

Brussels, 1<sup>st</sup> July 2019

ATTN:

Commissioner Mariya Gabriel

Commissioner Věra Jourová

Commissioner Julian King

Dear Commissioners Gabriel, Jourová and King,

As the European Parliament elections are now behind us, we would like to take this opportunity to stock-take on progress regarding the Code of Practice (CoP) on Disinformation and how it has been rolled out to-date.

As you know the initiatives taken in the lead-up to the elections by the signatory Platforms, namely: Facebook, Google and Twitter were only one part of the overall commitments made by the signatories at large. The continued efforts towards meeting the overall commitments made by the signatories according to the individual blueprints for action are ongoing and we reconfirm our commitment to ensure that an evaluation of the efforts will be done at the end of the 12-month period, as foreseen by the CoP.

Reflecting on the efforts regarding the European Parliament elections it is worth pointing out that we have not observed any major incidents on any of the signatory online platforms. Furthermore, voter turnout for the elections was the highest it has been in 25 years with all the signatories trying to play their part by supporting the election and promoting authoritative information online. Last but not least, the companies have shown their commitment to the process by carrying out the additional reporting requirement added to the process as a part of the Commission's Action Plan on Disinformation of December 2018.

One thing that has become apparent is that, despite the best efforts of the companies to tackle the issue of disinformation, hurdles were observed by the online platforms while they were following on their commitments. Particularly, lack of clarity on how to apply national rules, for example regarding online political campaign advertising, to an EU-wide election.

While all companies acknowledge that more needs to be done, they are working closely with researchers, fact checkers, and NGOs, to further enable access to data and information available online. There are a number of challenges that still exist in ensuring that the principles upheld in GDPR are maintained when researchers and political institutions access online data, for example in terms of ensuring the user consent and the right to be forgotten. Moreover, different national interpretations still exist when it comes to defining the practical conditions applicable to the legal data processing for research purposes.

Another observation was that it is essential that ALL stakeholders are involved in the approach to tackling disinformation. Should the initiative continue to be a success, other stakeholders, including electoral authorities, publishers, and other online platforms also need to take an active role in the fight against the spread of disinformation online.

Finally, as highlighted by the EU report on the action plan against disinformation, potential sources of disinformation actually come from within the EU - which was not specifically a key area of concern when we worked on the CoP last year.

In short, the experience from the efforts taken in the run-up to the European Parliament elections are:

- The CoP can only continue to successfully develop if other relevant stakeholders step up in their efforts to tackle disinformation online.
- The actions that companies can take to bring their commitments to fruition could have unintended consequences in the short-term.
- We are dealing with a moving goalpost and varying objectives and need to be able to remain agile enough to be able to make a difference.

We would therefore like to take this opportunity to request your support in:

- Encouraging the media sector to take a formal role in the advancement of the CoP and commit to collaborating with us.
- Trying to safeguard against having further fragmentation of obligations and requirements across the EU.
- Calling for more clarity and potentially a single set of standards to provide guidance to Member States and Companies in the area of the elections and political advertising.
- Mediating the cooperation between companies and researchers and providing clarity regarding different interpretations on the boundaries to data processing for research purposes in order to facilitate a structured, privacy-compliant access to data on political advertising.

We remain at your disposal should you wish to discuss any of these elements at greater length.

Yours sincerely,



Siada El Ramly  
Director General  
EDiMA\*