

Responses to the European Commission's consultation on the European Democracy Action Plan (EDAP)

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For questions and comments, please contact the author [Dr. Julian Jaurisch](mailto:jjaurisch@stiftung-nv.de) at jjaurisch@stiftung-nv.de. The responses to the consultation questions include input from colleagues from SNV as well as other European think tank and civil society representatives. Most notably, a coalition of NGOs collaborated on a [joint position paper](#) on the EDAP, which was fundamental in shaping this submission (especially part 2). We thank the European Commission for the opportunity to participate in the consultation for the EDAP and look forward to engaging further not only with the Commission, but also the European Parliament and other interested stakeholders.

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0. Summary of key points

The European Commission's push to contribute to a debate on and offer proposals for strengthening European democracy with the European Democracy Action Plan (EDAP) are welcome and necessary. An ambitious action plan encompassing measures ranging from enforcement of existing laws to new legislative proposals to cooperation among member states and among EU institutions can help deal with some of the changes and challenges democracy has been facing over the past years. One of the many developments that can both boost democratic processes and undermine them is the online media and information space that has become **important for many EU citizens' opinion formation**. Questions on election integrity, political advertising and disinformation can all be viewed in light of this digital public sphere.

In this summary, two key responses on these topics addressed in the EDAP consultation are highlighted. First, the need for enhanced transparency in political advertising, both for large platforms and political advertisers, is laid out. Second, in order to tackle disinformation, procedural accountability should be established in Europe.

The summary, which was not part of the official submission to the consultation, draws on the earlier [contribution to the Commission's EDAP roadmap](#) and on the [submission to the Commission's consultation on the Digital Services Act \(DSA\)](#), written with Aline Blankertz. Moreover, the responses to this consultation benefited greatly from discussions in a group of civil society and think tank representatives convened by the European Partnership for Democracy. A [statement](#) and a [joint position paper](#) emerged from these discussions, further addressing the overarching themes of the EDAP.

We thank the Commission for providing the opportunity to participate in the consultation and look forward to engaging further on this important Action Plan in the future, not only with the Commission and the European Parliament but all interested stakeholders.

Establishing binding rules and oversight for online advertising

Online political advertising has proven to be a valuable communications means to reach voters and supporters. However, it also carries certain risks for democratic processes. Without proper transparency and financial accountability mechanisms, big-money interests **can take over citizens'** digital information spaces, for instance, on social media or on search engine results pages. Such zone-flooding can mean that thousands of ads can be run by pop-up campaigns in a short period of time. There is little opportunity for public interest scrutiny of zone-flooding efforts and online advertising more generally, as researchers, journalists, regulators and voters themselves largely rely on the transparency tools voluntarily offered by tech companies, which have been found to be insufficient, and on oversight structures, which were established for traditional journalistic media and are therefore outdated.

Advertising online, moreover, is most often targeted at rather homogeneous groups based on their inferred interests, fears and preferences (instead of the more traditional contextual advertising, which uses less personal behavioral data). Such microtargeting can lead to a strong segmentation of the citizenry online into homogenous groups and hinder public interest counterspeech of ads. Crucially, it might allow campaigns to exploit supposed fears and preferences of narrowly targeted groups for their political messaging based on a range of personal behavioral points gathered on citizens as they go about their daily lives online.

Candidates, political parties and other campaigners are not trying to sell products and services when advertising, but are instead paying to shape political debates and influence voting decisions. A lack of options for public interest scrutiny of online political ads can therefore weaken the legitimacy and integrity of elections and political campaigning more generally.

The EDAP, in sync with other Commission initiatives, especially the DSA, should define the baseline requirements for transparency and accountability for paid online political messaging in Europe. To establish meaningful transparency, the following measures should be implemented:

- Mandatory, expanded and vastly improved ad archives including information on targeting and engagement metrics, data sources, and ad financing
- Mandatory, expanded transparency reporting on processes for ad targeting and ad delivery
- Mandatory, improved ad disclaimers
- Mandatory advertiser verification

Such transparency standards should be applied to all online advertising, not just paid political messages. There could be additional rules for political advertising, including restrictions on behavioral microtargeting and expanded financial accountability reporting by platforms and political advertisers such as European parties and candidates.

Compliance with these requirements should be checked by an independent oversight body that has the technical expertise as well as staff and budget resources to audit transparency reports. Relying solely on self-regulatory measures by private corporations is not enough.

Tackling the spread of disinformation online

Risks associated with the spread of disinformation include ever more fractured political debates, a weakening of democratic processes such as elections, infringements on **citizens' fundamental right to form their opinions free from interference**, and, as was the case with disinformation on the COVID-19 pandemic, harms to individual and public health. However, there also risks associated with *tackling* disinformation, such as **infringing on citizens' right to freedom of expression**, and strengthening governmental and corporate control on speech. Thus, tackling disinformation is an important, yet difficult and delicate task. In the digital public sphere, dealing with disinformation as well as discriminatory content has become an even more important task due to the widespread use of social media, search engines and video apps, where such content can spread easily and in a targeted manner. Platforms offering these online communication and media spaces can assist democratic processes, but also amplify dangers stemming from disinformation and discriminatory content.

There is a clear need for EU-wide regulation for these platforms, which could be addressed with Commission proposals in the EDAP and the DSA. A continuation of current regulatory and self-regulatory practices is ill-advised. Continuing to rely only on national (criminal law) rules to tackle these challenges is misguided and not sufficient. Such rules largely focus on removing individual pieces of harmful/illegal content without addressing the overarching market failures that create the incentives to not tackle disinformation more effectively. Besides, neither governments nor companies should be left on their own to

decide what content to delete, and thus to decide how to balance free speech concerns with potential harms associated with disinformation and discrimination. Self-regulatory **measures such as the Commission's Code of Practice on Disinformation** were valuable and welcome first steps towards addressing the issues but have failed to affect meaningful changes at the companies addressed.

The EDAP should offer a clear, human rights-based framework for the DSA and other proposals touching large online platforms. It should ensure that the DSA delivers clear legal guidance for platforms, that does not focus on enforcing decisions on individual pieces of content, but instead focuses on the processes for accountable corporate decision-making. This could include a common EU framework for content moderation policies and practices, based on international human rights standards, mandatory transparency and accountability reporting as well as independent oversight.

1. Questions on election integrity and political advertising

(i) Transparency of political advertising

Q1 Have you ever been targeted with online content that related to political or social issues, political parties (European or national), political programmes, candidates, or ideas within or outside electoral periods ('targeted political content')?

Yes, several times

Q2. If you receive such targeted political content, are you checking who is behind it, who paid for it and why you are seeing it?

Yes, occasionally

Q3. To what extent do you agree with the following statements related to targeted political content you have seen online?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/No reply
1. Targeted content was labelled in a clear manner				X		
2. It was easy to distinguish paid for targeted content from organic content				X		
3. It was easy to identify the party or the candidate behind the content				X		
4. The content included information on who paid for it				X		
5. The information provided with the content included targeting criteria					X	
6. The ad was linked to a database of targeted political content		X				
7. The targeted political content offered the possibility to report it to the platform			X			

Q4. Which of the following initiatives/actions would be important for you as a target of political content?

	Not at all	A little	Neither a lot nor a little	A lot	Absolutely	Don't know
1. Disclosure rules (transparency on the origin of political content)					X	
2. Limitation of micro-targeting of political content, including based on sensitive criteria, and in respect of data protection rules					X	
3. Creation of open and transparent political advertisements archives and registries that show all the targeted political content, as well as data on who paid for it and how much					X	
4. Political parties to disclose their campaign finances broken down by media outlet					X	
5. Prohibit foreign online targeted political content				X		
6. Prohibit online targeted political content altogether			X			
7. Rules limiting targeted political content on the election day and just before.			X			
8. Other						

Q5. Online targeted political content may make use of micro-targeting techniques allowing advertisers to target with high precision people living in a specific location, of a certain age, ethnicity, sexual orientation or with very specific interests. Do you think that:

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/No reply
1. Micro-targeting is acceptable for online political content and it should not be limited				X		
2. Criteria for micro-targeting of political content should be publicly disclosed in a clear and transparent way for every ad	X					
3. Micro-targeting criteria should be strictly limited	X					
4. Micro-targeting criteria should be banned		X				

Please explain.

Online microtargeting is a helpful practice to reach voters/supporters, but in its current form it is not transparent and harbors serious risks for democratic processes such as open political debates and elections. Targeting ads allows campaigns to reach out to homogeneous, small groups of people, which can be used to amplify existing fears,

opinions and polarized debates. In contrast to targeting ads offline, how people are addressed online is based on gathering and analyzing personal behavioral data. Little public interest scrutiny is possible with microtargeting due to the narrow segmentation of the (voting) public and a lack of transparency by advertising platforms towards researchers, journalists, regulators and citizens. Microtargeting, thus, can be a clandestine way to pay to reach people with political messages tailored to their assumed personal fears and hopes, which runs counter to the need for an open public debate on **political campaigns'** ideas and candidates.

However, banning microtargeting altogether might have negative unintended consequences, too, e.g., for voter-registration campaigns and smaller political advertisers who would not be able to reach their niche audience without some level of targeting. For local elections, it would become hard for political advertisers to reach their constituencies without some level of location-based targeting.

Therefore, a number of options to limit microtargeting should be discussed:

- Limiting the type of personal behavioral data used for microtargeting, e.g. no use highly sensitive data
- Limiting the use of inferred data
- Ensuring transparency of both the targeting and the delivery process of ads, e.g. through expanded ad libraries and ad disclaimers (see answer to question 1 in part iv)
- Instituting minimum sizes/minimum levels of heterogeneity of targeted groups
- Only allowing contextual political ads (not microtargeted ads based on personal behavioral data)

Limiting the number of ads (whether targeted or not) a campaign can run might indirectly also help alleviate the negative side effects of microtargeting, as it would make it easier to scrutinize and counter a smaller number of ads (see next answer for details).

In addition, a counterspeech mechanism could be envisioned that would allow political advertisers to target the same group as an ad in an ad library by a different political advertiser (e.g., one candidate being allowed to reach the same group as their opponent). Such a measure would allow for counterspeech, and apply only to political advertisers. This should be seen as an application of the right of reply, as established in international law and applied to news publishers already (see *Eker v Turkey*). This would allow for overcoming the voter segmentation and polarization linked to political microtargeting.

To better understand the potential effects of political microtargeting and any measures to widen or restrict its use, the Commission should facilitate a thorough, EU-wide investigation on this practice.

These ideas are also discussed in https://www.stiftung-nv.de/sites/default/files/rules_for_fair_digital_campaigning.pdf (pp. 29-33) and <https://panoptikon.org/political-ads-report>.

Q6. EU countries regulate offline political advertising on traditional media (e.g. press, television) in the context of local, national or EU elections. These rules limit the amount of airtime or maximum expenditure permitted for political advertising on broadcast TV or print media. Do you think similar rules should also apply to online targeted political content?

I don't know

Please explain.

A limit to the number of online political ads or a quota system for such ads could be helpful, as the very high volume of (microtargeted) ads makes scrutiny in the public interest, e.g., by academics, civil society experts, journalists and researchers, hard. During an election period, dozens of campaigns might run thousands of ads in a short time, which is nearly impossible to keep track of to call out potential discriminatory ads and lies, and to counter the arguments put forth in the ads. Mandating that political advertisers can only run a certain number of ads in a given time frame could alleviate some of these dangers and also help incentivize targeting a broader, more heterogeneous group of people.

However, a comparison to the offline regulatory regime as suggested in the question is misguided. There would have to be a complete re-thinking of how limits should apply to the specific type of advertising occurring on social media. Allocation criteria would have to move from airtime to other indicators, e.g., views/shares/engagement metrics or granularity of targeting. Striking a balance here to not favor either small or big parties is tricky and would have to consider existing member state regulations as well. Also, it would have to be ensured that campaigns are not incentivized to circumvent rules by having proxies pay for ads. That is why any campaign cap needs to go hand in hand with rules for advertising verification (see also answer to Q1 in (iv)). There also needs to be clear, consistent guidance in place as to what advertisers/**advertising qualifies as “political”**. Lastly, it would have to be decided whether a cap should be in place for the number of ads

These ideas are also discussed in https://www.stiftung-nv.de/sites/default/files/rules_for_fair_digital_campaigning.pdf (pp. 42-44) and <https://medium.com/@WhoTargetsMe/ten-simple-ideas-to-regulate-online-political-advertising-in-the-uk-52764b2df168>.

(ii) Threats to electoral integrity

Q1: Do you believe the following are real and existing threats to the electoral process in the EU and its Member States?

	Yes	No	Don't know
1. Intimidation of minorities	X		
2. Intimidation of political opposition	X		
3. Micro-targeting of political messages, that is messages targeted to you or a narrowly defined group	X		
4. Information suppression, that is the purposeful lack of information on a topic		X	
5. Disinformation or fake accounts run by governments, including foreign governments	X		
6. Divisive content, that is content created to divide society on an issue	X		
7. The amplification of content that makes it difficult for you to encounter differing voices	X		
8. Intimidation of women candidates	X		
9. I or someone I know has been targeted based on sensitive criteria such as gender, ethnicity or sexual orientation			X
10. Content where I could not easily determine whether it was an advertisement or a news post	X		
11. Other	X		

[IF Q1=11: Please define]

In general, it is hard to detect and measure the types of intimidations referenced in Q1, but political debates and election campaigns in the EU and in other parts of the world leave little doubt that these types of intimidations, distortions and voter suppression tactics are easily available and have been used. Examples include spreading disinformation surrounding elections in the EU (https://www.stiftung-nv.de/sites/default/files/snv_fakten_statt_fakes.pdf; <https://avaazimages.avaaz.org/Avaaz%20Report%20Network%20Deception%2020190522.pdf>); sexism in election campaigns (<https://www.wired.co.uk/article/politics-sexism-google-search-jo-swinson>); potential foreign interference (<https://www.justice.gov/storage/report.pdf>) and distorting the debate on the UN migration pact (<https://www.politico.eu/article/united-nations-migration-pact-how-got-trolled/>).

While recognizing that these are merely exemplary case studies and that measuring the effects of disinformation and intimidation in these cases remains hard, there is a normative argument to be made that Europe should aim to uphold basic international human rights such as freedom from discrimination and freedom to form one's opinion without interference.

(iii) European Political Parties

Q1: Is there scope to further give a stronger European component to the future campaigns for EU elections? Please list initiatives important to you in this regard.

	Not at all	A little	Neither a lot nor a little	A lot	Absolutely	Don't know
1. Better highlighting the links between the national and European Political Parties, for example by displaying both names on ballot papers and in targeted political content					X	
3. More transparency on financing (e.g. information about how much national parties contribute yearly to the European Political Parties budgets)					X	
4. Bigger budgets for European Political Parties						X
5. Strengthening the European campaigns by European Political Parties in Member States		X				
6. Better explaining the role of European Political Parties in the EU					X	
7. Other						

(iv) European Elections

Q1: In your opinion what initiatives at national level could strengthen monitoring and enforcement of electoral rules and support the integrity of European elections (multiple selections possible)?

2. Technical interfaces to display all political advertisements as defined by online service providers
3. Technical interfaces to display all advertisements (political or not)

4. Clear rules for delivery of political ads online in electoral periods, similarly to those that exist in traditional media (TV, radio and press)
5. Independent oversight bodies with powers to investigate reported irregularities
6. Enhanced reporting obligations (e.g. to national electoral management bodies) on advertisers in a campaign period
7. Enhanced transparency of measures taken by online platforms in the context of elections, as well as meaningful transparency of algorithmic systems involved in the recommendation of content
8. Privacy-compliant access to platform data for researchers to better understand the impact of the online advertisement ecosystem on the integrity of democratic processes
10. Stronger protection against cyber attacks
11. Higher sanctions for breaches of the electoral rules

Please explain your answer.

Options mentioned above need to be combined to establish a transparency and accountability regime for data-driven campaigning in Europe.

On 2. and 3. **Technical interfaces...**: Mandatory, expanded and vastly improved ad archives are a necessity for European political campaigning. Existing ad archives can already be a valuable tool, especially for researchers and journalists, but their functionality is sub-par. Platforms should be required to offer ad archives with certain standards regarding search functions, download options, download speed and accessibility. In addition, more information than currently available is necessary:

- Targeting and delivery transparency: Additional data on targeting and delivery, i.e. on the targeted audience and the actual audience, is necessary to assess if discriminatory practices occur. Information on who was and was not targeted based on what desired ad campaign outcome as well as engagement metrics should be included.
- Data source transparency: More insights into what data was gathered or inferred to serve ads, making it easier to detect potential privacy violations and discriminatory ad practices
- Financial source transparency: Detailed information on who paid for an ad

All platform online advertising should be included in such mandatory archives. This allows for public interest scrutiny and does not require platforms or the government to come up with a definition of **what is “political advertising”**. These ideas are also discussed in <https://www.stiftung-nv.de/en/publication/rules-fair-digital-campaigning> (p. 55-72) and in the call for universal ad transparency by 29 NGOs: <https://epd.eu/wp-content/uploads/2020/09/joint-call-for-universal-ads-transparency.pdf>.

When users see ads, platforms should be required to provide them with easily accessible and understandable information as to why they were targeted, what other groups saw the ads, based on what data they were targeted (volunteered data, inferred data, lookalike audiences), who funded the ad and how much the ad cost (in more narrow ranges than are currently available). There should be additional information available for interested users, e.g., an easily accessible link to the expanded disclosures in the ad archive.

On 6. **Enhanced reporting...**: Mandatory, expanded transparency reporting on ad targeting and ad delivery processes should be instituted for large digital platforms. Platforms should be required to report on their policies regarding ad targeting and algorithmic ad delivery mechanisms. Such reports should explain, e.g., what data platforms and advertisers can

use to target ads and which targeting parameters are prohibited. They should also explain why and how accounts can be suspended for violating ad policies. Pricing policies should be included as well to create transparency as to how platforms charge different advertisers differently.

Political advertisers, in turn, should be required to deliver more detailed reporting to oversight bodies than is currently mandated in some member states. In Germany, e.g., financial reporting requirements only apply to political parties (not other political advertisers such as candidates, NGOs or lobby groups) and do not include detailed information on (online) ad spending.

This could be achieved with mandatory advertiser verification: There should be a registry of advertisers, allowing platforms to know their customers and users to know who is paying to reach them. Verification processes should ensure that smaller and pop-up advertisers are not put at a disadvantage against bigger advertisers, e.g., through equal-treatment requirements for the verification processes.

On 5. Independent oversight...: The reports mentioned above should be turned in to a body independent of governments and industry, ideally at the EU level, which is tasked with auditing them. Any new or a strengthened oversight body or EU-wide coordination effort of national regulators should have enough resources, expertise and sanctioning powers to audit the reports and detect systemic failures by the platforms to (1) respect fundamental rights, (2) adhere to EU law and (3) adhere to their own terms of service.

On 7. Enhanced transparency... and 8. Privacy-compliant access...: Enhanced transparency on algorithmic system and enhanced data access are intertwined and necessary to better understand how many large platforms work, especially in light of potential individual and societal risks associated with algorithmic information spaces. The EDAP (and the DSA) should further develop the criteria, goals and mechanisms necessary to achieve meaningful, GDPR-compliant data access and algorithmic transparency, particularly for regulators and researchers. Among other things, improved open application programming interfaces (APIs) and human rights impact assessments for critical algorithmic systems should be established (for details, see <https://epd.eu/joint-letter-for-eu-algorithm-inspection/>).

Q2: In your opinion what initiatives at European level could strengthen monitoring and enforcement of rules relevant to the electoral context?

- 2. European-level obligations on political advertising service providers
- 5. Other

Please explain your answer.

On 5. Other: The European Cooperation Network on Elections should be strengthened to facilitate cooperation, lesson-sharing and capacity-building. While the Member States retain the competence over election management, there is an important coordinating and capacity building role for the European Commission. The Network should look at updating national electoral law to account for new forms of digital campaigning, share best practices on election infrastructure, encourage reforms to allow for citizen monitoring, issue guidelines for election during a pandemic, and support coordination among data protection authorities to improve data protection in elections.

2. Questions on strengthening media freedom and media pluralism

(i) Safety of journalists / conditions for journalistic activities

Q1. Are you aware of issues regarding safety of journalists and other media actors or conditions for journalistic activities in your country?

1. Yes (please justify)

Please explain your answer.

As just one recent report, please see <https://www.coe.int/en/web/portal/-/safety-of-journalists-platform-report-media-freedom-conditions-worsen>: “The report “Democracy at Risk: threats and attacks against media freedom in Europe” assesses the situation of media freedom in Europe based on the 140 serious media freedom violations reported to the platform in 2018. According to the report, the number of attacks on journalists has grown continuously. The number of threats reported, including death threats, doubled last year and there has been no progress in a number of long-standing cases of impunity for murder of journalists. In addition, journalists continue to be arbitrarily detained while a number of new legislative initiatives have weakened media freedom.”

Q1.1 If yes, what kind of issue?

1. Lack of proper sanction applied to perpetrators of attacks against journalists
2. Abuse of defamation laws or other laws aiming at silencing journalists and news media
5. Online hate speech
6. Cyberbullying
7. Physical threats

Q2. Are you familiar with the concept of ‘strategic lawsuits against public participation’ (SLAPPs)?

1. Yes

Q2.1 If yes, are you aware of such lawsuits in your own Member State?

3. Don’t know

Q3. In your opinion, on which SLAPP related aspects should the European Union-level action be taken (multiple answers possible):

1. Regular monitoring of SLAPP cases in the European Union
2. Financial support for journalists facing SLAPP lawsuits
3. Rules on legal aid for journalists facing SLAPP lawsuits
5. EU rules on cross-border jurisdiction and applicable law
7. Other – please specify

Please explain your answer.

Based on the measures suggested in <https://www.ecpmf.eu/letter-to-the-european-commission-concerning-the-threat-of-vexatious-litigation-against-journalists-activists-and-others/>:

An anti-SLAPP directive that protects journalists and civil society activists is needed to establish an EU-wide minimum standard of protection against SLAPPs, by introducing exemplary sanctions to be applied to claimants bringing abusive lawsuits, procedural safeguards for SLAPP victims, including special motions to contest the admissibility of certain claims and/or rules making the burden shifting to the plaintiff to demonstrate a

reasonable probability of succeeding in such claims, as well as other types of preventive measures.

Importantly, the scope of the directive must cover any citizen or organization, including journalists, activists, trade unionists, academics, digital security researchers, human rights defenders, media and civil society organizations, among others.

The following regulations should be amended:

1. Brussels I Regulation (recast) must be amended to end forum shopping in defamation cases, which forces defendants to hire and pay for defense in countries whose legal systems are unknown to them and where they are not based.
2. Rome II Regulation also needs to be changed since at the moment it allows claimants to select the most favorable substantive law and therefore leads to a race to the bottom.

Q4. Do you think that the EU should act to strengthen the safety of journalists and other media actors / improve conditions for journalistic activities?

1. Yes (please justify)

Please explain your answer.

The COVID-19 crisis has confirmed once again that free and independent media are an essential service crucial for a functioning democracy and resilient societies. However, even before the crisis, the media ecosystem was already fragile and media pluralism and diversity were endangered. The insufficiently funded news media sector, including television, radio, print and digital media, is now facing an existential threat, partly due to the abrupt loss of advertising revenues. Regional and local media, freelance and investigative journalists and new digital journalism start-ups are in a particularly fragile situation.

Q4.1 If yes, how?

1. By issuing guidance
2. By setting up dedicated structured dialogue with Member States
3. By providing financial support
4. Other – please specify

Please explain your answer.

One significant risk to journalists and media pluralism is the concentration of media ownership. This works towards creating barriers to diversity of information and viewpoints. The EU should monitor this phenomenon and develop tools to counter it.

The EU must develop its own institutional internal alert system, with full consultation with a range of stakeholders, to be able to rapidly condemn and respond to acts of intimidation and violence against journalists, and media actors. Such a mechanism must include the enhanced competencies for the institutions to call on member states, through targeted recommendations, to take active steps to provide immediate full remedy to the individual concerns for the violation, including the full prosecution of potential perpetrators, and demonstrable commitments to prevent further similar acts of violence and or intimidation and to promote a safe environment for journalists and other media actors. EU institutions should guarantee that all journalists and media workers in member states can securely, and in full privacy, access all national, or EU-managed, early warning and rapid response mechanisms.

There should be spaces for dialogue, including through the Rule of Law Mechanism, to facilitate exchange of good practices for the safety of journalists and media workers with government officials, including members of the judiciary, prosecution and law enforcement. This should include the continual assessment and development of comprehensive legislative and policy frameworks by Member States that enable journalists and other media actors to contribute to public debate effectively and without fear. Such dialogue should be framed in terms of assessing Member State's compliance with all provisions set out in Recommendation CM/Rec(2016)4 of the Committee of Ministers (see https://www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts/-/asset_publisher/aDXmrol0vvsU/content/recommendation-cm-rec-2016-4-of-the-committee-of-ministers-to-member-states-on-the-protection-of-journalism-and-safety-of-journalists-and-other-media-) to member states on the protection of journalism and safety of journalists and other media actors.

The EU has an important role to play in ensuring the financial sustainability of independent and quality journalism and media through the Media Action Plan. This should include both a financial support mechanism for journalism and media. Any financial support mechanism should be set up to prevent both governmental and industry capture, so as to ensure journalists' and media organizations' independence. E.g., an independent fund could be set up (see, for example, https://www.cjr.org/tow_center/google-facebook-journalisminfluence.php; <https://www.publicknowledge.org/blog/the-pandemic-proves-we-need-a-superfund-to-clean-up-misinformation-on-the-internet/>; <https://s3.amazonaws.com/kfai-documents/documents/7f5fdaa8d0/Zuckerman-1.17.19-FINAL-.pdf>). Many large online platform companies already fund journalism projects, but to minimize the risk of industry capture, an independent fund would be preferable. This fund could be mandated with supporting media pluralism by, among others, supporting local journalism businesses, providing start-up assistance to new ventures, training journalists, supporting research into threats and opportunities of digital journalism as well as into business models for digital journalism.

The EDAP should call for the EU to advance its understanding of who the players operating in the media markets are, which safeguards and conditions are inevitable for pluralism, and which are the methods to evaluate this news setting and power relations. This is necessary because the old measures were designed without consideration for the logic and motivations of the largest technology platforms which are not less (see <https://cmpf.eui.eu/adapting-understanding-media-market-plurality-to-the-new-digital-realities/>). The conclusions of such an investigation should be taken forward in the Media Action Plan.

Q5. Are you aware of any issues regarding the protection of journalistic sources in your country?

1. Yes (please provide concrete examples)

Please explain your answer.

It is crucial for journalists to be able to protect their sources. Reform of national intelligence legislation needs to take this into account. For detailed proposals, please see https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/News/Downloads/RSF_Empfehlungen_Neufassung_BND-Gesetz_Juli2020.pdf.

This also goes for pending EU legislation at risk of weakening end-to-end encrypted communication channels.

The EDAP should foresee a comprehensive evaluation of the implementation of the EU Directive on Whistleblowing as of 17 December 2021 (official transposition date), and launch infringement procedures against member states which failed to ensure to implement their commitments in their national legislation.

Q6. Are you aware of any difficulties that journalists are facing when they need access to information / documents held by public authorities and bodies in your country?

3. I do not know

(ii) Media independence and transparency

Q1. How would you characterise the situation with regards to independence of media and journalism in your country?

	Not at all	To a limited extent	To a great extent	Don't know
1. The government controls or exerts pressure on media outlets				X
2. Powerful commercial actors control or influence editorial policy of media outlets				X
3. Journalists are afraid of losing their job or of other consequences and avoid voicing critical opinions				X
4. News media, in particular public broadcasters, provide balanced and representative information, presenting different views, particularly in times of electoral campaigns		X		

Q2. How important is the support for independent journalism (including freelance journalists and bloggers/web journalists) and the protection of the safety of independent journalists to supporting democracy in the EU and internationally?

1. Very important

Q3. Do you feel sufficiently informed about the ownership of the media outlets you are consulting?

2. No (please explain)

Please explain.

Imprints of major news outlets typically offer transparent information about ownership, but especially sites peddling disinformation and hateful content attempt to obscure their provenance. Germany's planned new media regulation attempts to enhance due diligence for many online media outlets. It will be crucial to monitor enforcement to assess whether this can be a helpful tool in establishing meaningful transparency regarding the ownership of media outlets.

Q4. Should it be mandatory for all media outlets and companies to publish detailed information about their ownership on their website?

1. Yes (please explain)

Please explain.

Media outlets represent a key source of information and are in some cases the only source of information for citizens. Because of their role in informing public debate, media outlets and companies should be subjected to scrutiny in terms of their ownership and be required to publish detailed information about their ownership. This also helps citizens distinguish **between journalism that is for the public good and “click-bait” driven publications, helping them to discern between different news sources.** Additionally, because of the increase in media ownership concentration this is even more needed today.

Q5. Should content by state-controlled media, where governments have direct control over editorial lines and funding, carry specific labels for citizens?

3. I do not know

Please explain.

While such labels, if done right, could be helpful and are a preferred option compared to content takedowns, there are drawbacks: E.g., it is questionable whether the current wording for the label on content on YouTube from RT (a state-controlled media outlet) and from ZDF (a publicly financed broadcaster not under state control) actually helps users in making choices. In any case, labeling content from governments directly (e.g., government ministries and the Commission) could be useful.

More generally, this is a question of platform design and highlights the necessity to support user empowerment by making clearer visual/audio/written distinctions between what content users see (e.g., ads vs. non-paid content, heavily forwarded posts/videos, content from media outlets vs. private citizens).

Q6. Do you think information from independent media should be promoted on online intermediary services (such as search engines, social media, and aggregators)?

4. I do not know

Please explain.

On the surface, such must-carry rules seem useful, but they are difficult to operationalize as of now, carry certain risks and should therefore not be legally required. Difficulties arise **in defining “independent media” and “trustworthy sources” (see also the answer to question Q1 in (iv) of part 3).** It is also not clear who would even make the call to define different types of media and media outlets to be promoted, risking a centralized decision-making authority with power of important questions on free expression. The new German media regulation attempts to prescribe this, an approach that was criticized by media law experts beforehand (see https://www.hans-bredow-institut.de/uploads/media/default/cms/media/lez8f8q_HBI_Stellungnahme2MStV.pdf). The Commission should monitor the implementation of this media regulation and engage with German authorities to gather good practices and lessons learned.

In general, any promotion or demotion of content in algorithmic media and information spaces (such as search engines, social media, video portals/apps and aggregators) should be done transparently and consistently. Users should be able to gather easy-to-access and easy-to-understand information on the basic features of these recommender systems, and independent oversight bodies should have full disclosure of the measures used to implement the algorithmic promotion and demotion of content.

Q7. Do you think further laws or institutions should be put in place in your country to strengthen media independence and transparency in any of the following areas?

1. Transparency of state advertising and state support to news media / journalism

2. Transparency of media ownership
3. Promotion of information from independent media
4. Ownership limitations of commercial actors
5. Ownership limitations of political actors
6. Rules to prevent foreign (extra-EU) based manipulative and hate-spreading websites from operating in the EU

Q8. Do you think that the EU should act to strengthen media independence and transparency in any of the following areas? (Multiple answers possible)

1. Transparency of state advertising and state support to news media / journalism
2. Transparency of media ownership
4. Ownership limitations of commercial actors
5. Ownership limitations of political actors

Q.9 If you answered yes to some of the options of the previous question, how should the EU act in these areas?

1. By issuing guidance
2. By setting up dedicated structured dialogue with Member States
3. By providing financial support
4. By adopting legislation

Q.10 EU countries have rules applying to media content such as news or current affairs, in general (e.g. rules on editorial independence, objectivity/impartiality), and in particular during elections (rules on scheduling and the balance of the programmes, moratoria on political campaign activity, opinion polls). Do you think similar rules should apply online?

2. No

Please explain your reply.

There should clearly be rules for electoral campaigning, including media work, yet a comparison with the offline regime as suggested in the question is misguided. Since online (political) communication follows different premises than offline communication (e.g., based on vast amounts of personal behavioral data; using algorithmic content delivery; vast scale and reach), rules for offline media should not simply be applied to the online sphere.

Rather, a transparency and accountability regime specifically built for online platforms and political advertisers is necessary (see also answers in part 1). This should include binding transparency and financial accountability reporting by platforms and political advertisers, which can help independent oversight bodies, researchers but also citizens themselves to monitor and audit platforms' and parties' efforts.

In this regard, self-regulation has not proven sufficient. Despite the Commission's valuable efforts with the Code of Practice against Disinformation, necessary improvements at the platforms have been rudimentary. The EDAP should continue advocating for transparency, albeit in a more stringent and binding way. The Digital Services Act could be one way to achieve this.

Elections should be acknowledged as a more prevalent moment where public opinion manipulation happens through mis- and disinformation. Building on transparency requirements that should be in place all year long, the EU should encourage platforms to have a defined process and action plan for these moments in order to protect elections. Two actions should be considered:

1. Action Plan for Elections: The European Commission, together with national electoral authorities and digital platforms, should develop an action plan for elections. This action plan could include actions such as a completion of ad library report databases, ad hoc country-based election teams at platforms to consistently monitor threats to elections, knowledge sharing between member states on electoral manipulation and the reduction of virality of content. Such an action plan needs to be developed in cooperation with civil society.

2. Local platform offices: Large internet platforms should be required to establish local offices in all EU member states to better cooperate and coordinate with national authorities and decentralized actors working to counter disinformation. This is desirable all year long, but specifically necessary for election periods.

Q11. Should the role of and cooperation between EU media regulators in overseeing respect for such standards, offline and online, be reinforced?

3. I don't know

Please explain your reply.

While there is a need for more independent oversight to better hold tech companies accountable for systemic failures to deal with potential harms to democratic processes, careful consideration should be given to the design, organization and coordination procedures of such oversight. Both industry and governmental capture should be prevented at any oversight bodies. Not all media regulators in the EU may be capable of taking up this position in monitoring corporate compliance processes and auditing transparency reports, as they might be prone to government and/or industry capture, and might lack the capacity, resources and staff to properly take up oversight over online intermediaries.

If enhanced cooperation between media regulators is pursued, there should be checks and requirements in place to evaluate their independence. In addition or alternatively, other cooperation and coordination measures could be foreseen to establish independent oversight. E.g., a task force of various regulators (media, data protection, elections) could be convened. An independent auditing body at the EU level could also be discussed, either comprised of representatives from national regulatory bodies or as a separate entity. In any case, regulatory bodies should have the necessary budget and resources to fulfill their tasks.

(iii) Cross-border cooperation, media and press councils, self-regulation

Q1. Are you aware of the existence of a press or media council or another media self/co-regulation body supervising journalistic ethical standards and conduct in your country?

1. Yes

Q1.2 If yes, what are the main activities of a press or media council or another media self/co-regulation body in your country?

1. Please specify

Please explain your answer.

For press: Developing and enforcing a voluntary, self-regulatory ethics code.

For broadcasting (TV/radio): State media authorities as independent oversight bodies for TV and radio stations (under pending reform also for “media intermediaries” such as social media, search engines, video portals). Checking for violation of ad policies, ensuring youth protection, overseeing licenses of broadcasters.

Q1.2 Do you think press or media councils should be established in all EU countries?

1. Yes (please explain)

Please explain.

The establishment of media/press councils as self-regulation is internationally recognized as the preferred method of print regulation, and the same considerations apply to online media outlets (see, e.g., the 2003 Joint Declaration of the special mandates on the right to freedom of expression). Self-regulating councils can provide protection to the journalism profession while promoting high ethical standards and holding members accountable to their peers and the public (see, e.g., Germany and Sweden). Statutory regulation of the printed press exists in some EU countries but should be considered a last resort as it is characterized by higher levels of state interference (see, e.g., France, Italy or Spain). Co-regulatory models, which combine elements of both models (see, e.g., Ireland, Denmark, the UK), may comply with international standards provided that strong safeguards for media freedom are in place.

What is most important, regardless of the model used, is that they are (1) independent from government, commercial and special interests; (2) established through an inclusive consultation process; (3) transparent and democratic in how they run and make decisions; (4) have tripartite representation from journalists, media owners, and members of the public; and (5) have the power to impose only moral sanctions such as apologies or corrections (not to issue fines or ban media outlets/journalists).

Q1.3 In order to address the challenges in the media sector, which activities should be prioritised by press and media councils or other media self/co-regulation bodies?

1. Incentivising exchanges of best practices and promoting journalistic standards, in particular online
3. Ensuring effective complaints handling mechanisms
5. Contributing to the fight against disinformation online
6. Other - please specify

Please explain your answer.

In addition to the measures listed above, it is crucial to support digital news media literacy for citizens of all ages in the EU. It is also important to promote measures to achieve diversity and equality of opportunity within the journalism profession.

Q.2 What role, if any, should the EU play to facilitate cross-border cooperation?

2. Set up an EU-level coordination network

3. Questions on tackling disinformation

(i) Scope

Q1. The April 2018 Commission Communication on Tackling online disinformation: a European Approach defines disinformation as verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive

the public, and may cause public harm. Do you think this definition should be broadened and complemented to distinguish between different aspects of the problem?

1. Yes (please specify)

Please explain your answer.

Despite the rather wide scope of the definition, much political and legislative focus has been on the content side of this definition, not on the dissemination side. It is vital to focus more strongly on this.

Referring to the specification in the question that disinformation does not include inadvertent errors, satire and parody, and clearly identified partisan news and commentary, it is vitally important for democratic processes to allow satire, parody and, more generally, to support freedom of expression. There are already rules in place for illegal content and widening what is considered illegal and/or disinformation is not a suitable solution.

Q2. So far, the European Commission has addressed the spread of disinformation through a self-regulatory approach, which has resulted in a Code of Practice on Disinformation being subscribed by major online platforms and trade associations representing the advertising industry. Do you think that this approach should be:

5. Pursued but accompanied by a regulatory framework fixing basic requirements for content moderation, data access and transparency, as well as respective oversight mechanisms

6. Pursued but accompanied by a regulatory package fixing overarching principles applicable to all information society services and establishing more detailed rules for dealing with disinformation under such general principles

9. Other (please explain)

Please explain your answer.

The self-regulatory approach followed by the Commission, particularly with the Code of Practice on Disinformation, was a valuable first step and represents a success for the Commission in establishing a dialogue with platforms. However, it has proven to be insufficient in light of platforms' measures so far (for evaluations, please see pp. 14-16 in https://www.stiftung-nv.de/sites/default/files/regulatory_reactions_to_disinformation_in_germany_and_the_eu.pdf). A continuation of the Code of Practice is thus not desirable, as it was flawed in its limited range of signatories, self-regulatory nature, the limited ambition and detail in the Code, and the lack of implementation by the platforms. A regulatory framework fixing basic requirements for content moderation, data access and transparency, as well as respective oversight mechanisms will do much more to counter the structural conditions that amplify disinformation and its harmful effects. The regulatory package should fix overarching principles for information society services.

Therefore, it is crucial that the Commission establishes a binding, regulatory regime for platform transparency and accountability. The Digital Services Act has the potential to do that (please see SNV's submissions on the DSA as well: <https://www.stiftung-nv.de/en/publication/beitrag-zur-konsultation-der-europaischen-kommission-zum-digital-services-act-dsa>). It should strive for a transparency and accountability regime covering digital platforms such as social networks, video portals and search engines. This includes clear oversight mechanisms for business practices at companies offering these services, e.g., regarding transparency reporting and auditing of algorithms (in addition to the measures mentioned in part 1 of this consultation, please see also the joint letter NGOs

sent to the Commission on algorithmic transparency, available here: <https://europeanjournalists.org/blog/2020/06/17/common-letter-on-algorithmic-transparency-and-data-access-on-content-hosting-platforms/>).

Special regulation on disinformation carries a risk of undermining freedom of expression, as the blurry lines between legal/illegal/legal but harmful speech are difficult to navigate for lawmakers and regulators. A broader transparency regime with clear industry oversight measures would be preferable, as it would address underlying, structural issues with the distribution mechanisms seen on digital platforms and not just content-related issues.

In addition to transparency requirements, the Commission should support the establishment of an ambitious, decentralized, independent framework fund for civil society, journalists and media workers, human rights defenders, and researchers across the EU working to tackle disinformation. This would ensure the healthy participation and empowerment of independent organizations to both counter disinformation and hold platforms accountable for upholding democratic principles. This framework should include smaller and more flexible funding in order to support organizational resilience. In response to recurrent threats and abuse, we would urge that this EU framework additionally provides funding for both the physical and online security of human rights defenders, journalists, researchers and civil society organizations.

A flexible funding scheme like this would strengthen civil society, media and journalism organizations, and academia to serve as an external accountability mechanism to ensure that the community standards are being applied successfully. This accountability link could be reinforced by EU monitoring of how researchers' findings lead to action by the companies in a timely manner.

Funding should be invested in supporting independent quality news media and journalism, empowering fact-checkers, disinformation monitoring, investing in media and digital news literacy for all ages, supporting civil society activities and academic research, but also in encryption tools and censorship-circumventing technologies.

Any financial support mechanism should be set up to prevent both governmental and **industry capture, so as to ensure journalists' and media organizations' independence.** For instance, an independent fund could be set up and financed by a fraction of dominating ad platforms' ad revenues to finance quality journalism and academic as well as civil society research and activities on disinformation, election interference, and democracy support (cf. https://www.cjr.org/tow_center/google-facebook-journalisminfluence.php; p. 23-25 in <https://s3.amazonaws.com/kfai-documents/documents/7f5fdaa8d0/Zuckerman-1.17.19-FINAL-.pdf>). The fund could also channel funding from other donors, so as to more effectively distribute different sizes of grants to the variety of actors involved. Such a clearing-house mechanism of funding was recommended by researchers and the High Level Expert Group on Fake News in their report.

Q3. Have you ever encountered the following measures to reduce the spread of disinformation on social media platforms?

	Yes	No	Don't know
1. Alerts when attempting to share or publish content that has failed a fact-check by journalists or a fact-checking organisation			X
2. Notifications to users who have previously engaged with content or sites			X

that have failed a fact-check by journalists or a fact-checking organisation			
3. Clear labels above content or sites that have failed a fact-check by journalists or a fact-checking organisation	X		
4. Mechanisms allowing you to report disinformation	X		

Q4.1 If yes, on which platforms have you encountered this?

1. Google
2. Facebook
3. Twitter
4. YouTube
5. WhatsApp
6. Other

Please explain your answer.

Most major platforms have instituted some sort of labeling and notification mechanism, especially in the context of the disinformation surrounding the COVID-19 pandemic. Yet, these measures are inconsistent, both among platforms and regarding their enforcement on individual platforms.

The EDAP, along with other Commission proposals such as the Digital Services Act, could help alleviate this by putting in place guidelines to streamline procedures for content moderation transparency reporting, labeling, alert notifications and fact-checking/flagging procedures across platforms.

(ii) Disrupting the economic drivers for disinformation

Q1. What type of measures should online platforms and advertising networks operators take in order to demonetise websites that create, present or disseminate disinformation?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/No reply
1. Establish and regularly update lists of websites identified by fact-checkers as systematic sources of disinformation (black list approach (sic!)) and publish them		X				
2. Establish and regularly update lists of websites identified by fact-checkers as systematic sources of disinformation (black list approach (sic!)) and remove the ad accounts concerned		X				

3. Establish and regularly update lists of websites identified by fact-checkers as systematic sources of disinformation (black list approach (sic!)) and temporarily suspend the ad accounts concerned		X				X
4. Establish and regularly update lists of websites identified by fact-checkers as occasional sources of disinformation (grey list approach) and give the advertisers the possibility to selectively exclude such websites		X				
5. Block ad accounts only for those websites that engage in deceptive behaviour (e.g. spamming, misrepresentation of identity, scraping content from other sources, containing insufficient original content, etc.)		X				
6. Ensure a systematic scrutiny of websites providing advertisement space and limit ad placements only on those websites that are considered trustworthy by reputable indexes (white list approach (sic!))		X				
7. Ensure transparency of platforms vis-à-vis advertisers and provide for third-party verification (e.g. position of the ads, the content the ads are run next to, metrics)	X					
8. Other						

Q2. Paid-for content on issues of public interest is promoted on social media platforms both during and outside electoral periods. Due to the special prominence given to such paid-for content in news-feeds and other systems for displaying content online, users may be misled as to its credibility or trustworthiness, irrespective of the veracity of the content. Do you think that issue-based advertising / sponsored content of political context:

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/No reply
1. Should be systematically labelled	X					
2. Should be systematically labelled and collected in public, searchable repositories	X					
3. Should be subject to the same rules as on political advertising (see above section)			X			
4. Should not be regulated					X	

(iii) Integrity of Platforms' Services

Q1. Do you think there should be targeted regulation at EU or national level to prohibit deceptive techniques such as the use of spam accounts and fake engagement to boost posts or products?

1. Yes

Q1.2. If you replied yes to the previous question, what do you think should be the most appropriate measures to tackle the above-mentioned manipulative techniques and tactics?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/No reply
1. Label the content as artificially promoted	X					
2. Demote the content to decrease its visibility			X			
3. Suspend or remove the content because the use of manipulative techniques is contrary to platforms' terms of service				X		
4. Suspend or remove the accounts engaging in manipulative techniques				X		
5. Invest in internal intelligence systems to detect manipulative techniques			X			
6. Invest in artificial intelligence to detect manipulative techniques			X			
7. Other						

Please explain.

On 2. **Demote the content...**: For freedom of expression reasons, a demotion of content (i.e., decreasing its reach) is preferable to deleting content outright. In any case, there should be redress option for users whose content has been wrongfully demoted/deleted.

On 6. **Invest in artificial intelligence...**: Due to the large scale of some big online platforms, it can become necessary to use automated tools to detect illegal content and/or to detect manipulative techniques. While going after manipulative techniques is preferable to having automated systems detect and/or delete potentially illegal content, it is still questionable whether AI tools can detect manipulative techniques sufficiently well. Generally, automated tools should be used with caution and their use should not be mandated by law. There should be safeguards in place to ensure human review of potentially manipulative techniques. There should be transparency standards in place for those platforms using (automated) tools, which could be stricter for bigger platforms. This should include requirements to report of (automated) detection decisions to users, researchers and regulators.

(iv) Enhancing Users' Awareness

Q1. Do you agree that the following kinds of measures would help enhance user's awareness about how platforms operate and prioritise what users see first?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree
1. Promoting content from trustworthy sources			X		
2. Promoting factual content from public authorities (e.g. on election date)			X		
3. Providing tools to users to flag false or misleading content	X				
4. Demoting content fact-checked as false or misleading		X			
5. Labelling content fact-checked as false or misleading without demoting	X				
6. Platforms should inform users that have been exposed to fact-checked content	X				
7. Removing content which is found false or misleading and contrary to terms of service (e.g. threatening health or public safety)			X		

Which sources do you consider as trustworthy?

Determining what sources are trustworthy is not an easy task and should not be left either to private tech companies or to governments on their own: There should not be a legal obligation for platforms or governments to decide what sources are trustworthy. Generally speaking, trustworthy sources have some procedures in place to ensure the accuracy of information and offer redress mechanisms for corrections. Yet, there are other factors at

play, depending on the general media and news environment, competition and media regulation and voluntary self-regulatory measures by journalists. Instead of crossing criteria off of a list, EU citizens need to be able to determine trustworthiness in these different contexts. That is why supporting and enhancing digital news media literacy for all ages is crucial.

Q2. In your opinion, to what extent, if at all, can the following measures reduce the spread of disinformation?

	No contribution	Minor contribution	Little contribution	Major contribution	Don't know
1. Demotion of posts or messages that have failed a fact-check by journalists or a fact-checking organisation in the newsfeed		X			X
2. Alerts if attempting to share content that has failed a fact-check by journalists or a fact-checking organisation			X		
3. Notifications to users who have previously engaged with content that has failed a fact-check by journalists or a fact-checking organisation			X		
4. Clear labels above content that has failed a fact-check by journalists or a fact-checking organisation			X		
5. Mechanisms enabling readers to flag content that is misleading			X		
6. Mechanisms to block sponsored content from accounts that regularly post disinformation			X		
7. Closing of fake accounts and removal of automated social media accounts like bots		X			
8. Closing of accounts that continuously spread content that has failed a fact-check by journalists or a fact-checking organisation		X			
9. Allowing more diversity in suggestion algorithms designed to find videos, posts or sites that you might be interested in					X
10. Other				X	

1. IF Q1=10, Please specify:

The solutions offered in the table above are preferable to mandates to outright delete content. However, they still focus a lot on individual pieces of content and somehow checking their veracity. This is a necessary approach, but it is far from sufficient. A content-based approach, as laid out in this question, can only be part of the solution to tackling disinformation. Online disinformation spreads too fast and its definition is too vague for content-centered regulation to be effective on its own. In addition, it is necessary to establish a robust transparency and accountability regime for digital platforms, as laid out in part 1 and earlier answers to questions.

The approaches presented in this question often rely on fact-checkers. Serious, reputable factcheckers' work cannot be valued highly enough, but they simply should not be left alone with the task of tackling disinformation. Fact checks often come too late and do not spread as widely as disinformation, so their effectiveness can be questioned (see <https://www.stiftung-nv.de/de/publikation/feuerwehr-ohne-wasser-moeglichkeiten-und-grenzen-des-fact-checkings-als-mittel-gegen>). Relatedly, factcheck labels as well as user flagging can be abused to stop the spread of posts/opinions that certain people or groups disagree with, which is another reason for not relying solely on such measures.

Any measures that might include taking down or demoting content to blocking accounts or content should be accompanied with an obligation to put in place functional appeal mechanisms. Users should have the right to challenge decisions when their content is removed, and have easy-to-access and easy-to-understand methods to do so. This means that content taken down in error or unjustly will have a second chance to be reviewed and potentially be restored. Platforms must also clearly explain how a person can appeal the decision and give a reasonable response timeline with contact details for more information.

Transparency should be a central element of all the proposed policy options, both to the public at large, to regulators and to the individual user. Platforms need to transparently report on the measures, procedures in place, and the results from their implementation. In addition, none of these measures can work without a central role to civil society, journalists and researchers working to tackle disinformation. A flexible decentralized framework for funding and supporting civil society, journalists, and researchers across the EU working to tackle disinformation is a central element to the solution. This would ensure the healthy participation and empowerment of independent organizations to both counter disinformation and hold platforms accountable for upholding democratic principles.

On 9. **Allowing more diversity...: Determining what “diversity” means in algorithmic content moderation and recommender system** is not easy, and this decision should not be left to either private tech companies or governments on their own. Thus, there should not be a legal obligation for platforms to set a range of sources to include in a supposedly diverse recommender system. Furthermore, **requiring “diversity” could, in some instances,** support the spread of disinformation, if a factual, scientific piece of content is sought to be counterbalanced by something else, which could be false or misleading (e.g., regarding climate science or public health). It is important to first establish a transparency regime regarding content moderation practices and algorithmic recommender systems, aimed at regulators and researchers, but also citizens. To that end, a comprehensive data access framework for public interest research is necessary.

Q3. To what extent, if at all, do you support the following measures to reduce the spread of disinformation?

	Do not support at all	Do not support	Neither support nor discourage	Support	Support fully	Don't know
1. Demotion of posts or messages that have failed a fact-check by journalists or a fact-checking organisation in the newsfeed			X			
2. Alerts if attempting to share content that has failed a fact-check by journalists or a fact-checking organisation					X	
3. Notifications to users who have previously engaged with content that has failed a fact-check by journalists or a fact-checking organisation					X	
4. Clear labels above content that has failed a fact-check by journalists or a fact-checking organisation					X	
5. Mechanisms enabling readers to flag content that is misleading					X	
6. Mechanisms to block sponsored content from accounts that regularly post disinformation			X			
7. Closing of fake accounts and removal of automated social media accounts like bots			X			
8. Closing of accounts that continuously spread content that has failed a fact-check by journalists or a fact-checking organisation			X			
9. Allowing more diversity in suggestion algorithms designed to find videos, posts or sites that you might be interested in						X
10. Other						

Q3.1 IF Q1=10, Please specify:

Please see the answer to Q2 in this part for explanations of why the proposed mechanisms can only be part of the solution.

What safeguards and redress mechanisms do you consider appropriate and necessary to avoid errors and protect users' rights?

Users whose content has been demoted or deleted or whose accounts have been blocked should have easily accessible and available mechanisms to notify platforms of potentially erroneous takedowns. Platforms should be required to institute such mechanisms.

Q4. Which information would you like to receive when reading the information on social platforms:

	Yes	No	Don't know
1. Better information about the source of the content	X		
2. Whether the content is sponsored or not	X		
3. Information about the micro-targeting (why the information is addressed to you)	X		
4. Whether there are advertisements linked to the content	X		
5. Liability of the provider for supplying false or misleading information			X

Other: please list

It could be helpful to adapt and expand the engagement metrics displayed for content, e.g., by telling users not only the number of shares/likes, but their relative proportion (e.g., 4,000 people out of 150,000 readers liked this post), cf. <https://www.nature.com/articles/s41562-020-0889-7.pdf>.

In general, the ideas described in this question and its answer relate to corporate design choices. The EDAP and other Commission proposals such as the Digital Services Act should be careful to be neither too vague nor too prescriptive when dealing with such design choices. While there should be minimum, outcome-based standards defined, companies need leeway to adapt these requirements to the different platforms, audiences, and devices used.

Q5. As a user, when you come across information that you perceive as false or misleading, which options should be available to deal with such content (more than one reply is possible)?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/No reply
1. Removing that content from your feed		X				
2. Removing that content from your feed and excluding similar content from being algorithmically promoted in your feed		X				
3. Flagging the content to the platform for fact-checking	X					
4. Receiving feedback about the action taken by the platforms after flagging, including possible demotion	X					
5. Flagging the content to competent authorities			X			

Q6. End-to-end encrypted messaging services (such as WhatsApp, Telegram or Signal) can be used to spread false and harmful content. In your view, should such platforms introduce measures to limit the spread of disinformation, with full respect of encryption and data protection law (more than one reply is possible)?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/No reply
1. Introduce easy-to-find reporting or flagging system for users	X					
2. Limit the possibility to forward the same content to many users	X					
3. Limit the amount of people in a discussion group	X					
4. In exceptional cases, proactively contact users about potential disinformation wave or promote authoritative content (e.g. in cases like Covid-19 pandemic)			X			
5. Other (please elaborate)						X

Please explain.

Even when implementing such measures, there should not be legal obligations for companies to weaken end-to-end encryption in their services and/or to have back doors for their own or for governmental use.

Q7. Do you easily find information about how content is fact-checked on online platforms, and by whom?

3. Don't know

Q8. If your post is being fact-checked or labelled, do you know how to contest this if you do not agree?

3. Don't know

Q9. Which information should online platforms publish about their factchecking/content moderation policy?

	Yes	No	Don't know
1. If they pay directly the factcheckers or if they work with an external factchecking organisation	X		
2. How they decide which posts are factchecked	X		
3. How many posts are factchecked	X		
4. How to flag posts to be factchecked	X		
5. Other (please specify)			

Q10. Do you think it should be mandatory for online platforms to offer oversight bodies that enable users to seek recourse in case their account has been locked or content they have posted has been deleted?

1. Yes

Q11. Do you think it should be mandatory for online platforms to provide points of contact for each Member State in their language?

1. Yes

Q12. What kind of data and/or transparency tools do users/researchers/fact-checkers need to be better able to detect and analyse disinformation campaigns, including by foreign state and non-state actors? Please specify.

Studying disinformation is made exceedingly difficult not only by insufficient opportunities for civil society involvement (see above) but also by a lack of data access from dominant platforms. Data is often much more readily available to advertisers than to academic and civil society researchers. GDPR-compliant data access is therefore a necessity to improve understanding of digital disinformation. Claims by platforms and governments that such GDPR-compliant access is not possible are unfunded (see https://edps.europa.eu/sites/edp/files/publication/20-01-06_opinion_research_en.pdf and <https://algorithmwatch.org/en/governing-platforms-ivir-study-june-2020/>). Therefore, the Commission should actively facilitate enhanced access to platform data for public interest scrutiny and research, taking into consideration existing work and proposals by civil society and academia.

Such access to data needs to go hand in hand with support to civil society to process and analyze such data. The data also needs to be presented in an easy to analyze format, to lower the bar for civil society scrutiny over platforms' disinformation policies and their effectiveness and level of implementation.

Lastly, transparency of all advertising is necessary to meaningfully allow for public scrutiny in the case of disinformation campaigns spread with paid-for content. As many studies on the implementation of the EU Code of Practice against Disinformation have shown, false negatives and false positives were rife in the political ad libraries of the signatories of the code. The lack of a comprehensive repository of all ads made it impossible to verify whether all political ads were included in the libraries, and the political ad libraries and labelling missed a lot of sponsored content. In a situation where it is difficult to police the labeling of political ads, it is ultimately necessary to ensure the transparency of all ads. In this regard, the Commission should develop and issue technical standards for mandatory advertisement libraries for digital platforms, covering both the design and functioning of ad libraries. Such ad libraries should become mandatory for platforms from a set number of users onwards, to be decided by a European-level regulator or coordination platform between national regulators, and reviewed on a yearly basis. Such public advertising libraries, including commercial advertising, should disclose the following information at minimum: exact spend, identity of the advertiser (accounting for third parties who advertise on behalf of political advertisers), targeting mechanism (lookalike audiences, profiling based on imported datasets), targeting criteria (with the same level of granularity as the advertiser can choose from), audience reached and engagement and reach in absolute and relative terms. In addition, platforms need to become more rigorous in terms of verification. The platforms need to be held to account for verifying all advertisers' real identity, who is paying (indirectly) for the ads, contact details and for political advertisers a reference to their declaration to the electoral authorities (when applicable in the country context). Such verification needs to be quick

and mandatory. It also needs to be more closely monitored by national authorities, to ensure platforms perform better than they did as part of their efforts for the Code of Practice.

The reasons for and potential measures of universal online ad transparency by default are at the core of this call by 29 civil society and think tank organizations, which elaborates on the issues further: <https://epd.eu/wp-content/uploads/2020/09/joint-call-for-universal-ads-transparency.pdf>.

Q13. How should the EU respond to foreign state and non-state actors who interfere in our democratic systems by means of disinformation (multiple answers possible)?

	Yes	No	Don't know
1. Analyse and expose state-backed disinformation campaigns	X		
2. Conduct public awareness-raising campaigns	X		
3. Support independent media and civil society in third countries	X		
4. Impose costs on state (sic!) who conduct organised disinformation campaigns			X
5. Develop more effective public outreach and digital communication strategies	X		
6. Other, (please specify)			

Please explain.

Raising public awareness about the risks for foreign interference is crucial, as is, more generally, enhanced support for digital news and information literacy.

However, the Commission and the EU member states should not fall for the trap of engaging in an information “war” and responding to foreign disinformation campaigns only via national security-focused measures. Increasing societal resilience towards disinformation starts at home by creating robust industry oversight with a meaningful transparency and accountability regime, improving digital news literacy for all ages, and supporting independent journalism.

Q14: In your opinion, should content by state-controlled media outlets be labelled on social media?

3. **Don't know**

4. Questions on supporting civil society and active citizenship

Q1. Do you think civil society is sufficiently involved in shaping EU policies, notably through consultation?

2. No

If Q1=2 What more could be done?

While there is a high level of interest from civil society to be involved in shaping EU policies, the EU consultation process does not always allow for this to happen. The European Commission's online public consultations are highly technical and mainly used by organized interests. They are not user-friendly and accessible to the public and there is a general lack of awareness among citizens that this tool exists as a form of e-participation. Moreover, minimum standards of consultations are binding only for the Commission in the policy-making process. This points to the need for democratizing online consultations, and for adopting a more structured process for civil dialogue.

Although Art. 11 (1) TEU provides a legislative framework for citizens' involvement in decision-making processes, existing forms for citizen participation in the EU have proven ineffective in bridging the democratic deficit. The Commission should therefore develop guidelines on structured dialogue with civil society and initiate and promote the Inter Institutional Agreement on civil dialogue based on article 11 TEU. In this regard, all EU institutions must review their terms of engagement with civil society organizations in line with Article 11 to ensure an open, transparent and regular dialogue can take place. Such an agreement should include guidelines on the organization of both transversal and sectoral dialogue with civil society organizations within all EU institutions as well as review of current practices.

Q2. Do you think civil society should be more involved in concrete EU-level actions to promote democratic debate?

1. Yes

Q3. Do you think actions should be taken at EU level to strengthen cooperation among civil society actors across borders?

1. Yes

Q4. Do you think the EU should provide more financial support for civil society (for example under the 'Rights, equalities and citizenship' programme)?

1. Yes

Q5. Are you aware of measures to increase media and information literacy/develop media literacy skills? What type of action do you deem to be most efficient/most appropriate in this area:

1. Formal education in school/university
2. Education online via social media platforms
3. Life-long learning
- 4. Exchange of best practices in expert fora....**

Q6. Do you think that more participatory or deliberative democracy at the European level, with more possibilities for public deliberation and citizen engagement, beyond public consultations, would be:

1. A good thing

Q6.1 If given the opportunity, would you take part in a European participatory or deliberative democracy event?

2. Yes, probably

Q7. Are you familiar with the European Citizens' Initiative?

2. Yes, but I have not taken part in one before