Q&A: Guidance to strengthen the Code of Practice on Disinformation

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Page Contents

On the Code of Practice

What is the Code of Practice on Disinformation?

The Code of Practice sets out principles and commitments for online platforms and the advertising sector to counter the spread of disinformation online in the EU, which its signatories agreed to implement. It is the world's first self-regulatory instrument to fight disinformation. The 2020 assessment of the Code showed that it is a good example of structured cooperation with online platforms to ensure greater transparency and accountability. It also identified shortcomings, including inconsistent and incomplete application across platforms and EU countries, gaps in the coverage of the Code's commitments which the Guidance to Strengthen the Code of Practice on Disinformation

seeks to address.

What is the Guidance on the Code of Practice?

The Guidance sets out the Commission's expectations on how platforms and other relevant stakeholders should strengthen the Code of Practice on Disinformation to address gaps and shortcomings and create a more transparent, safe and trustworthy online environment. It also lays out the cornerstones for a robust monitoring framework of the Code's implementation. The Guidance aims at evolving the existing Code of Practice towards a co-regulatory instrument foreseen under the Digital Services Act (DSA), without prejudice to the final agreement on the DSA, and as announced in the European Democracy Action Plan. The strengthened Code offers an early opportunity to design appropriate measures to address systemic risks stemming from the functioning and use made of the platforms' services in view of the anticipated DSA risk assessment and mitigation framework.

How does the Guidance address the shortcomings of the current Code?

The Guidance addresses the main shortcomings and gaps identified in the Commission's 2020 assessment of the Code, drawing also from the lessons learned from the COVID-19 disinformation monitoring programme. It calls for stronger commitments by signatories to ensure a more effective response to the spread of disinformation, a more consistent application of the Code across platforms and EU countries, a strengthened monitoring system with clear Key Performance Indicators (KPIs) and an adequate mechanism for the Code's regular adaptation. It proposes to extend the reach and scope of the Code and sets out how the Code's commitments should be strengthened. For example, it calls for stronger measures to demonetise the purveyors of disinformation, increase the transparency of political advertising, address manipulative behaviour, empower users, improve the cooperation with fact-checkers and ensure access to data for researchers.

What is the scope of the Strengthened Code according to the Guidance?

The European Democracy Action Plan defines disinformationas '*false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm*'. While the main target of the Code remains disinformation in the narrow sense, the strengthened Code should seek signatories to have in place appropriate policies and take proportionate actions to mitigate the risks posed as well by misinformation, when there is a significant public harm dimension and with proper safeguards for the freedom of speech. The overarching term 'disinformation' used by the Guidance includes also both information influence operations and interference, including from foreign actors, where information manipulation is used with the effect of causing significant public harm.

Who are the signatories of the Code of Practice?

Current signatories involve major online platforms active in the EU, as well as trade associations and relevant players in the online and advertising ecosystems. They are: Google, Facebook, Twitter, Microsoft, TikTok, Mozilla, DOT Europe (Former EDiMA), the World Federation of Advertisers (WFA) and its Belgian counterpart, the Union of Belgian Advertisers (UBA); the European Association of Communications Agencies (EACA), and its national members from France, Poland and the Czech Republic – respectively, Association des Agences Conseils en Communication (AACC), Stowarzyszenie Komunikacji Marketingowej/Ad Artis Art Foundation (SAR), and Asociace Komunikacnich Agentur (AKA) – the Interactive Advertising Bureau (IAB Europe), Kreativitet & Kommunikation, and Goldbach Audience (Switzerland) AG.

How will the Code's commitments be enforced? What about the co-regulatory framework set up by the DSA?

The Guidance is part of the Commission's comprehensive actions to address disinformation and also lays out the cornerstones for a robust monitoring framework. The Guidance aims at evolving the existing Code of Practice towards a Code of Conduct as part of the co-regulatory framework foreseen in the Digital Services Act (DSA), without prejudice to the final agreement on the DSA in the co-legislative process. As part of the co-regulatory framework, the DSA defines certain objectives and minimum criteria the Codes of Conduct need to respect.

Very large platforms will benefit from participating in the strengthened Code in anticipation of new mandatory obligations applicable to them under the proposed DSA. In particular, with regard to risk assessment, risk mitigation, user empowerment, and transparency around advertising. As such, the strengthened code offers an early opportunity to design appropriate measures to address one of the major risks posed by platforms services in view of the proposed framework the DSA. Smaller platforms and other stakeholders would also benefit from joining appropriate commitments of the strengthened Code to gain from its best practices and to protect against reputational risks presented by the misuse of their systems to spread disinformation.

While there are numerous benefits in collaborating under the Codes of Conduct, signing up to the Code will remain a voluntary decision of the platform, also under the proposed DSA.

Can new signatories join the Code?

Yes, the Commission encourages new signatories to join the Code and take part in its revision as a wider participation increases the Code's impact and effectiveness. One of the Commission's recommendations for the strengthened Code is to include tailored commitments that correspond to the diversity of services provided by signatories, their size, and the particular roles they play in the ecosystem. Signatories should sign up to the commitments that are relevant for their services. Perspective signatories can already get in contact with the Commission's services in view of joining the strengthened Code and participating in its drafting.

Who can be a potential new signatory?

Potential new signatories may include established and emerging platforms active in the EU, private messaging services, relevant stakeholders in the online advertising ecosystem (e.g. ad exchanges, ad-tech providers, brand owners), other players providing services that may be used to demonetise disinformation (e.g. e-payment services, e-commerce platforms, crowd-funding/donation services), as well as stakeholders that can contribute with tools, instruments, solutions or expertise to the Code's effective functioning.

COVID-19 disinformation monitoring programme

How will the experience of the COVID-19 disinformation monitoring programme benefit the strengthened Code?

The COVID-19 disinformation monitoring programme has been providing an in-depth overview of the actions taken by platforms to fight false and misleading information around coronavirus and vaccines. It has proven to be a useful transparency measure to ensure platforms' public accountability and has put the Code through a stress test. Platforms have reported on actions taken to increase the visibility of authoritative sources, tools developed to facilitate access to reliable information of public interest,

demoted and taken action in respect of content containing false or misleading information likely to cause physical harm, prohibited advertising that exploits the crisis and increased efforts to provide accurate information on vaccines.

The monitoring programme also highlighted a number of shortcomings. The improved monitoring system should provide for regular assessment of the signatories' implementation of the Code's commitments and enable evaluation of the Code's effectiveness as a tool for tackling disinformation. The monitoring framework should be based on strong and precise Key Performance Indicators (KPIs) that measure the results and impact of the policies implemented by signatories ("service level indicators") as well as KPIs that measure the overall impact of the Code on disinformation in the EU ("structural indicators"). The strengthened Code should ensure that information and data are provided in standardised formats, with Member State breakdowns.

Ad placements and political advertising

How does the Guidance aim to reduce profiting off disinformation?

Platforms and all other players of the online advertising ecosystem should work together to stop monetising disinformation through advertising revenues. The strengthened Code's commitments should therefore take more granular, tailored action to address disinformation risks linked to the distribution of advertising online. Additionally, brand safety tools should integrate analysis from fact-checkers and researchers on the sources of disinformation campaigns. Brand owners and advertisers, on the other hand, should commit to avoid the placement of their advertising next to disinformation or in places that repeatedly publish disinformation.

How will the guidance take into account the upcoming legislation on the transparency of sponsored political content?

The revision of the Code of Practice in the area of political advertising will need to take into account the upcoming legislative proposal and serves as an important vehicle to deliver tangible progress, both ahead of the legislation and through the legislative framework once in place. The strengthened Code should devise industry-led solutions to support its implementation and achieve continued progress in this area. The Guidance proposes to strengthen the commitments of the Code's signatories to enhance transparency and public disclosure of political ads. These ads should be clearly and effectively labelled and distinguishable as paid-for content and users should be able to understand that the content displayed contains advertising related to political issues.

User empowerment

How should the strengthened Code address manipulative behaviour?

The Guidance suggests to strengthen the Code to provide for a comprehensive coverage of current and emerging forms of manipulative behaviour used to spread disinformation, such as bots, fake accounts, organised manipulation campaigns, account takeovers. Tailored commitments should address vulnerabilities and ensure transparency and accountability of the actions taken to reduce the impact of manipulative behaviour.

What measures does the Guidance suggest to improve user awareness?

Providing users with tools to better understand the online environment and fostering more responsible behaviour online is key to limiting the spread of disinformation. The Guidance calls on the

Code's signatories to commit to a 'safe design' as a guiding principle for the architecture of their services. This means that signatories should commit to assess the risks their systems pose and design the architecture of their services in a way that minimises risks linked to the spread and amplification of disinformation.

The strengthened Code should include concrete measures to mitigate risks of recommender systems fuelling the viral spread of disinformation, enhance the visibility of reliable information of public interest, and issue warnings to users who have interacted with content that has been identified as false or misleading by fact-checkers. Users also need to be given more agency, for example by being able to flag disinformation and by customising preferences on recommender systems. Signatories are encouraged to continue their actions in fostering media literacy.

Empower the research and fact-checking community

How can it be ensured that the research community have access to the necessary data to properly study disinformation?

Researchers, civil society organisations, investigative journalists and non-academic researchers play an important role in understanding the evolution of the risks linked to disinformation. The quality of research in this area depends on platform data researchers are given access to. The Commission asks the signatories to drastically improve the current situation characterised by an episodic and arbitrary provision of data, which does not respond to the full range of research needs. Signatories should therefore work, in cooperation with the research community, the European Digital Media Observatory (EDMO) and relevant national authorities, to co-create a legal and robust framework for access to data for research purposes.

How can the Code improve the impact of fact-checking activities?

To address the significant gaps and uneven coverage of fact-checking activities across services and EU countries, signatories should commit to extend the cooperation with fact-checkers. Increasing the impact of fact-checking can be also achieved through a better incorporation and visibility of content produced by fact-checkers. Signatories should look into efficient labelling systems as well as the creation of a common repository of fact-checks, which would facilitate its efficient use across platforms to prevent the resurgence of disinformation that has been debunked by fact-checkers. Cooperation with fact-checkers should ensure their independence, fair remuneration, foster cooperation and facilitate the flow across services.

Monitoring of the Code

How will the implementation of the Code be monitored in the future?

The Assessment of the Code of Practice and the ongoing COVID-19 disinformation monitoring programme have provided useful input on how to strengthen the Code's monitoring system. The improved Code should include a reinforced monitoring system and create a robust framework that incorporates new KPIs measureable at Member State level. They should allow evaluating the impact of the policies implemented by signatories to fulfil their commitments under the Code as well as the overall impact of the Code on disinformation in the EU.

Signatories should release regular reports under the reinforced monitoring framework using harmonised templates, and including sets of standard and auditable formats for providing data against the KPIs. Online services with higher risk profiles with respect to the spread of disinformation

should report every six months on the implementation of the commitments and assess the risks linked to the disinformation phenomenon every year. Other Code signatories should report yearly and provide data and metrics corresponding to their activities.

The Guidance suggests that the signatories should commit to create, set up and maintain a publicly accessible online common transparency centre providing an overview of the specific policies adopted by the signatories to implement the Code's commitments.

What is the role of the permanent task force?

The permanent task force should look at how to evolve and adapt the Code in view of technological, societal, market and legislative developments. The task force will be chaired by the Commission and will involve the Code's signatories and representatives from the European External Action Service, EDMO, European Regulators Group for Audiovisual Media Services (ERGA). It should look, for example, into developing structural indicators and mechanisms measurable at Member State level or into establishing a method for risk assessment to rapidly respond in special situations and crises like elections or the pandemic.

Press Release 26/05/2021: Guidance to strengthen the Code of Practice

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