



Council of the
European Union

023574/EU XXVII.GP
Eingelangt am 12/06/20

Brussels, 12 June 2020
(OR. en)

8514/20

DISINFO 8
HYBRID 10

COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 11 June 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: JOIN(2020) 8 final

Subject: JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE
EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC
AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS
Tackling COVID-19 disinformation - Getting the facts right

Delegations will find attached document JOIN(2020) 8 final.

Encl.: JOIN(2020) 8 final



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 10.6.2020
JOIN(2020) 8 final

**JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE
EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS**

Tackling COVID-19 disinformation - Getting the facts right

INTRODUCTION

The COVID-19 (‘Coronavirus’) pandemic has been accompanied by an unprecedented ‘infodemic’.¹ A flood of information about the virus,² often false or inaccurate and spread quickly over social media, can – according to the World Health Organisation (WHO) – create confusion and distrust and undermine an effective public health response.

This ‘infodemic’ feeds on people’s most basic anxieties. Social confinement has obliged millions of people to stay in their homes, increasing the use of social media including as means of access to information, while online platforms, fact-checkers and social media users are reporting millions of false or misleading posts.³ Given the novelty of the virus, gaps in knowledge have proven to be an ideal breeding ground for false or misleading narratives to spread.

Building on the Action Plan against Disinformation,⁴ this calls for more coordinated action, in line with our democratic values, to address the risks for open societies. Our common values and democratic institutions, including free expression and free and plural media, are keystones to the resilience of our societies to the challenges of the COVID-19 pandemic.

Responding to the call of the members of the European Council⁵ and EU Foreign Affairs Ministers,⁶ as well as to the concerns of the European Parliament, this Joint Communication focuses on the immediate response to disinformation around the coronavirus pandemic, looking at the steps already taken and concrete actions to follow, which can be quickly set in motion based on existing resources.

It also highlights areas where the crisis has pointed to more fundamental challenges, to be further assessed as the crisis evolves and to form part of the wider approach to strengthen democracy, which will be set out in the European Democracy Action Plan, as announced in President von der Leyen’s Political Guidelines.⁷ Its aim will be to further strengthen the EU’s work to counter disinformation and to adapt to evolving threats and manipulations, as well as to support free and independent media. The upcoming Digital Services Act,⁸ regulating digital services, is part of this comprehensive approach.

¹ The term has been used and described by WHO: ‘infodemics are an excessive amount of information about a problem, which makes it difficult to identify a solution. They can spread misinformation, disinformation and rumours during a health emergency. Infodemics can hamper an effective public health response and create confusion and distrust among people’: https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200305-sitrep-45-covid-19.pdf?sfvrsn=ed2ba78b_4

² Daily media monitoring by the European Commission points to hundreds of thousands of COVID-19 related article (https://ec.europa.eu/jrc/en/covid-19-media-surveillance?solsort=ds_created%20desc) and millions of mentions on social media worldwide.

³ https://ec.europa.eu/info/sites/info/files/corona_fighting_disinformation.pdf

⁴ JOIN(2018) 36 final of 5 December 2018.

⁵ On 26 March 2020, the Members of the European Council agreed a joint statement committing to resolutely counter disinformation with transparent, timely and fact-based communication on their actions and reinforce the resilience of their societies. The Commission and the High Representative were asked to be fully involved and report on our joint efforts to the Council. <https://www.consilium.europa.eu/media/43076/26-vc-euco-statement-en.pdf>

⁶ On 3 April 2020, EU Foreign Affairs Ministers shared concerns about disinformation and misinformation and the need to continue fighting the negative impact on societies and people's lives and public health. They emphasised the need to intensify joint efforts in the fight against disinformation through close cooperation between EU institutions, Member States and social media. <https://www.consilium.europa.eu/en/meetings/fac/2020/04/03/>

⁷ https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf

⁸ The public consultation is ongoing: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_962

EU actions against disinformation to date

The European Commission and the High Representative set out their approach to counter disinformation in 2018.⁹ The Action Plan against Disinformation was anchored in European values and fundamental rights, in particular the freedom of expression. It set out a ‘whole-of-society’ approach, strengthening cooperation between key actors such as public authorities, journalists, researchers, fact-checkers, online platforms, and civil society. It built on the experience since 2015 of the East StratCom Task Force, set up in the European External Action Service (EEAS) to address disinformation campaigns originating in Russia.¹⁰ An important part of the 2018 Action Plan was to urge platforms to implement the self-regulatory Code of Practice on Disinformation they had agreed upon following the Commission Communication of April 2018.¹¹ In March 2019, a Rapid Alert System was established to connect disinformation experts from EU Institutions and Member States and to facilitate the sharing of analysis and best practice, such as on proactive communication and effective response, between governments. Another key element of the Action Plan was increased international cooperation, such as in the framework of the G7 and the North Atlantic Treaty Organisation (NATO). In addition, the European Commission and the European Parliament have developed an active communication policy and ‘myth-busting’, including activities at regional and local levels.

1. THE KEY CHALLENGES OF THE COVID-19 INFODEMIC AND NEXT STEPS TO ADDRESS THEM

The COVID-19 ‘infodemic’ has demanded a rapid response from the EU and its Member States. Disinformation can have severe consequences: it can lead people to ignore official health advice and engage in risky behaviour, or have a negative impact on our democratic institutions, societies, as well as on our economic and financial situation. The crisis has opened the door to new risks, for citizens to be exploited or be victims of criminal practices in addition to targeted disinformation campaigns by foreign and domestic actors seeking to undermine our democracies and the credibility of the EU and of national or regional authorities. Combatting the flow of disinformation, misinformation and foreign influence operations, including through proactive and positive communication, calls for action through the EU’s existing tools, as well as with Member States’ competent authorities, civil society, social media platforms and international cooperation, enhancing citizens’ resilience.¹² This work must be done in full respect of freedom of expression and other fundamental rights and democratic values.

The following non-exhaustive list of examples illustrates the complexity of the situation experienced during the COVID-19 crisis:

⁹ The 2018 ‘Action Plan Against Disinformation’ (JOIN(2018) 36 final of 5 December 2018) builds on the policy approach defined in the Commission Communication ‘Tackling online disinformation: a European approach’ COM(2018) 236 final of 26 April 2018.

¹⁰ The Task Force develops communication products and campaigns focused on better explaining EU policies in the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). It also supports wider EU efforts aimed at strengthening the media environment in the region. It reports on and analyses disinformation trends, explains and exposes disinformation narratives, and raises awareness of disinformation coming from the Russian State and Russian sources.

¹¹ <https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>

¹² For more factual details on EU response to disinformation please see: https://ec.europa.eu/info/sites/info/files/corona_fighting_disinformation.pdf
https://eeas.europa.eu/topics/countering-disinformation_en

- Information circulating includes dangerous hoaxes and misleading healthcare information, with false claims (such as ‘it does not help to wash your hands’ or ‘the Coronavirus is only a danger to the elderly’). Such content is not necessarily illegal but can directly endanger lives and severely undermine efforts to contain the pandemic. One response is for key actors such as public authorities, media, journalists, online platforms, fact-checkers and civil society to make available and easily visible authoritative health-related content. Another one is to increase citizens’ ability to recognise and react to such disinformation. When such behaviours are illegal, they should be addressed by the competent authorities in line with applicable legal norms.
- Conspiracy theories that may endanger human health, harm the cohesion of our societies and may lead to public violence and create social unrest (for example conspiracies and myths about 5G installations spreading COVID-19 and leading to attacks on masts, or about a particular ethnic or religious group being at the origin of the spread of COVID-19, such as the worrying rise in COVID-19 related anti-Semitic content) require to strengthen the commitment of the whole society, including competent authorities, media, journalists, fact-checkers, civil society and online platforms, and include for example prompt debunking, demotion, possible removal or action against accounts.
- Illegal hate speech (for example as a result of disinformation about a particular ethnic or religious group being blamed for the spread of COVID-19, such as the worrying rise in COVID-19 related racist and xenophobic content) is subject to the rules on taking down illegal content by platforms and authorities and to action by competent authorities under the criminal laws of the Member States, in line with the Recommendation on measures to effectively tackle illegal content online.¹³
- Consumer fraud (for example selling of ‘miracle products’ with unsupported health claims) is illegal and needs to be acted against by consumer protection authorities and online platforms.
- Cybercrime (such as hacking/phishing using COVID-19 related links to spread malware) requires direct action by law enforcement authorities as well as citizen awareness-raising campaigns.¹⁴
- Foreign actors and certain third countries, in particular Russia¹⁵ and China,¹⁶ have engaged in targeted influence operations and disinformation campaigns around COVID-19 in the EU, its neighbourhood and globally, seeking to undermine democratic debate and exacerbate social polarisation, and improve their own image in the COVID-19 context.

Against this background, one of the lessons learned from this crisis is the need to clearly differentiate between the various forms of false or misleading content revealed by the ‘infodemic’ and to calibrate appropriate responses. To this end, it is important first to distinguish between illegal content, as defined by law, and content that is harmful but not illegal. Second, it is important to determine whether there is an intention to deceive or cause public harm, or to make economic gain. Where there is no such intention, for

¹³ Commission Recommendation of 1 March 2018 on measures to effectively tackle illegal content online (C(2018) 1177 final).

¹⁴ Although disinformation *per se* is not criminal in nature, some of its aspects could be related to crime. Europol has established a COVID-19 page to help citizens and businesses protect themselves <https://www.europol.europa.eu/staying-safe-during-covid-19-what-you-need-to-know>

¹⁵ www.EUvsDisinfo.eu has identified over 500 examples of pro-Kremlin disinformation in its publicly available database, and the EEAS has described foreign states’ activities in its public analytical reports.

¹⁶ See for example: <https://euvsdisinfo.eu/eeas-special-report-update-short-assessment-of-narratives-and-disinformation-around-the-covid19-pandemic-updated-23-april-18-may/>

example, when citizens share false information unknowingly with friends and family in good faith, the content concerned can be viewed as misinformation; by contrast, and as defined in the Commission Communication of April 2018,¹⁷ the presence of such intention would qualify the content as disinformation.

Influence operations by third country actors can use a range of actions, including the techniques mentioned above, in different combinations. In that sense, disinformation may be part of an influence operation; often other actions and tactics of manipulative interference¹⁸ are used, such as the amplification through manipulative behaviour, the coordinated use of fake or inauthentic accounts, automated bots and other ways to artificially boost the popularity of content. Such coordination reveals an intention to use false or misleading information to cause harm.

A calibrated response is needed from all parts of society, depending on the degree of harm, the intent, the form of dissemination, the actors involved and their origin. Thus, misinformation can be addressed through well-targeted rebuttals and myth busting and media literacy initiatives; disinformation, on the other hand, needs to be addressed through other means, including actions taken by governments, as spelled out amongst others in the Action Plan against Disinformation. Platforms need to curb coordinated manipulative behaviour and increase transparency around malign influence operations.

All of the above remedies should be implemented in full respect of fundamental rights, in particular freedom of expression.

The experience with the COVID-19 crisis has shown that EU public policy could benefit from a more coordinated and faster response. A sound and effective approach to tackling these challenges requires a thorough understanding of the problem and evidence of its impact. As the COVID-19 crisis evolves, the EU needs to further develop its actions to address the shortcomings revealed and better understand and anticipate upcoming challenges. For example, disinformation and misinformation around a possible COVID-19 vaccine continue to flourish and are likely to make the deployment of vaccines once available more difficult. Coordination and collaboration with actors at both EU and global levels, together with the WHO and online platforms, will be essential to monitor and effectively respond to these challenges.

Building on experience in fighting COVID-19-related disinformation so far, the EU can take further concrete and short-term actions to help empower citizens, building better cooperation within the EU and with partners around the world. All EU institutions need to be engaged in a common effort and be complementary to Member States, bringing added value, such as their analytical capacity and access to platforms.

These actions should also feed into future EU work on disinformation, notably the upcoming evaluation of the Code of Practice and the European Democracy Action Plan. The security dimension of the problem should also be reflected in the new Security Union Strategy.

¹⁷ See footnote 9.

¹⁸ Council conclusions on complementary efforts to enhance resilience and counter hybrid threats (Document 14972/19 of 10 December 2019).

2. STRENGTHENING STRATEGIC COMMUNICATION WITHIN AND OUTSIDE THE EU

Since the beginning of the COVID-19 crisis, clear and accessible communication and accurate information have been central to protecting citizens' health. Aside national information channels, the EU has played a role in this through its institutions, multipliers and networks in the Member States, in its neighbourhood and beyond. The work has included effective pro-active communication efforts to promote verifiably reliable health information,¹⁹ inform citizens and third-country partners about the EU's activities to tackle the crisis,²⁰ as well as to raise awareness of the risks of disinformation. In March 2020, the Commission launched a specific webpage addressing false claims related to COVID-19, promoting content that is authoritative and helping separating facts from fiction, for example to counter narratives about the lack of solidarity in the EU.²¹

Much like the pandemic itself, the 'infodemic' surrounding COVID-19 is a global challenge. Since the beginning of the crisis, the Commission and the High Representative as well as Member States, have been working closely in international fora, such as the G7 (and in particular its Rapid Response Mechanism) and NATO. The EEAS has also stepped up its efforts to address foreign influence operations, publishing regular reports analysing the information environment in this respect and sharing its findings with civil society, media and expert communities.²² The EU Rapid Alert System has been used to share information and analysis to generate a comprehensive picture of the information environment around COVID-19. Europol has issued a dedicated report²³ and is systematically monitoring the impact of the COVID-19 pandemic on the cybercrime landscape, providing updated threat pictures and assessments of potential further developments in this crime area. More broadly, the EU has worked to counter misleading narratives such as the EU's alleged lack of assistance to partners, with targeted communication campaigns around the world. These also involved close coordination with the WHO. Given the risks and threats from foreign influence operations, and even if action has been taken since the start of the crisis, there remains a need to further improve the EU's capacity to deliver timely, consistent, coherent and visible messages to external audiences globally, with a particular emphasis on the EU's immediate neighbourhood, Africa, Asia and Latin America.

Actions

- The Commission and the High Representative will:
 - further invest in their strategic communication capabilities, in line with the Action Plan against Disinformation, stepping up cooperation and coordination with Member States.
 - step up the use of existing mechanisms, to facilitate concrete cooperation with Member States and international partners on strategic communication, including through the Commission's cooperation channels with the Member States and the EEAS Strategic Communications Task Forces.
 - a special section in the Rapid Alert System will be created to facilitate the exchange of COVID-19 relevant communication material between the EU

¹⁹ For example from the European Centre for Disease Prevention and Control: <https://www.ecdc.europa.eu/en>

²⁰ https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response_en

²¹ https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/fighting-disinformation_en

²² <https://euvsdisinfo.eu/eeas-special-report-update-short-assessment-of-narratives-and-disinformation-around-the-covid19-pandemic-updated-23-april-18-may/>

²³ <https://www.europol.europa.eu/publications-documents/catching-virus-cybercrime-disinformation-and-covid-19-pandemic>

Member States and relevant EU institutions.

- further strengthen strategic communications and public diplomacy capabilities of EU Delegations, working closely with the EU Member States' diplomatic network and with third-country governments and civil society.
- The Commission Representations in Member States will play a more active role in national debates with fact-based information, tailored to the local situation, in particular by using social media.

3. COOPERATING BETTER WITHIN THE EU

Fighting disinformation, misinformation and foreign influence operations in the COVID-19 crisis has proved that cooperation between the EU institutions and Member States is essential to ensure consistency of message and coherence of effort. Further actions should be taken to streamline and strengthen capacities,^{24 25} improve risk analysis and further develop regular reporting. Cooperation inside the EU also needs to integrate the platforms and other key stakeholders such as for example national competent authorities, researchers and fact-checkers.

An important step in ensuring that all initiatives are complementary is to raise awareness among Member States of the instruments available; the crisis has demonstrated that this is not always the case. There have been attempts to better coordinate amongst different actors, for example by cross-referencing the different web-pages dedicated to COVID-19 disinformation, but they remain modest in comparison with the needs.

Actions

- The Commission will propose to the other institutions to set up and test mechanisms²⁶ to improve coordination on COVID-19-related disinformation within existing structures and to share assessments and analyses.
- Member States should more extensively use the Rapid Alert System and other appropriate means to strengthen cooperation with EU institutions and amongst themselves, in particular on information environment assessment and situational awareness.
- Building on the experience gained by the European Cooperation Network on Elections, the Commission will facilitate the exchange of best practices on specific issues relating to disinformation, such as micro-targeting.

4. COOPERATION WITH THIRD COUNTRIES AND INTERNATIONAL PARTNERS

Disinformation and foreign influence operations around COVID-19 do not focus on the EU or individual Member States alone. Third countries, international cooperation frameworks and multilateralism more broadly have also been targeted.²⁷

Given the risks and threats that disinformation campaigns pose, the EU has started to deliver timely, consistent, coherent and visible messages to audiences globally, and

²⁴ Such as the Council Working Party on Information, the Rapid Alert System, the integrated political crisis response (IPCR), the Health Security Committee and the Crisis Communicator's Network.

²⁵ See also the European Parliament resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences, also calling for EU action against disinformation about COVID-19 (P9_TA-PROV(2020)0054).

²⁶ Such as regular contact group/weekly videoconferences.

²⁷ See for example EEAS Special Reports on EUvsDisinfo (<https://euvsdisinfo.eu/>)

notably in the EU's immediate neighbourhood, the Western Balkans and in Africa. For example, to counter narratives about the EU's lack of assistance to third countries, communication campaigns were deployed in several countries, including in the European neighbourhood. The Commission and the EEAS are also coordinating closely with the WHO and other international partners to ensure maximum visibility of the delivery of EU's COVID-19 assistance and its positive impact on the ground, including through Team Europe.

Furthermore, existing foreign policy instruments have already shifted funds to support to regional governments in tackling the crisis and took actions to debunk disinformation that can further fuel tensions and conflict, in conflict- and crisis-affected contexts including the Sahel, the Great Lakes region, the Horn of Africa, the Middle East, and Latin America. In addition, the European Instrument for Democracy and Human Rights finances projects to support journalists, promotes fact-checking and the fight against disinformation related to COVID-19.

Cooperation with the G7 Rapid Response Mechanism, NATO and others has led to an increased sharing of information and activities and best practice. It has allowed for a quicker exchange of information and opened the door for further joint activities in the future.

Actions

- The Commission and the High Representative, will, within their respective responsibilities:
 - work in partnership with the WHO to enhance its epidemiological surveillance through effective media monitoring and to promote detection and response to misleading and harmful narratives;
 - support cooperation and sharing of best practice in fighting disinformation and foreign influence operations globally, with concrete cooperation activities and support programmes,²⁸ building on existing public diplomacy programmes²⁹ and awareness-raising activities;
 - intensify the exchange of information with relevant partners from civil society and the private sector in third countries on situational awareness and threat development, *inter alia*, by organising consultations, conferences and public events;³⁰
 - intensify existing partnerships including with the G7 and NATO and extend cooperation to the UN and regional organisations, including the OSCE, the Council of Europe and the African Union.
- As part of the 'Team Europe' package of efforts to support partners in tackling the impact of the pandemic, promote the access to reliable information, fight disinformation, work with journalists and media and support initiatives to address disinformation and misinformation in third countries through EU Delegations and Member States diplomatic missions on the ground.^{31 32}

²⁸ See for example the event "Disinfo Alert" organised in Tbilisi in 2019: <https://euvsdisinfo.eu/georgia/>

²⁹ Which already support the civil society with targeted actions to fight disinformation in third countries, such as Russia, Brazil or Indonesia.

³⁰ More information on the event "Disinfo Horizon" can be found here: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_160
<https://euvsdisinfo.eu/disinformation-aims-at-undermining-democracy/>

³¹ See also the Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Communication on the Global EU response to COVID-19' (JOIN/2020/11 final).

5. GREATER TRANSPARENCY OF ONLINE PLATFORMS ABOUT DISINFORMATION AND INFLUENCE OPERATIONS

Cooperation with social media platforms is a key element in developing both a comprehensive assessment of the challenge and an effective response to the ‘infodemic’. Since the beginning of the crisis, the Commission has underlined the need for online platforms to ensure full implementation of their commitments under the Code of Practice. Platforms’ responses to this challenge have been closely monitored, even though it is difficult to reliably assess the timeliness, completeness and impact of their actions.³³

Online platforms³⁴ have reported that they made adjustments to their policies to address the COVID-19 disinformation threat. They have promoted accurate and authoritative information about COVID-19 from the WHO, national health authorities and professional media outlets.³⁵ They have demoted content that is fact-checked as false or misleading, and limited ads that promote false products and services. In accordance with their community standards, they have removed content that could harm citizens’ health or affect public safety.³⁶

Fact-checkers, researchers and civil society organisations have a crucial role to play, but platforms have not sufficiently empowered them during the current public health crisis, for example by making more data available or giving due prominence to fact-checks on their services in all Member States. There is therefore a need for additional efforts and information-sharing by social media platforms, as well as increased transparency and greater accountability.³⁷ This highlights the need to enforce and strengthen the policies that the platforms have committed to implement under the Code of Practice.

5.1. AN INTENSIFIED ROLE FOR ONLINE PLATFORMS IN THE CRISIS

Platforms should deepen their work to combat the risks sparked by the crisis. Drawing inspiration from the experience gained with the monitoring of the Code of Practice ahead of the 2019 European elections, the Commission intends to establish an agile monitoring and reporting programme under the Code, focused on COVID-19 related disinformation and misinformation. This should be broadened to platforms that are not presently signatories to the Code of Practice.³⁸ The Commission, with the help of the European Regulators Group for Audiovisual Media Services (ERGA),³⁹ could then assess the impact of platforms’ policies on the spreading of COVID-19 disinformation and misinformation. This would also provide relevant information to support mitigation efforts to limit the

³² Such as in African countries affected by conflict situations, such Central African Republic or the Congo.

³³ It is also the case that some platforms used to distribute misleading information are not those within the Code of Practice (for example WhatsApp or TikTok).

³⁴ Notably Google, Facebook, Twitter and Microsoft.

³⁵ In this regard new tools such as information panels, cards, pop-ups, maps and prompts that lead users directly to authoritative information sources in multiple languages have been launched by the platforms.

³⁶ E.g. false claims that drinking bleach cures the virus.

³⁷ As illustrated for example by Brookings: <https://www.brookings.edu/techstream/encrypted-messaging-apps-are-the-future-of-propaganda/>

³⁸ In particular those prominently visible during the COVID-19 crisis, such as WhatsApp or TikTok.

³⁹ In response to the crisis, ERGA has recently extended the remit of its subgroup on disinformation to include an assessment on how platforms react to the challenges posed by this extraordinary situation. The assessment will put a particular focus on the platforms’ measures to identify, control and prevent the dissemination of fake, misleading or incorrect information on medical treatments and the disease as such, the way it is spreading as well as measures taken by governments and national regulatory authorities, see: <https://erga-online.eu>

damage. This will also feed into future EU work, in particular the European Democracy Action Plan and the Digital Services Act.

Actions

The platforms will be asked to make available monthly reports on their policies and actions to address COVID-19 related disinformation, with the following features:

- *Initiatives to promote authoritative content at EU and at Member State level.*⁴⁰ Platforms should provide data on the actions taken to promote information from national and international health agencies, national and EU authorities, as well as professional media.
- *Initiatives and tools to improve users' awareness.* Platforms should provide data about implementation of their policies to inform users when they interact with disinformation.
- *Manipulative behaviour.* Platforms should report all instances of social media manipulation and malign influence operations or coordinated inauthentic behaviour detected on their services. Platforms should also cooperate with EU Member States and institutions in order to facilitate the assessment and attribution of disinformation campaigns and influence operations.
- *Data on flows of advertising linked to COVID-19 disinformation.*⁴¹ The signatories of the Code should provide data, broken down by Member State where possible, on policies undertaken to limit advertising placements related to disinformation on COVID-19 on their own services. Platforms and advertising network operators, should also provide such data on policies to limit advertising placements on third-party websites using disinformation around COVID-19 to attract advertising revenues.⁴²

The Commission will strongly encourage other relevant stakeholders that are not currently signatories to the Code to participate to the above monitoring programme on a voluntary basis.

5.2. SUPPORT FOR FACT-CHECKERS AND RESEARCHERS

Fact checking is fundamental for all of us to have access to reliable information as well as to a plurality of views. The COVID-19 crisis has underlined the need for online platforms to provide more data on the nature, scope and impact of disinformation and to compare and assess effectiveness of the actions taken. The European Digital Media Observatory (EDMO) has just been launched to support the creation of a cross-border and multidisciplinary community of independent fact-checkers and academic researchers, which will collaborate with relevant stakeholders to detect, analyse and expose potential disinformation threats, including in the area of COVID. In this regard, a greater access to aggregated data sets of platforms stemming from COVID is essential for research purposes and a better understanding of disinformation threats and trends. In addition, there is a need for dedicated research infrastructure to detect, analyse and expose disinformation

⁴⁰ Certain stakeholders have developed trustworthiness indicators for news sources, such as the Journalism Trust Initiative.

⁴¹ See, e.g. reports by GDI <https://disinformationindex.org/2020/05/why-is-tech-not-defunding-covid-19-disinfo-sites/>

⁴² To this end platforms should consider use of indicators of trustworthiness developed by independent fact-checkers/researchers or other stakeholders (e.g. GDI, Newsguard).

and foreign influence operations across the whole EU territory. All of this should be done in line with the applicable regulatory framework, including on data protection.

Actions

- The Commission calls on the platforms to broaden and intensify their cooperation with fact-checkers and actively offer access to their fact-checking programmes to organisations in all EU Member States – as well as in its neighbourhood – for all languages.
- The Commission will support fact-checking and research activities⁴³ including through the newly established European Digital Media Observatory (EDMO).^{44 45} This will support an independent multidisciplinary community on COVID-19 disinformation with a technological infrastructure with tools and services.⁴⁶ EDMO could also help public authorities with research and establish appropriate links to the Rapid Alert System.
- The Commission invites platforms to agree with EDMO upon a framework providing academic researchers privacy-protected access to relevant platforms' data to enhance the detection and analysis of disinformation.
- The Commission will consider open-sourcing some of the tools it has developed to detect misleading narratives and unreliable online sources to make them available to the fact-checking community.

6. ENSURING FREEDOM OF EXPRESSION AND PLURALISTIC DEMOCRATIC DEBATE

The current COVID-19 crisis has shown the risk that some measures designed to tackle the 'infodemic' can be used as a pretext to undermine fundamental rights and freedoms or abused for political purpose in and outside the European Union. Hence, the need to be vigilant and uphold our fundamental rights and common values, which should be central to our response to COVID-19. In this context, free and plural media is key to address disinformation and inform citizens.

Freedom of expression and the right of the media and civil society to scrutinise the actions of the state are as important as ever during this crisis: the accountability of public authorities should not be reduced because they are operating through emergency powers. Public authorities must ensure transparency of their work, which contributes to building trust towards citizens and allows for scrutiny of decision-making. The free flow of information contributes to the protection of life and health and enables and promotes

⁴³ Like the 'Health Emergency Response in Interconnected Systems' ('HERoS') project developing a new method for information retrieval from social media regarding Covid-19 rumours and misinformation (For further details: <https://cordis.europa.eu/project/id/101003606>). Moreover, Horizon 2020 mobilises academia, research organisations, practitioners and private companies to counter misinformation, develop fact-checking capacity and online accountability, and research on the importance of a strong and independent media landscape.

⁴⁴ <https://edmo.eu/>

⁴⁵ In June 2020 the second phase of EDMO will be launched, to establish national/regional hubs for research on disinformation. Further funding will be provided in 2021 under Digital Europe to ensure the presence of national/regional hubs in the whole EU. Full geographical coverage for EDMO will be pursued through the upcoming Digital Europe programme. In the meantime, the Commission will seek synergies with funding provided by the European Parliament by launching calls for proposals in summer 2020 with a view to supporting research on COVID-19 disinformation.

⁴⁶ Including access to public databases, repositories of fact-checks and mechanisms for privacy-compliant access to platforms' data to facilitate the detection, the analysis and the exposure of disinformation.

social, economic, political and other policy discussions and decision-making.⁴⁷ Ultimately, democracy shows its true strength and value in times of crises.

Problems related to freedom of expression have been signalled during the crisis,⁴⁸ including reports that journalists, civil society organisations and academics have been restricted in their access to information, that such access has been unnecessarily delayed, that journalists faced increased risks to their safety, including threats and intimidation, or that they were wrongly accused of spreading disinformation.

Since the beginning of the crisis, the Commission has been closely monitoring the emergency measures taken by Member States and their consistency with the Treaty, as well as EU law in general and the Charter of Fundamental Rights in particular. Several Member States already had provisions, including of criminal nature, related to disinformation and one Member State introduced a specific new criminal offence for spreading of disinformation during the state of emergency.⁴⁹ Laws which define these crimes in too broad terms and with disproportionate penalties attached can constrain sources' willingness to speak to journalists, as well as lead to self-censorship,⁵⁰ raising particular concerns as regards freedom of expression.

The Commission has been co-funding, with the support of the European Parliament, a series of projects to map threats and risks to media freedom and pluralism, support investigative journalism, and provide assistance to journalists in need.⁵¹

The COVID-19 crisis has demonstrated the crucial role of free and independent media as an essential service, providing citizens with reliable, fact-checked information, contributing to saving lives. However, the crisis has also amplified the already difficult economic situation of the sector due to a dramatic fall in advertising income, despite increased audiences.⁵² The situation is particularly difficult for vulnerable smaller players and local and regional media outlets. The whole EU media ecosystems and its diversity is weakened by result. The Commission's recovery and repair package would help address immediate liquidity needs through the solvency support and cohesion funding, while strengthening the digital investment and resilience of the sector through InvestEU, Creative Europe, and Horizon Europe Programme.

The COVID-19 crisis has also greatly exacerbated similar challenges around the world, including faced by independent media outlets as bulwarks for democracy and human rights. The EU will monitor developments in line with the Action Plan on Human Rights

⁴⁷ 'Disease pandemics and the freedom of opinion and expression', Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, April 2020.

⁴⁸ Cases have been documented on the Council of Europe's Platform for the Protection of Journalism and Safety of Journalists and via the EU co-funded platform on mapping media freedom <https://mappingmediafreedom.org/>

⁴⁹ Amendment to Section 337 of the Hungarian criminal code.

⁵⁰ The Commission has made clear that democracy cannot work without free and independent media and that respect for freedom of expression and legal certainty are essential during such times. https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_567

⁵¹ <https://ec.europa.eu/digital-single-market/en/media-freedom-projects>

⁵² Early estimates suggest the drop may reach 80% of revenues for news publishers depending on the country. Small, local publishers are expected to be hit the hardest. <http://www.newsmediaeurope.eu/news/covid-19-and-the-news-media-journalism-always-comes-at-a-cost/>

and Democracy 2020-2024.⁵³ The EU will pay particular attention to the situation in Eastern and Southern Neighbourhood and the Western Balkans.

All this raises questions over the ability of the media and civil society to fully play their own role in counteracting disinformation and misinformation.

The EU needs to intensify both political and practical support to independent media and journalists in the EU and across the world, as well as helping civil society organisations in their efforts to monitor and report on restrictions of freedom of expression and civic space.

Actions

- The Commission will continue to closely monitor the impact of emergency measures on EU law and values until all measures are phased out and continue engaging with Member States on identified issues. This monitoring will inform the upcoming Annual Rule of Law Report to be published in the third quarter of 2020,⁵⁴ as well as the future Strategy on the effective application of the Charter of fundamental rights in the European Union and the European Democracy Action Plan.
- The Commission calls upon Member States to intensify efforts in these times of crisis to ensure that journalists can work safely,⁵⁵ in the right conditions, and recognise news media as an essential service.
- The Commission invites the Parliament and the Council to urgently adopt the comprehensive recovery package that would help repair and strengthen resilience of the media sector to fight COVID-related disinformation. Member States should make the most of this package as well as of the EU's COVID-19 economic response⁵⁶ to support media which are heavily hit by the crisis while respecting their independence. All EU actors should strive to support media as part of the recovery.
- To accompany these efforts, the Commission will continue co-funding independent projects in the area of journalism, media freedom and pluralism and facilitating access to finance and funding opportunities for the media sector.⁵⁷
- By the end of this year, the Commission will propose action to strengthen media freedom and pluralism in the European Union as part the European Democracy Action Plan and will present a Media and Audiovisual Action Plan that will aim to further support the digital transformation and competitiveness of these sectors and to stimulate access to content and media pluralism.
- The Commission and the High Representative will:
 - launch targeted actions under the public diplomacy programmes in countries around the globe to support civil society actors in providing reliable information;⁵⁸
 - further develop cooperation with civil society, journalists and independent

⁵³ JOIN(2020)5 of 23 March 2020.

⁵⁴ Media and civil society faced new obstacles in playing their role in the democratic debate during this crisis. The Commission's Annual Rule of Law Report will look closer into the situation across all Member States.

⁵⁵ In line with the Council of Europe's Guidelines on protecting freedom of expression and information in times of crisis - <https://www.coe.int/en/web/freedom-expression/freedom-of-expression-and-information-in-times-of-crisis> – Answers should also be provided to the alerts issued by the Council of Europe in the context of the Platform for the Protection of Journalism and Safety of Journalists.

⁵⁶ https://ec.europa.eu/commission/presscorner/detail/en/ip_20_459

⁵⁷ For example, the Cultural and Creative Sectors Guarantee Facility is available to support the financing needs of the media sector.

⁵⁸ E.g. podcasts, fact checking support, or webinars.

media in third countries through regional assistance and bilateral support to counter disinformation and promote fact-checking.

- Support will be stepped up in monitoring violations of press freedom, supporting advocacy for a safer media environment and protection of journalists, including by providing assistance via the EU Human Rights Defenders Protection Mechanism and through closer cooperation with the European Endowment for Democracy.

7. EMPOWERING AND RAISING CITIZEN AWARENESS

Since the global pandemic was declared, the demand for researchers, scientists and public health experts' opinions has been greater than ever. The lessons learned from the COVID-19 crisis show that it is important to promote information from authoritative sources, and that decisions must be made based on advice from scientists and health professionals, and that it is also essential to maintain a democratic debate. They show the challenge of dealing with a changing online environment.⁵⁹ Empowering citizens to critically analyse information online is key to addressing disinformation.

These challenges are better answered if society is aware of the dangers of disinformation and misinformation. Particular attention should be paid to vulnerable groups, for example young people and children, who face a higher risk of being misled and as a consequence expose themselves to more dangerous situations. This implies promoting citizens' media and information literacy, including critical thinking, the capacity to identify disinformation and digital skills and supporting empowerment of citizens as such.⁶⁰ Much is already being done in this regard, but there is a need for more action to identify synergies, potential for cooperation and exchange of information about resilience building measures to limit the impact of disinformation. It is also important that citizens have access to resources in their own language.

Actions

- The Commission, the Council, the High Representative and the European Parliament will share best practices on resilience-building measures, in particular against the lessons learned during the COVID-19 crisis.
- The Digital Education Action Plan Update, to be adopted later in 2020, will propose measures that will help tackle disinformation, whereas Erasmus+ and the European Solidarity Corps programmes provide funding opportunities for projects tackling disinformation. The Commission will support the development of critical thinking of social media users through the Preparatory Action 'Media Literacy for All'⁶¹ projects, and through the European network of Safer Internet Centres.
- The Commission envisages, including in the forthcoming Media and Audiovisual Action Plan, to propose actions to raise awareness and critical thinking amongst different groups, in particular young people, building on the potential of social media and influencers. This will build upon the amended Audiovisual Media Service Directive which requires video-sharing platforms to provide for effective

⁵⁹ Such as having to deal with rapidly appearing and disappearing individual fraudulent websites, making it very difficult to stop fraudsters when they constantly change digital identities and to create blacklists and inform consumers and platforms.

⁶⁰ Such as with media literacy projects, support to civil society organisations helping citizens and with access to content verification tools.

⁶¹ <https://ec.europa.eu/digital-single-market/en/news/2018-2019-call-proposals-preparatory-action-media-literacy-all>. The last Call of this Preparatory Action (2018-20) is planned to be published in Q2 of 2020.

media literacy measures and tools.

- Awareness-raising materials on the nature of disinformation, its dangers to the democratic nature of our society and the tools available to detect and respond to disinformation should be produced by the EU institutions in a coordinated manner, shared through the relevant networks and citizens engagement tools and aimed at reaching a variety of groups in all Member States and in partner countries.

8. PROTECTING PUBLIC HEALTH AND CONSUMERS' RIGHTS

A particular feature of the COVID-19 crisis has been a focus on exploiting consumers. Manipulation, deceptive marketing techniques, fraud, and scams exploit fears in order to sell unnecessary, ineffective and potentially dangerous products under false health claims, or to lure consumers into buying products at exorbitant prices. Whilst this kind of content may contain disinformation, if it infringes the consumers' acquis it is illegal content and requires a different response, under consumers' protection laws and by competent authorities.⁶²

Following the Commission's call, platforms⁶³ have removed millions of misleading advertisements concerning illegal or unsafe products.⁶⁴ The Commission coordinated a screening ('sweep') of websites, to find out where consumers in the EU are being subjected to content promoting false claims or scam products in the context of COVID-19. The sweep – carried out by the Consumer Protection Cooperation (CPC) Network – involved both a high-level screening of online platforms, and an in-depth analysis of specific advertisements and websites linked to products with demand boosted due to the virus. The result is that platforms have removed or blocked millions of misleading advertisements or product listings.

The Consumer Protection Cooperation Network of national authorities has worked with the Commission to fight these practices in a coordinated manner. The Commission invited major platforms⁶⁵ to cooperate with consumer authorities and take proactive measures to counter scams.⁶⁶ This exchange with the major online platforms is bearing fruit,⁶⁷ but work will have to be pursued, notably under the future Digital Services Act.

Rogue traders, however, find ways to fly under the radar of the platforms to exploit consumers' vulnerabilities, circumvent algorithmic checks and set up new websites. Such

⁶² The European Commission has also called Member States' authorities to reinforce their vigilance and adapt their control activities on online offers and advertising of food and food supplements related to COVID-19 (https://ec.europa.eu/food/safety/official_controls/eu-co-ordinated-control-plans/covid-19_en) and the EU anti-fraud office, OLAF, has also launched inquiries https://ec.europa.eu/anti-fraud/media-corner/news/13-05-2020/inquiry-fake-covid-19-products-progresses_en

⁶³ The platforms which responded to the Commission's call are: Allegro, Amazon, Alibaba/Aliexpress, CDDiscount, Ebay, Facebook (i.e. Facebook, Facebook Marketplace and Instagram), Microsoft/Bing, Google (i.e. Google ads and YouTube), Rakuten, Wish and Verizon Media/Yahoo.

⁶⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_20_938

⁶⁵ I.e. market places, search engines and social media.

⁶⁶ E.g. by detecting products in high demand marketed in a misleading manner to obtain an undue advantage and through automated means to proactively take down misleading advertisements and 'miracle products' with illegal health claims.

⁶⁷ For example, Google has blocked or removed over 80 million COVID-19-related ads (globally), eBay has blocked or removed more than 17 million listings from its global marketplace that violate EU consumer rules.

practices are also found on independent websites, which attract consumers through advertisement displayed e.g. on social media and webmail portals or in sponsored ranking on search engines. Thus national consumer authorities remain on high alert and will continue to work together with the Commission to protect consumers online.⁶⁸

The Commission is stepping up cooperation and information exchanges with platforms, as well as with advertising self-regulatory bodies, to develop automatic tools to find misleading advertisements. The platforms should regularly report, until the end of the crisis, on the effectiveness of their measures and on new trends.

Many fraudulent websites are under domain names using COVID-19 related keywords such as ‘corona’, ‘mask’ or ‘vaccine’.⁶⁹ These websites are especially damaging when falsely presented as legitimate or governmental websites. The Commission engaged with the domain name industry to share and promote good practices to prevent speculative and abusive domain names use⁷⁰ and agreed on similar measures with EURid, the operator of the ‘.eu’ domain.⁷¹

Actions

- The support to national consumer protection authorities within the Consumer Protection Cooperation Network will include financing their capacity to do agile monitoring of markets. In the longer term, the Commission will look at providing a common toolbox, such as a forensic observatory for digital markets with specific tools to carry out online investigations and screen problematic practices linked to COVID-19.⁷²
- International cooperation and sharing of experience will be intensified (for example the International Consumer Protection Enforcers Network) to promote the EU approach to misleading consumers in the COVID-19 context.⁷³

CONCLUSION

The EU acted to respond to the threat posed by disinformation, misinformation and foreign influence operations in the COVID-19 crisis. However, the scale of the potential

⁶⁸ The Commission issued guidance to help consumers to identify and avoid potential COVID-19 related scams when shopping online: https://ec.europa.eu/info/live-work-travel-eu/consumers/enforcement-consumer-protection/scams-related-covid-19_en

⁶⁹ The Commission is also cooperating closely with Europol and with registrars to facilitate the exchange of information allowing rapid detection, reporting and removal of COVID-19-related websites used for criminal purposes:
https://www.europol.europa.eu/sites/default/files/documents/catching_the_virus_cybercrime_disinformation_and_the_covid-19_pandemic_0.pdf

⁷⁰ These include measures to check the accuracy and validity of the registrants’ data for domain names containing COVID-19 related keywords, and reporting suspicious registrations to relevant authorities, such as consumer protection agencies and law enforcement agencies. See also: <https://www.icann.org/news/blog/keeping-the-dns-secure-during-the-coronavirus-pandemic>

⁷¹ <https://eurid.eu/en/news/doteu-covid19-measures/>

⁷² The Commission will coordinate cooperation between the CPC network and domain registers and payment service providers to address effectively consumer scams.

⁷³ The OECD has produced a guidance on how to identify scams taking inspiration from the common position of the Consumer Protection Cooperation network which identifies the most common Covid-19 related scams made public in March
<http://www.oecd.org/coronavirus/policy-responses/protecting-online-consumers-during-the-covid-19-crisis-2ce7353c/>
https://ec.europa.eu/info/live-work-travel-eu/consumers/enforcement-consumer-protection/scams-related-covid-19_en

impact on the health of citizens and the stability of our societies, and the gaps it has revealed, call for continued efforts to step up this work. The COVID-19 crisis has become a test case showing how the EU and its democratic societies deal with this challenge. Based on the challenges identified, lessons learned so far and the proposed short-term solutions, EU society and its democratic oversight could in the longer-term become stronger and more resilient and better prepared for the challenges of the future.

The Commission and the High Representative will quickly set in motion the actions proposed in this Communication, building the ground for a longer-term approach as part of the European Democracy Action Plan, which should be presented towards the end of the year, as well as of the forthcoming Digital Services Act.