports focusing on definitions of disinformation and related concepts, media literacy activities, relations between platforms and researchers, fact-checkers, and on handling of users’ complaints.</p> <p>As is stated in the ERGA Work Programme 2021, ERGA will contribute to the potential regulatory processes and debates on media plurality with special focus on disinformation, based on the concrete results from the previous years and its experience gained on the basis of the monitoring of the implementation of the Code of Practice on Disinformation. ERGA will continue to assess the challenges posed by disinformation and, if requested, assist the Commission in the elaboration or implementation of any future policy approach in this area, including potential co-regulatory schemes.</p> <p>Particularly, the Subgroup will focus on participating in processes outlined in the Commission’s European Democracy Action Plan and provide the expertise to the Commission whenever needed.</p>

<p>Subgroup scope and purpose</p>	<p>The Subgroup’s general purpose is:</p> <ol style="list-style-type: none"> 1. to assist the Commission in the strengthening of certain elements of the Code of Practice on Disinformation, namely: <ul style="list-style-type: none"> - to develop a position paper for a revision of the Code of Practice on Disinformation in the first period of the year based on the work done in Subgroup 2 (Disinformation) in 2020 taking into account elements in need for coregulation, - to support the EU Commission and the European Digital Media Observatory, in developing a set of Key Performance Indicators (KPIs) for a more effective monitoring of the Code’s implementation, - to provide advice, for example by developing a position paper, on the design and implementation of a co-regulatory approach with specific focus on distinguishing between the content itself and the coordinated inauthentic behaviour or technical means of distribution and amplification of the content and on the measures which would be included in a revised and strengthened Code of practice on disinformation, - to develop, a position paper for the legislative proposal on the transparency of sponsored political content as announced by the European Commission in the European Democracy Action Plan and to elaborate on the position paper as soon as the proposal is published in order to accompanying the further process (the whole process will be consulted with Subgroup 2), - to set-up systematic cooperation with the EU Commission and European Digital Media Observatory and other stakeholders to develop key elements (such as standards and procedures for open and non-discriminatory collaboration between fact-checkers and platforms, framework for effective data disclosure for research, Key Performance Indicators, or indicators of trustworthiness of sources, etc.) of the new strengthened instalment of the Code of Practice as set out in the European Democracy Action Plan, - to organise a series of public events (2 – 3 events) and closed-door meetings with relevant stakeholders, including the European Commission, EDMO, EPRA, platforms, researchers, and fact-checkers dedicated to co-regulatory framework of the future-proof approach to disinformation. 2. to prepare capacities for a possible monitoring of the strengthened Code of Practice, should the European Commission have such task for ERGA (possibly also including specific aspects such as COVID-19 disinformation). Such monitoring could involve the national elections and issues such as the platforms’ practice to allow micro-targeting for
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	<p>political ads and issue-based ads as well as the removal of accounts.</p> <ol style="list-style-type: none">3. to support, if required, the European Commission's work on parity of treatment and balanced media coverage during elections.4. to continue the work on the report <i>Improving the relationships between Code of practice signatories and researchers</i> and recommendations drafted already in 2020.5. to focus on external plurality, such as transparency of media ownership and structural question of media markets building upon the findings of the Media Pluralism Monitor run by the Centre for Media Pluralism and Media Freedom and accompanying Commission's efforts to improve the understanding and public availability of media ownership information, notably through the Media Ownership Monitor, as highlighted in the European Democracy Action Plan.
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Subgroup 3 Deliverables

Deliverable 1	Deliverable type	Assistance to Commission in the a revision of the Code of Practice on Disinformation - Background paper
	Deliverable title	TBD
	Due date	1 st or 2 nd plenary (Dates can change depending on the discussions around the Code)
	Publication	yes
Deliverable 2	Deliverable type	Report - Advice on the design and implementation of a co-regulatory approach to tackle the disinformation
	Deliverable title	TBD
	Due date	1 st plenary
	Publication	
Deliverable 3	Deliverable type	Report on the legislative proposal on the transparency of sponsored political content
	Deliverable title	TBD
	Due date	TBD
	Publication	
Deliverable 4	Deliverable type	Monitoring of the strengthened Code of Practice – upon request of the Commission
	Deliverable title	TBD
	Due date	Dependent on request from the Commission
	Publication	
Deliverable 5	Deliverable type	Report on relationship between CoP signatories and researchers
	Deliverable title	Improving the relationships between Code of practice signatories and researchers
	Due date	1 st plenary
	Publication	yes

Deliverable 6	Deliverable type	Workshop in colaboartion with EDMO
	Deliverable title	TBD
	Due date	February
	Publication	

Allocated Resources SG3

<p>Drafters</p> <p>Members</p> <p>Observers</p>	<p><u>Chair:</u> Ľuboš Kukliš, CBR (Slovakia)</p>
<p>DLM (Germany) CSA (France) NCRTV (Greece) BAI (Ireland) AGCOM (Italy) CvdM (Netherlands)</p>	
<p>KommAustria (Austria) CSA, VRM (Belgium) CEM (Bulgaria) RRTV (Czechia) TTJA (Estonia) CNMC (Spain) TRAFICOM/KAVI (Finland) AEM (Croatia) NMHH (Hungary) RTK (Lithuania) ALIA (Luxembourg) NEPLP (Latvia) BA (Malta) KRRiT (Poland) ERC (Portugal) MPRT (Sweden) AKOS (Slovenia) NMA (Norway)*</p>	
<p>CRA (Bosnia and Herzegovina) OFCOM (Switzerland) AAAVMS (North Macedonia) RTUK (Turkey)</p>	

* Without voting rights (Article 1 of the ERGA Rules of Procedure)

Workflow for Subgroup 3 (internal and external milestones)

Date	Action/deliverable	Internal Subgroup only	External CN, Plenary, Publication
2020			
December 2020	Receive feedback on the first draft Terms of Reference (ToR)		Board
December 2020	ToR: written adoption procedure		CN/plenary
2021			
January 2021	1 st SG meeting	All members	
January	Workshop on Disinformation and protecting of elections integrity (stemming from work of ERGA on CoP)		
February 2021	Workshop in cooperation with EDMO	All members	
April 2021	2 nd SG meeting	All members	
6 th May 2021	CN meeting. Presentation and discussion of the draft structure and main principles of the deliverables	Chair	CN
1 st June 2021 2021	ERGA plenary meeting. Presentation, discussion, and agreement on the draft structure of deliverables	Chair	Plenary
October 2021	3 rd SG Meeting	All members	
10th November 2021	CN meeting. Presentation and discussion of deliverables.	Chair	CN
2 nd December 2021	ERGA plenary meeting. Adoption of deliverables	Chair	Plenary