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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Delegations will find attached document COM(2020) 790 final.

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

**On the European democracy action plan**

*‘The European Union is not only about parties and politics, rules or regulations, markets or currencies. It is ultimately — and above all else — about people and their aspirations. It is about people standing together. For their liberty, for their values, simply for a better future.’*

Commission President von der Leyen, 27 November 2019

## 1 INTRODUCTION

Democracy, the rule of law and fundamental rights are the foundations on which the European Union is based. Democracy is a core European value, and a precondition for EU membership. The EU’s citizens see democracy, human rights and the rule of law as its most important asset<sup>1</sup>.

Democracy allows citizens to shape laws and public policies at European, national, regional and local levels. It requires safeguards, checks and balances, and institutions that fulfil their roles and uphold the rules of pluralistic democratic debate. For participation to be meaningful, citizens must also be able to form their own judgements – they should be able to make electoral choices in a public space where a plurality of views can be expressed freely and where free media, academia and civil society can play their role in stimulating open debate, free from malign interference, either domestic or foreign. Democracy can only thrive in a climate where freedom of information and freedom of expression are both upheld, in line with the Charter of Fundamental Rights, allowing everyone to express their views, regardless how critical they are towards the governments and those in power.

Democracy cannot be taken for granted – it needs to be actively nurtured and defended. Recent times have shown a resurgence of popular political engagement and increased turnout in elections, but as in many places around the world, democracy in the EU and its Member States is facing challenges: rising extremism and polarisation, as well as a perceived distance between people and their elected representatives<sup>2</sup>. Our democratic systems and institutions have come increasingly under attack in recent years<sup>3</sup>. The integrity of elections has come under threat, the environment in which journalists and civil society operate has deteriorated, and concerted efforts to spread false and misleading information and manipulate voters, including by foreign actors have been observed. The very freedoms we strive to uphold, like the freedom of expression, have been used in some cases to deceive and manipulate. The COVID-19 pandemic has brought these challenges into relief: the exceptional emergency measures taken to address this unprecedented public health crisis have affected the political process and in some places sparked concerns about the impact on democracy<sup>4</sup>.

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<sup>1</sup> Special Eurobarometer 479 on the *Future of Europe* (October-November 2018). With 34% of respondents, this comes ahead of its economic, industrial and trading power (31%) and the standard of living of EU citizens (25%).

<sup>2</sup> See for example *The Global State of Democracy 2019 Report* (2019) International Institute for Democracy and Electoral Assistance.

<sup>3</sup> President von der Leyen’s Political Guidelines, [https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf).

<sup>4</sup> Venice Commission (2020), Interim report on the measures taken in the EU Member States as a result of the COVID-19 crisis and their impact on democracy, the rule of law and fundamental rights (adopted on 8 October 2020).

This European Democracy Action Plan seeks to strengthen the resilience of EU democracies in the face of challenges, addressing the areas in which our systems and citizens are most vulnerable. This work has to be carried out at EU and national level in full respect of the fundamental rights and freedoms enshrined in the Treaties and the Charter of Fundamental Rights, as well as in national and international human rights rules.

At the same time, the EU is not only concerned with protecting democracy within its borders, but as pressure is mounting on democracy, the rule of law and human rights globally, the EU is working actively to protect, inspire and support democracies around the world<sup>5</sup>. The challenges relating to the exercise of democracy are global and the world's democracies have a common interest in working together to address them. At EU level, this requires a coherent approach between internal and external actions. The way we nurture and bolster our democratic foundations in the Union and Member States has impact on the strength of our external action. With this action plan, the Commission is proposing a response centred around individual rights and freedoms, transparency and accountability which could also serve as an example of how to approach these global challenges to democracy and a basis to build partnership with like-minded democracies.

### ***The digital transformation of our democracies***

The digital revolution has transformed democratic politics. Political campaigns are now run not only on the doorstep, billboards, radio waves and TV screens, but also online. This gives political actors new opportunities to reach out to voters. It also brings new opportunities for civic engagement, making it easier for some groups — in particular young people — to access information and participate in public life and democratic debate.

However, the rapid growth of online campaigning and online platforms has also opened up new vulnerabilities and made it more difficult to maintain the integrity of elections, ensure a free and plural media, and protect the democratic process from disinformation and other manipulation. Digitalisation enabled new ways to finance political actors from uncontrolled sources, cyber-attacks can target critical electoral infrastructure, journalists face online harassment and hate speech, and false information and polarising messages spread rapidly through on social media, also by coordinated disinformation campaigns. The impact of some of these steps is amplified by the use of opaque algorithms controlled by widely used communication platforms.

Our European democratic cultures, in all their diversity, are being challenged by the digital transformation. Existing safeguards to ensure transparency and parity of resources and airtime during election campaigns are not designed for the digital environment. Online campaign tools have added potency by combining personal data and artificial intelligence with psychological profiling and complex micro-targeting techniques<sup>6</sup>. Some of these tools, such as the processing of personal data, are regulated by EU law. But others are currently framed mainly by corporate terms of service, and can also escape national or regional regulation by being deployed from outside the electoral jurisdiction. Concern about the

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<sup>5</sup> Joint Communication to the European Parliament and the Council *EU Action Plan on Human Rights and Democracy 2020-2024* (JOIN/2020/5 final, 25 March 2020), which reaffirms the EU's commitment to promote and protect democracy worldwide.

<sup>6</sup> European Commission, Joint Research Centre (2020), *Technology and democracy: understanding the influence of online technologies on political behaviour and decision-making*.

transparency and accountability of online platforms adds to the challenge of enforcing rules. Online platforms can both have news media-related activities and act as gatekeepers for online news, while not being subject to the same national rules and professional standards.

### ***Strengthening democratic resilience***

This action plan addresses the EU institutions, national governments and parliaments – who have primary responsibility for ensuring the sound functioning of democracy –, as well as other national authorities, political parties, media and civil society, and online platforms. In full respect of national competences, it sets out a reinforced EU policy framework and specific measures to:

- Promote free and fair elections and strong democratic participation;
- support free and independent media; and
- counter disinformation.

A healthy democracy relies on citizen engagement and an active civil society, not only at election time, but all the time. Engaged, informed and empowered citizens are the best guarantee for the resilience of our democracies. Across the action plan, there is a strong emphasis on empowering citizens and civil society to counter the threats<sup>7</sup>.

## **2 PROTECTING ELECTION INTEGRITY AND PROMOTING DEMOCRATIC PARTICIPATION**

High voter turnouts in recent elections across the EU demonstrate that citizens remain confident in the power of the ballot box as tool to voice their opinion and hold their representatives to account. At the same time, social media are one of the channels for attempts to manipulate public opinion, discourage participation in elections and cast doubt on the integrity of election processes. Attempts at foreign interference have also been documented<sup>8</sup>.

Maintaining democracy requires more determined action to protect electoral processes, preserve open democratic debate and update safeguards in the light of new digital realities. Democracy is about the richness of participatory practices, civic engagement and respect for democratic standards and the rule of law, applied throughout the electoral cycle.

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<sup>7</sup> The Action Plan has been informed by a public consultation that demonstrated wide recognition of the risks of interference in EU democracy and the need for targeted action both online and offline. The report is available here: [https://ec.europa.eu/info/files/report-public-consultation-european-democracy-action-plan-edap\\_en](https://ec.europa.eu/info/files/report-public-consultation-european-democracy-action-plan-edap_en).

<sup>8</sup> For example, evidence collected around the time of the 2019 European Parliament elections revealed continuous disinformation activity by Russian sources aiming to interfere in the election process (*Report on the implementation of the action plan against disinformation* (JOIN(2019) 12 final, 14.6.2019)). The 2019 Report on the elections to the European Parliament (COM(2020) 252 final) later concluded that isolated cyberattacks, data protection and other elections-related complaints had been received, but that a covert, coordinated large-scale effort to interfere in the elections had not been identified.

## 2.1 Transparency of political advertising and communication

**Compliance with the traditional rules linked to political campaigning** can be particularly challenging in the online context. The rules are often difficult to enforce or ineffective online, or the competent authorities may not have the powers or means to address online activity. The **cross-border potential of online activity** brings opportunities, but also adds to the challenge, as issues related to elections are largely governed by rules applicable only within a particular jurisdiction or may not have been formulated to take the borderless online space into account.

There is a clear need for more **transparency in political advertising and communication**, and the commercial activities surrounding it. Stronger enforcement and compliance with the General Data Protection Regulation (GDPR)<sup>9</sup> rules is of utmost importance.

Citizens, civil society and responsible authorities must be able to see clearly the source and purpose of such advertising. In the online environment, it is often difficult to **recognise paid-for political material** and distinguish it from other political content, not least because it can often appear as ‘organic’ content shared or created by other users. This creates legal uncertainties for service providers and other operators, in particular online intermediaries, political consultancies and related firms, but also for political parties, campaign organisations, candidates and for the public more widely<sup>10</sup>, and affects accountability and oversight.

**New techniques** used by intermediaries/service providers to target advertising on the basis of users’ personal information enable political adverts to be amplified and tailored to an individual’s or a group’s specific profiles, often without their knowledge. Micro-targeting and behavioural profiling techniques can rely on data improperly obtained, and be misused to direct divisive and polarising narratives. This process makes it much harder to hold politicians to account for the messaging and opens new way for attempts to manipulate the electorate<sup>11</sup>. Other concerns are the concealment and/or misrepresentation of key information such as the origin, intent, sources and funding of political messages<sup>12</sup>.

To address these concerns, in 2021, the Commission will present a **legislative proposal on the transparency of sponsored political content**. The proposal will complement the rules

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<sup>9</sup> Regulation 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJL119, 4.5.2016.

<sup>10</sup> Many respondents to the public consultation (including from business and civil society) said that the lack of transparency and clear definitions caused difficulties and uncertainties, in particular when it came to distinguishing paid-for political material from other political content. Respondents support stronger disclosure rules, including transparency on the origin of the content (96% of respondents), the creation of open and transparent archives and registries of political ads (91%) and requiring political parties to disclose their campaign finances (82%). 82% supported criteria for requiring the micro-targeting of political content to be publicly disclosed in a clear and transparent way for every advert.

<sup>11</sup> Irrespective of its actual impact, the Facebook-Cambridge Analytica scandal, where millions of Facebook users’ personal data was acquired without their consent and used predominantly for political advertising, is a revealing example of clear intent to engage in such manipulation by exploiting legal loopholes and taking advantage of weak safeguards for how social media protects its users’ personal data. It showed how data analytics, paired with micro-targeting techniques and psychological profiling, can be used to mislead, suppress turnout and manipulate voting behaviour.

<sup>12</sup> 2019 EP election report (COM(2020) 252 final).

on online advertising in of the forthcoming Digital Services Act (DSA), with the aim to have dedicated rules in place sufficiently ahead of the May 2024 European Parliament elections. It will target the sponsors of paid content and production/distribution channels, including online platforms, advertisers and political consultancies, clarifying their respective responsibilities and providing legal certainty. It will ensure that relevant fundamental rights and standards are upheld as effectively online as they are offline. The Commission will further assess whether a targeted approach is needed during election periods.

The initiative will determine which actors and what type of sponsored content fall within the scope of enhanced transparency requirements. It will support accountability and enable monitoring and enforcement of relevant rules, audits and access to non-personal data, and facilitate due diligence. The Commission will also look at further restricting micro-targeting and psychological profiling in the political context. Certain specific obligations could be proportionately imposed on online intermediaries, advertising service providers and other actors, depending on their scale and impact (such as for labelling, record-keeping, disclosure requirements, transparency of price paid, and targeting and amplification criteria). Further provisions could provide for specific engagement with supervisory authorities, and to enable co-regulatory codes and professional standards.

Building on the interdisciplinary exchanges between Member States in the framework of the European Cooperation Network on Elections established in 2019 ahead of the elections to the European Parliament to allow for concrete and practical exchanges on a range of topics relevant to ensuring free and fair elections<sup>13</sup>, the proposed legislation will be complemented by **support measures and guidance** for Member States and other actors, such as national political parties and competent authorities, taking into account the limits of EU competence in this area.

*Actions:*

- *Propose, in 2021, legislation to ensure greater transparency in the area of sponsored content in a political context ('political advertising')*
- *Adopt support measures and guidance for political parties and Member States*

## **2.2 Clearer rules on the financing of European political parties**

The funding of European political parties is governed by EU law<sup>14</sup>. The 2019 European Parliament election report highlighted the need to strengthen some of the rules in order to prevent external interference, in particular by improving transparency as regards sources of financing for European political parties so as to tackle indirect funding by foreign interests channelled through national means or private donations<sup>15</sup>. In 2021, the Commission will

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<sup>13</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights/european-cooperation-network-elections\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights/european-cooperation-network-elections_en).

<sup>14</sup> Regulation (EU, Euratom) 2018/673 of 3 May 2018 amending Regulation (EU, Euratom) No 1141/2014 on the statute and funding of European political parties and European political foundations (OJ L 114I , 4.5.2018, p. 1); Regulation (EU, Euratom) 2019/493 of 25 March 2019 amending Regulation 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament (OJ L 85I, 27.3.2019, p. 7).

<sup>15</sup> 84% of respondents to the public consultation supported more transparency on the financing of European political parties.

propose a **review of the legislation on the funding of European political parties** with a view to addressing the financing of European political parties from outside the EU, revising the audit requirements, strengthening the links between European financing and national campaigns, and facilitating transparency and auditing. The goal is to have the new rules in place in sufficient time ahead of the May 2024 European Parliament elections.

The Commission will also consider developing web-based software tools to assist the work of civil society in the area of political financing and financial transparency, for example in detecting and exposing possible fraud and irregularities in political parties' published accounts.

*Actions:*

- *Propose, in 2021, revision of Regulation No 1141/2014 on the statute and funding of European political parties and European political foundations*

### **2.3 Strengthened cooperation in the EU to ensure free and fair elections**

The organisation of national elections is a Member State competence informed by international standards, with some issues such as data protection governed by the broader framework of EU law. Dedicated EU law governs European Parliament elections and the voting rights of mobile EU citizens, while most aspects relevant to the electoral process still rest on national law. Experience in the run-up to the 2019 European Parliament elections showed how closer coordination and cooperation at national and EU level can make a key contribution in this respect.

The Commission will also propose a **new operational EU mechanism to support resilient electoral processes**. It will be organised and coordinated through the European Cooperation Network on Elections to support deployment of joint expert teams and exchanges on issues such as the cybersecurity of elections and online forensics<sup>16</sup>, in close cooperation with the Network and Information Systems Cooperation Group and the EU's Rapid Alert System. The Commission will continue to facilitate strengthened cooperation among Member States competent authorities in addressing specific challenges (e.g. linked to election periods, elections observation, independent electoral oversight and effective remedies) and covering monitoring (including online), threat identification, capacity building, the operation of national elections networks and engagement with the private sector. Options for mutual support, including an online forum, joint training, pooled resources and expertise as well as online monitoring capabilities will be explored. Marking electoral processes or aspects of their administration as critical infrastructure could render these efforts more effective<sup>17</sup>. The Commission will organise a **high level event** bringing together various authorities to address the challenges related to electoral processes as well as empowering citizens to participate as voters and candidates in the democratic process.

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<sup>16</sup> The acquisition and use of online data for justice purposes (e.g. in the monitoring and enforcement of relevant rules) require supervising authorities to have specialist capabilities and appropriate powers.

<sup>17</sup> For example, Regulation (EU) 2019/452 of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1–14) includes electoral infrastructure as one of the potential elements of critical infrastructure to be taken into account when assessing if the effects of foreign direct investment is likely to affect security or public order.



Specific measures at EU level will be taken to **protect election infrastructures against cyber-attacks**<sup>18</sup>. In this context, the **compendium on cyber security of election technology**<sup>19</sup> will be updated and further practical exercises will be organised to explore risk and preparedness, drawing on joint work by the European Cooperation Network on Elections and the Network and Information Systems Cooperation Group. The upcoming EU cybersecurity strategy will provide a cross-cutting framework, accompanied by legislative proposals to enhance the security of network and information systems and the protection of critical infrastructures.

The Commission will focus on **strengthening cooperation between Member States and relevant regulatory authorities on parity of treatment and balanced media coverage during elections**, given that traditional media and online platforms are not subject to the same obligations. Further guidance in this area could be facilitated at EU level benefiting also from the expertise of national media regulators in the European Regulators Group for Audiovisual Media Services (ERGA)<sup>20</sup> and of self-regulatory media bodies. This work will also draw on expertise in the European Cooperation Network on Elections and the EU's Rapid Alert System. Upholding standards of journalistic and editorial integrity is particularly important in the electoral context.

The Commission will also strengthen the knowledge base and explore ways of **helping citizens and national electoral authorities to build resilience against threats to the electoral process**. This could include studies, pilot projects, support for education for active citizenship, and helpdesks or similar shared resources.

IT is used in elections to tally votes and transmit results, or (albeit rarely in the EU) in the form of electronic voting machines or electronic voting. While Member States have traditionally been reluctant to introduce IT more generally in the voting process, the COVID-19 pandemic and the need for physical distancing has prompted renewed interest in electronic voting solutions<sup>21</sup>. The Commission will prepare a **compendium of e-voting practices**<sup>22</sup>, together with Member States and in close cooperation with the Council of

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<sup>18</sup> Building on past recommendations on EU elections, on Directive (EU) 2016/1148 of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1–30), which is due for revision this year, and on related recommendations (C(2018) 5949 final and C(2018) 900 final). In the public consultation, respondents cited cyberattacks among the main threats to election integrity, in particular due to increasing reliance on the internet for sharing and accessing information on elections, political parties and campaigns. A well-evidenced example of such attacks are 'hack and leak' operations, such as in the case of Russian intelligence agencies obtaining and disseminating documents from the Democratic National Committee during the 2016 US Presidential election campaign.

<sup>19</sup> [http://ec.europa.eu/newsroom/dae/document.cfm?doc\\_id=53645](http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=53645).

<sup>20</sup> ERGA report (2018); <https://erga-online.eu/wp-content/uploads/2019/01/ERGA-2018-07-SG1-Report-on-internal-plurality-LQ.pdf>.

<sup>21</sup> See Flash Eurobarometer 431 on *Electoral rights* (2015), which assessed public concerns regarding risks associated with voting electronically, online or by post. It found that, while people understood the usefulness of e-voting to help those with certain specific needs, they were concerned about voting confidentiality and reliability. The findings of Special Eurobarometer 477 (2018) on *Democracy and elections*, which looked at respondents' concerns about voting electronically, online or by post, were similar. In 2016, the European Parliament gave the Commission a pilot grant for a *Study on the benefits and drawbacks of remote voting*, which includes a comprehensive survey of national experience with e-voting and other remote voting tools.

<sup>22</sup> This issue will also be addressed in the *2020 Citizenship Report*.

Europe, which has already issued substantial guidance in this area, including on accessibility for persons with disabilities and older persons.

**Cooperation and exchange on electoral matters**, making best use of existing structures, will be strengthened with countries in the EU's immediate neighbourhood and beyond, as well as with international organisations such as the Council of Europe<sup>23</sup>, UNESCO and the OSCE Office for Democratic Institutions and Human Rights<sup>24</sup> to facilitate the exchange of best practice and provide support on common challenges, such as tackling foreign interference and disinformation in the electoral context. Work is already under way with partner countries through democracy support and the EU Election Observation Missions, whose mandate has been extended to monitor online electoral campaigns, social media monitoring and give recommendations in this area. For these recommendations to be effectively followed up it will be necessary to consolidate their capacity to provide concrete technical support to governments and civil society in building policy frameworks, secure infrastructures, regulatory capacity and oversight, as well as to share experience in detecting, analysing and countering hybrid threats, including disinformation.

*Actions:*

- *Set up a new joint operational mechanism and other support measures, building on the work of the European Cooperation Network on Elections, to promote resilient electoral processes and take further practical measures to protect election infrastructure against threats, including against cyber-attacks*
- *The Commission will organise a high-level event bringing together various authorities related to elections to address the challenges outlined in this plan*
- *Strengthen cooperation on parity of treatment and balanced media coverage during elections*
- *Prepare a compendium of e-voting practices*
- *Facilitate cooperation between EU networks and partner countries and international organisations to build capacity and exchange best practices in countering electoral threats and promote high international standards in the use of new technologies*
- *Consolidate the capacity of EU election observation missions in third countries to observe and assess online election campaigns and to follow-up on their recommendations*

## **2.4 Promoting democratic engagement and active participation beyond elections**

Efforts to support a vibrant civil society and to promote and enhance democratic participation will be at the core of the Commission's work in many areas, from EU citizenship, equality and non-discrimination, youth, education, culture and research policies to the use of EU funds both within the Union and in its neighbourhood.

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<sup>23</sup> The Council Conclusions on EU priorities for cooperation with the Council of Europe 2020-2022 of 13 July 2020 identify democracy as one of the three priority pillars of cooperation.

<sup>24</sup> Organization for Security and Co-operation in Europe (OSCE) – Office for Democratic Institutions and Human Rights (ODIHR); <https://www.osce.org/odihr>.

New steps in participatory and deliberative democracy have been taken in several Member States getting people involved in decision-making and empowering them on matters of public concern<sup>25</sup>. Improving transparency and involving citizens in policy- and decision-making enhances democratic legitimacy and trust. Initiatives in this area are closely linked and complementary to the work to promote EU citizenship rights including electoral rights and inclusive democratic participation, which will be detailed in the Commission's 2020 EU citizenship report.

The Commission will continue to promote **participatory and deliberative democracy**, building on examples such as the Climate Pact, upcoming projects under the Horizon 2020 Green Deal and European Citizens' Initiatives<sup>26</sup>, as well as citizen participation in the shaping of EU policies and existing laws<sup>27</sup>. The Commission's annual Rule of Law report<sup>28</sup> also assesses the inclusiveness of the legislative process and civil society involvement. The Conference on the Future of Europe, a pan-European exercise in participatory and deliberative democracy, aims at enabling people from across the EU to make proposals to shape future EU policies. The Conference will be a catalyst for new forms of public participation at the European, national, regional and local levels. In addition, the new generation of Citizens' Dialogues will also foster innovative forms of citizens' participation and deliberation, including at transnational level.

The Commission encourages Member States to make best use of relevant EU structural and investment funds to support and reinforce civil society capacities at both national and local level and involve civil society organisations in the partnership with the different levels of public administration, including by building a **deliberative democracy infrastructure**. This will allow for better civic participation and public engagement in the shaping of priorities, including for the Next Generation EU initiative in each Member State. The tools developed to support the Conference for the Future of Europe, such as its multilingual digital platform, will enable citizens and stakeholders to put forward proposals and organise debates beyond the duration of the Conference itself.

Deliberative democracy will also be supported under the Horizon 2020 and its successor, Horizon Europe programme, through research, innovation and the transfer of knowledge on how it operates in practice, the challenges it faces and the impacts it can have<sup>29</sup>. In addition, the Commission will continue to support research to develop a better understanding of people's dissatisfaction with democracy and how it can be addressed through democratic

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<sup>25</sup> E.g. the recent *Convention citoyenne sur le climat* in France demonstrated the importance of including and empowering citizens when addressing a complex public problem such as the reduction of carbon emissions. In Ireland, citizen assemblies have fed into informed decisions over very divisive social issues such as abortion. Other institutionalised processes include citizens' councils in parts of Austria (Vorarlberg) and Belgium (Parliament of the German-speaking Community of Belgium (2019), *Was passiert beim Bürgerdialog?*). See also OECD (2020), *Innovative citizen participation and new democratic institutions: catching the deliberative wave* (OECD Publishing, Paris).

<sup>26</sup> <https://europa.eu/citizens-initiative/en>.

<sup>27</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say>.

<sup>28</sup> [https://ec.europa.eu/info/publications/2020-rule-law-report-communication-and-country-chapters\\_en](https://ec.europa.eu/info/publications/2020-rule-law-report-communication-and-country-chapters_en).

<sup>29</sup> The programme's key strategic orientations include the creation of a 'more resilient, inclusive and democratic European society'. Projects from the last calls for proposals of Horizon 2020 will focus *inter alia* on democratising territorial cohesion (experimenting with deliberative citizen engagement and participatory budgeting in EU regional and urban policies) and cities as arenas of political innovation in the strengthening of deliberative and participatory democracy.

innovation, including civic engagement and deliberative democracy initiatives. The new Creative Europe Programme will offer new opportunities to actors in the cultural and creative sector for work related to democracy and civic participation. The Commission will also continue to promote and to defend the freedom of artists to create without censorship or intimidation.

The Commission will also ensure the **mainstreaming of equality** in action at all levels to **promote access to democratic participation**, also in line with the principles of the European Pillar of Social Rights. This entails inclusiveness and equality in democratic participation, gender balance in politics and decision-making,<sup>30</sup> and proactive steps to counter anti-democratic attacks and hate speech seeking to dissuade women<sup>31</sup>, LGBTIQ persons and minority groups from being politically active. Particular attention will be paid to disadvantaged young people, people with a minority racial or ethnic background<sup>32</sup>, persons with disabilities<sup>33</sup>, persons with or groups with lower levels of digital literacy and digital engagement (e.g. low-income households without easy internet access or older persons).

Promoting active citizenship among **young people** is an important feature of the EU youth strategy (2019-2027)<sup>34</sup>. The EU youth dialogue will be reinforced by youth participation activities under Erasmus+ and the European Youth Portal. The new European Solidarity Corps programme will offer a wider range of opportunities for civic engagement by supporting communities in need in the EU and elsewhere. The Rights and Values programme will finance curricula promoting young people's civic, political and democratic engagement in support of civil society organisations' efforts to encourage and facilitate active participation. Externally, the Development, Education and Awareness Programme contributes to actively engaging the youth in addressing global challenges and raising awareness on universal values.

Further effort will be put into the fight against **online hate speech**, which can deter people from expressing their views and participating in online discussions. In 2021, the Commission will propose an initiative to **extend the list of EU crimes** under Article 83(1) of the Treaty on the Functioning of the European Union to cover hate crime and hate speech, including online hate speech. Work under the *Code of conduct on tackling illegal hate speech*<sup>35</sup> will also continue. These efforts will also contribute to increasing the safety of journalists (see section 3.1). Tackling illegal content online while promoting freedom of expression is one of the core objectives of the Digital Services Act.

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<sup>30</sup> The 2020-2025 gender equality strategy (COM(2020) 152) includes measures to enhance women's participation in political decision-making. It underlines the importance of promoting the participation of women as voters and candidates in the 2024 EP elections. European political parties requesting EU funding are encouraged to be transparent about the gender balance of political party members.

<sup>31</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL\\_STU\(2018\)604979\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU(2018)604979_EN.pdf).

<sup>32</sup> The EU anti-racism action plan 2020-2025 (COM(2020) 565) underlines that there are hurdles to democratic participation and representation for groups susceptible to marginalisation, such as people with a minority racial or ethnic background.

<sup>33</sup> In line with obligations under UN Convention on the Rights of Persons with Disabilities to which the EU and all its Member States are Party, and in particular Article 29 on participation on political and public life.

<sup>34</sup> The EU youth dialogue reaches more than 50 000 young people in each of its 18-month cycles and is one of the biggest single participatory processes for citizens in the EU; [https://ec.europa.eu/youth/policy/youth-strategy/youthgoals\\_en](https://ec.europa.eu/youth/policy/youth-strategy/youthgoals_en).

<sup>35</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-counteracting-illegal-hate-speech-online\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-counteracting-illegal-hate-speech-online_en).

*Actions:*

- *Encourage the use of EU structural funds to fund civil society and build capacity and institutional/administrative infrastructure for deliberative civic engagement and political participation*
- *Use EU funds and opportunities under the EU youth strategy, citizenship education, the Creative Europe Programme and the equality agenda to foster access to democratic participation and trust in democracy*
- *Fight against hate speech and promote respect in the public debate through the extension the list of EU crimes to hate crime and hate speech*

### **3 STRENGTHENING MEDIA FREEDOM AND MEDIA PLURALISM**

Media freedom and media pluralism are essential to our democracies and are enshrined in the Charter of Fundamental Rights. Free and pluralistic media are key to hold power to account and to help citizens make informed decisions. By providing the public with reliable information, independent media play an important role in the fight against disinformation and the manipulation of democratic debate.

Attacks, abuses of defamation laws and other forms of intimidation and pressure, including by organised crime, are damaging the environment in which journalists work<sup>36</sup>. The media sector also faces the challenges of the digital transformation and the role of platforms as gatekeepers for online news distribution. The COVID-19 pandemic has exacerbated these trends. It led to major advertising losses, hitting in particular small and local media<sup>37</sup>.

There have been new violations of media freedom<sup>38</sup>, sometimes in the name of fighting online disinformation. In 2020, no less than 90 countries worldwide, including some in the EU and its Neighbourhood, have imposed restrictions on media freedoms on the grounds of COVID-19<sup>39</sup>.

There is a clear need to improve the online and physical safety of journalists, and to provide them and others actors involved in protecting the public interest with tools against abusive litigation. Better public disclosure of information on who owns or controls media outlets and the transparent and fair distribution of state advertising can also protect media pluralism.

Alongside this European Democracy Action Plan, the Media and Audiovisual Action Plan<sup>40</sup> will address the financial viability of the media sector, help the media industry recover and fully seize the opportunity of the digital transformation, and further support media pluralism. These plans form a comprehensive approach for the media sector and build on the work

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<sup>36</sup> European University Institute, (2020) *Media Pluralism Monitor Report*. The Media Pluralism Monitor, co-funded by the EU, provides a comprehensive assessment of the media pluralism landscape across Europe: <https://cmpf.eui.eu/mpm2020-results/>.

<sup>37</sup> News publishing saw its advertising revenues drop between 30% and 80% and TV by 20%, during generalised lockdowns in Q2 2020; see COM(2020) 784.

<sup>38</sup> <https://ipi.media/wpfd-2020-covid-19-accelerating-a-global-decline-in-media-freedom/>.

<sup>39</sup> <https://rsf.org/en/news/nearly-half-un-member-countries-have-obstructed-coronavirus-coverage>.

<sup>40</sup> COM(2020) 784.



done by the European Parliament and the Council.<sup>41</sup> The European Human Rights and Democracy Action Plan also provides concrete guidance for external actions in support to free and pluralistic media around the world, especially in support to safety and protection of journalists.

### 3.1 Safety of journalists

The 2020 Rule of Law report<sup>42</sup> showed that physical and online threats and attacks on journalists are on the rise in several Member States. Smear campaigns are frequent and overall intimidation and politically motivated interference have become commonplace. In recent years, Europe has witnessed brutal attacks on free media, with the assassinations of journalists, notably Daphne Caruana Galizia in Malta, Jan Kuciak and his fiancée Martina Kušnírová in Slovakia. One common trait of these murders was that they were preceded by physical and legal threats to the victims. An ever-growing number of journalists are targets of threats, increasingly via online means. Journalists are targets of harassment, hate speech and smear campaigns, at times even initiated by political actors, in Europe and beyond<sup>43</sup>. Female journalists are particularly targeted. The 2020 Rule of Law Report noted that such pressure has a ‘chilling effect’ on journalists. This can lead to self-censorship and reduce the space for public debate on important issues.

In April 2016, recognising the damage that threats to journalists do to the functioning of democratic society, the Committee of Ministers of the Council of Europe adopted a Recommendation on the protection of journalism and safety of journalists and other media actors<sup>44</sup>. The Council of Europe has also set up a dedicated Platform to Promote the Protection of Journalism and Safety of Journalists<sup>45</sup> to monitor alerts. Public authorities have a duty to protect freedom of expression and journalists’ safety by providing an enabling legal environment, taking criminal threats against journalists seriously and vigorously prosecuting attacks. However, the safety of journalists has continued to deteriorate, with the Platform registering an ever growing number of alerts<sup>46</sup>, and the Recommendation needs to be implemented better<sup>47</sup>.

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<sup>41</sup> In particular, the recent report by the European Parliament on strengthening media freedom and the Council conclusions on safeguarding a free and pluralistic media system.

<sup>42</sup> COM(2020) 580 final.

<sup>43</sup> See European University Institute, (2020) *Media Pluralism Monitor Report*. The Media Pluralism Monitor, co-funded by the EU, provides a comprehensive assessment of the media pluralism landscape across Europe: <https://cmpf.eui.eu/mpm2020-results/>.

<sup>44</sup> CM/Rec(2016) 4. This was accompanied by guidelines on prevention, protection, prosecution and the promotion of information, education and awareness-raising with the aim of enhancing journalists’ safety.

<sup>45</sup> The platform facilitates the compilation, processing and dissemination of information on serious concerns about media freedom and journalists’ safety in Council of Europe member states, as guaranteed by Article 10 of the European Convention on Human Rights. It aims to improve the protection of journalists, action on threats and violence against media professionals and the Council of Europe’s early warning and response capacity.

<sup>46</sup> In 2015-2019, it registered a total of 652 alerts, 78% of which remain unresolved. Between March and June 2020 alone, a total of 126 alerts were registered across Europe. See Council of Europe (2020), *Annual report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists*.

<sup>47</sup> <https://rm.coe.int/safety-implementation-guide-en-16-june-2020/16809ebc7c>.

While the situation is alarming, a number of **good practices** have been developed in several Member States<sup>48</sup>. These include cross-border initiatives, e.g. the Press Freedom Police Codex is an initiative developed by media freedom organisations to promote dialogue between police forces and media actors<sup>49</sup>. The Commission is committed to facilitating the exchange and dissemination of best practices to foster a safer space for journalists across the EU.

The Commission will organise a **structured dialogue** involving Member States and their media regulatory authorities, representatives of journalists, self-regulatory bodies (media/press councils) and civil society, and bringing in the expertise of the Council of Europe, OSCE and UNESCO<sup>50</sup>. This dialogue will take place within the **European News Media Forum** that the Commission will set up to strengthen cooperation with stakeholders on media-related issues<sup>51</sup>. Involving Member States' judiciary, prosecution and law enforcement authorities is essential for effectively addressing threats faced by journalists and reducing impunity for the perpetrators.

The Commission will propose in 2021 a **recommendation on the safety of journalists**. It will aim to tackle further safety issues, including those highlighted in the 2020 Rule of Law report, ensure better implementation by Member States of the standards in the Council of Europe Recommendation, and draw particular attention to threats against women journalists.

Securing **stable funding**<sup>52</sup> is also critical for ensuring that journalists are supported. For example, the Media Freedom Rapid Response pilot project<sup>53</sup> focuses on developing coordinated rapid responses to violations of press and media freedom, including legal aid and practical support (e.g. shelters) for journalists in need in Member States and candidate countries.

The EU actively promotes and supports journalists' safety in its **external actions** and policies<sup>54</sup>. It will continue to monitor and strengthen the media environment outside the EU with a focus on fostering pluralism of independent media and safety of journalists and use public diplomacy to respond to threats and obstructions to journalists. The EU Protect Defenders Mechanism provides financial and legal support and relocation for hundreds of journalists every year<sup>55</sup>. This work will continue, as will legal support for journalists and media houses through thematic and bilateral programmes, especially in cases of judicial harassment and abusive use of cybersecurity laws.

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<sup>48</sup> Documented by the 2020 Rule of Law report. For example, in Belgium, the Flemish Association of Journalists set up a specific hotline for aggression against journalists. In Italy, a coordination centre dealing with acts against journalists has been set up. In the Netherlands, the *PersVeilig* protocol aimed at reducing threats, violence and aggression against journalists was concluded between the public prosecution service, the police, the Society of Editors-in-Chief and the Association of Journalists. Sweden has set up national contact points and allocated resources to support journalists and better investigate hate crimes.

<sup>49</sup> Press Freedom Police Codex, European Centre for Press and Media Freedom (ECPMF).

<sup>50</sup> United Nations Educational, Scientific and Cultural Organization.

<sup>51</sup> COM(2020)784.

<sup>52</sup> These are key objectives under the proposed 2021-2027 Creative Europe programme, which for the first time earmarks funds to promote media pluralism.

<sup>53</sup> <https://www.mfrr.eu/>

<sup>54</sup> In line with the 2014 EU Human Rights Guidelines on freedom of expression online and offline; see EU Action Plan on Human Rights and Democracy 2020-2024, (JOIN/2020/5 final, 25.3.2020).

<sup>55</sup> 425 journalists were directly supported in 2019.

*Actions:*

- *Recommendation on the safety of journalists in 2021, taking into account new online threats faced in particular by women journalists*
- *Structured dialogue, under the European News Media Forum, with Member States, stakeholders and international organisations to prepare and implement the recommendation*
- *Sustainable funding for projects with a focus on legal and practical assistance to journalists in the EU and elsewhere, including safety and cybersecurity training for journalists and diplomatic support*

### **3.2 Fighting abusive use of strategic lawsuits against public participation**

Strategic lawsuits against public participation (SLAPPs) are a particular form of harassment increasingly used against journalists and others involved in protecting the public interest. They are groundless or exaggerated lawsuits initiated by state organs, business corporations or powerful individuals against weaker parties who express criticism or communicate messages that are uncomfortable to the litigants, on a matter of public interest. Their purpose is to censor, intimidate and silence critics by burdening them with the cost of a legal defence until they abandon their criticism or opposition. While civil society actors can be vulnerable to such initiatives, the nature of journalists' work makes them particularly exposed<sup>56</sup>.

A recent study<sup>57</sup> shows that SLAPPs are increasingly used across many Member States, in an environment where hostile activity against journalists is growing<sup>58</sup>. While most result in acquittals, they still raise serious concerns, as they can interrupt the work of journalists and affect their credibility. Given the imbalance in power and resources, SLAPPs can have a devastating impact on the victims' financial resources and produce 'chilling effects', dissuading or preventing them from pursuing their work in the public interest. SLAPPs are often used in combination with threats to physical safety – Daphne Caruana Galizia had 47 such lawsuits pending against her in Malta and abroad at the moment of her assassination.

SLAPPs rely on national law, but they can be more complex and more costly to defend when deliberately brought in another jurisdiction or when they exploit differences in national procedural and private international law. SLAPPs often have a cross-border nature. The fact that online media content is accessible across jurisdictions may open the way for forum shopping and hamper effective access to justice and judicial cooperation.

In 2021 the Commission will present an **initiative to protect journalists and civil society against SLAPPs**. To prepare this work, the Commission is carrying out a mapping study and will be running a technical focus group to gather feedback on the type of legal aid or support that could be envisaged for SLAPP victims. Also, a new expert group will be

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<sup>56</sup> SLAPPs are typically launched against individual journalists, activists, human rights defenders or civil society organisations that have a public watchdog function. See the policy paper signed by 100 NGOs, *Ending gag lawsuits in Europe, protecting democracy and fundamental rights*;

<sup>57</sup> <https://www.ecpmf.eu/ending-gag-lawsuits-in-europe-protecting-democracy-and-fundamental-rights/>  
<sup>58</sup> [https://ec.europa.eu/info/sites/info/files/ad-hoc-literature-review-analysis-key-elements-slapp\\_en.pdf](https://ec.europa.eu/info/sites/info/files/ad-hoc-literature-review-analysis-key-elements-slapp_en.pdf)

<sup>58</sup> The Council of Europe's Platform is monitoring alerts relating to SLAPPs; see *Hands off press freedom: attacks on media in Europe must not become a new normal*, annual report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists (2020).



established to gather legal practitioners, journalists, academics, members of civil society and professional organisations, with the aim to bring together expertise, exchange and disseminate best practices on **legal support for journalists and other actors confronted with SLAPP cases**. Dedicated judicial training should also help judges to know how to identify abusive litigation and use the available tools to address it<sup>59</sup>. Relevant cross-border aspects will also be examined in the context of the evaluation by 2022 of the Rome II and Brussels Ia Regulations<sup>60</sup>.

*Actions:*

- *Set up expert group on SLAPPs in early 2021*
- *Present initiative to protect journalists and civil society against SLAPPs in late 2021*

### 3.3 Closer cooperation to develop and implement professional standards

Transparency and compliance with professional norms and standards are essential for public trust in the media. Increasing commercial, and sometimes political, pressure puts a strain on media independence and journalists' ability to follow codes of conduct and standards of excellence.

Since 2019, the Commission has been co-funding a pilot project on media councils in the digital era<sup>61</sup>, which aims to raise the profile of media self-regulation bodies. As a next step, the Commission will promote stronger cooperation between national media councils, other media self-regulatory bodies, independent media regulators and networks of journalists. The goal will be to identify more clearly the challenges faced and develop policy recommendations to foster journalistic standards in the EU.

At the same time, the Commission will continue to support self-regulatory initiatives promoting **professional standards**<sup>62</sup>, including charters of editorial independence, and discussions on the challenges faced by journalists. In particular, dedicated support will be provided in the form of grants under the cross-sectoral strand of Creative Europe for collaborative news media partnerships, which will include the development of editorial standards, training of professionals and sharing of best practices.

*Actions:*

- *Support EU cooperation between national media councils, other media self-regulatory bodies, independent media regulators and networks of journalists, and initiatives fostering journalistic partnerships and standards*

<sup>59</sup> Commission Communication 'Ensuring justice in the EU — a European judicial training strategy for 2021-2024', COM(2020) 713 final.

<sup>60</sup> Regulation (EC) No 864/2007 of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ L 199, 31.7.2007, p. 40–49) and Regulation (EU) No 1215/2012 of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1–32).

<sup>61</sup> <https://ec.europa.eu/digital-single-market/en/news/pilot-project-media-councils-digital-age-0>

<sup>62</sup> This includes the development of structural and procedural indicators for trustworthiness by the media sector, promoting compliance with professional norms and ethics. The Commission co-funds for example the implementation of the Journalism Trust Initiative <https://jti-rsf.org/en>

### 3.4 Additional measures to support media pluralism

Transparency of media ownership is essential for assessing the plurality of media markets. The Council of Europe has also underlined the importance of transparency in enabling the public to evaluate the information and opinions disseminated by the media<sup>63</sup>. The public consultation for this action plan found widespread support for clear-cut obligations on all media outlets and companies to publish detailed information about their ownership<sup>64</sup>.

The revised Audiovisual Media Services Directive<sup>65</sup> (AVMSD) is an important step towards ensuring high transparency standards in the European media sector, encouraging national legislation requiring transparency of ownership of media service providers<sup>66</sup>. The deadline for Member States to transpose the Directive was 19 September 2020 and transposition is currently being assessed. The *2020 Rule of Law report* showed that, while some Member States have well-developed systems in place to ensure transparency of media ownership, others have no such system or face obstacles to effective public disclosure<sup>67</sup>.

To improve the understanding and public availability of media ownership information, the Commission will co-finance the new **Media Ownership Monitor**, a pilot project setting up a publicly available database containing relevant information on media outlets, which the Commission intends to eventually expand to cover all Member States. Building on the results of that project and on the revised AVMSD, the European Regulators Group for Audiovisual Media Services could develop further guidance in this area.

Given the serious impact of the COVID-19 pandemic, the Commission calls on Member States to **support media** in a way that respects and promotes media independence, freedom and pluralism<sup>68</sup>. The responsibility for ensuring that the news media sector can continue to offer products and services promoting pluralistic information, while competing in open and efficient markets, lies primarily with the Member States. Existing State aid rules clarify the conditions under which public support may be granted by Member States. In order to facilitate support from national authorities, the Council has invited the Commission to evaluate the application of State aid rules to the press sector. The Commission is assessing the need for appropriate action<sup>69</sup>. In addition, the State aid Temporary Framework of 19

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<sup>63</sup> Recommendation CM/Rec(2018) 11 of the Committee of Ministers to member states on media pluralism and transparency of media ownership.

<sup>64</sup> e.g. 88% of respondents were in favour of obligations on all media outlets and companies to publish detailed information about their ownership on their website.

<sup>65</sup> Directive (EU) 2018/1808 of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69).

<sup>66</sup> Article 5(2) of Directive (EU) 2018/1808.

<sup>67</sup> In order to provide better overview of the media transparency rules, an interactive database presenting the national legislative frameworks in this regard will be published as part of an independent study on the implementation of the AVMSD.

<sup>68</sup> See also COM/2020/575 final and JOIN(2020) 8 final.

<sup>69</sup> To facilitate support to the press, and enhance the transparency and predictability of State aid control in this sector, the Commission has made and will regularly update an online repository ([https://ec.europa.eu/competition/sectors/media/sa\\_decisions\\_to\\_media.pdf](https://ec.europa.eu/competition/sectors/media/sa_decisions_to_media.pdf)) containing relevant case practice. Regularly updated information on aid granted by Member States is also accessible in the transparency register.

March 2020 also applies to sector specific measures, such as aid to the press, music, and audiovisual sectors<sup>70</sup>.

State financial support through public interest advertising can be crucial, especially for non-profit, community media and other less commercial forms of journalism. Nevertheless, without appropriate safeguards to protect media independence, **state advertising** can be used to put indirect political pressure on the media<sup>71</sup>. Transparent rules and fair criteria for the allocation of advertising can mitigate the risks in this area. In particular, setting up publicly accessible contract registers that publish awarded contracts and their amendments (as supported by the Commission's 2017 public procurement strategy<sup>72</sup>) can help.

The Commission will also analyse existing national **media diversity and concentration rules** to see whether and how they ensure a plurality of voices in digital media markets, especially in the light of the growing role of online platforms. It will map options to address challenges in this area and further support media diversity in complementarity with competition tools, rules on freedom of establishment and the revised AVMSD. The latter allows Member States to take measures to ensure the appropriate prominence of audiovisual media services of general interest, to meet objectives such as media pluralism, freedom of speech and cultural diversity.<sup>73</sup> The Commission will encourage a common approach on this matter, as outlined in the Media and Audiovisual Action Plan.

*Actions:*

- *Set up the Media Ownership Monitor and develop further possible guidance on the transparency of media ownership*
- *Foster measures for the transparent and fair allocation of state advertising*
- *Map options for further support for media diversity and foster a European approach on the prominence of audiovisual media services of general interest*

## 4 COUNTERING DISINFORMATION

It is important to distinguish between different phenomena that are commonly referred to as 'disinformation' to allow for the design of appropriate policy responses:

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<sup>70</sup> Aid granted under the Temporary Framework may be cumulated with aid under *de minimis* Regulations (Commission Regulations (EU) No 1407/2013, No 1408/2013, No 717/2014, and No 360/2012.), which is exempt from the notification obligation, provided that the provisions and cumulation rules of those Regulations are respected. There have been cases in 2020 concerning Denmark, Italy and Luxembourg.

<sup>71</sup> The *2020 Rule of Law report* showed that many Member States lack specific rules for the distribution of state advertising, with little transparency on distribution criteria, amounts allocated and beneficiaries. The Commission will continue to examine this issue in the context of its future annual reports.

<sup>72</sup> Commission Communication on *Making public procurement work in and for Europe* (COM(2017) 572 final).

<sup>73</sup> Article 7a and Recital 25 of the revised AVMSD. Regarding these provisions, a specific subgroup of ERGA was set up in 2020 to facilitate a common understanding of its scope and potential appropriate measures, which would guarantee that audiovisual media services of general interest are given appropriate prominence as well as types of regulatory approaches Member States can take.

- **misinformation** is false or misleading content shared without harmful intent though the effects can still be harmful, e.g. when people share false information with friends and family in good faith;
- **disinformation** is false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm;
- **information influence operation** refers to coordinated efforts by either domestic or foreign actors to influence a target audience using a range of deceptive means, including suppressing independent information sources in combination with disinformation; and
- **foreign interference in the information space**, often carried out as part of a broader hybrid operation, can be understood as coercive and deceptive efforts to disrupt the free formation and expression of individuals' political will by a foreign state actor or its agents<sup>74</sup>.

For each type of these phenomena, and depending on the actor, channel and impact, different policy responses are required, in accordance with fundamental rights and democratic standards. For example, misinformation, where there is no intention to deceive, cause public harm or make an economic gain, can be tackled essentially by proactive communication, providing reliable information and raising awareness of the need to critically assess content and sources. To address the other phenomena, where there is a harmful intent, a more robust response is needed and our capabilities need to be continuously developed. Along these lines, and building on progress achieved<sup>75</sup>, this action plan sets out further action to counter disinformation, foreign interference and influence operations.

Reducing the incentives in the online environment that allow for the amplification of such content is an important response element as well. Information influence operations and foreign interference call for a stronger and well-coordinated response, using other instruments and approaches<sup>76</sup>. In this context, the Commission services and the EEAS will work with Member States, civil society and industry towards refined common definitions and methodologies in order to address different categories of disinformation and influence activities. The European Parliament has set up a special committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (INGE) that can also contribute to this issue. The EU will also continue to invest in research in this area and strengthen its strategic communication and awareness raising activities.

In the joint 2018 Action Plan against Disinformation<sup>77</sup>, also building on the experience of the EEAS East Stratcom Task Force to address Russia's disinformation campaign, the EU set out its approach to disinformation. This was followed by specific steps to address the

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<sup>74</sup> See also Pamment, J., The EU's role in fighting disinformation: Taking back the initiative, Carnegie Endowment for International Peace Working Paper, July 2020; available at: <https://carnegieendowment.org/2020/07/15/eu-s-role-in-fighting-disinformation-taking-back-initiative-pub-82286>.

<sup>75</sup> For an overview of EU action against disinformation see JOIN(2020) 8 final, p. 2.

<sup>76</sup> Pamment, J., The EU's role in fighting disinformation: Crafting a new disinformation framework, Carnegie Endowment for International Peace Working Paper, September 2020; available at <https://carnegieendowment.org/2020/07/15/eu-s-role-in-fighting-disinformation-taking-back-initiative-pub-82286>.

<sup>77</sup> JOIN(2018) 36 final.

disinformation wave during the COVID-19 pandemic<sup>78</sup> as well as in relation to the development of a safe and effective vaccine. The EU's work in this area will continue to be firmly rooted in European values and principles and fully safeguard freedom of expression. The actions presented below aim to prevent the manipulative amplification of harmful content by increasing transparency, curbing manipulative techniques and reducing economic incentives for spreading disinformation, as well as introduce deterrence by imposing costs on actors engaged in influence operations and foreign interference. They do not seek to and cannot interfere with people's right to express opinions or to restrict access to legal content or limit procedural safeguards including access to judicial remedy.

A more transparent and accountable digital ecosystem allowing to assess the spread, reach and the degree of coordination behind disinformation campaigns is paramount. The EU will support the important work of journalists, civil society organisations and researchers to maintain a healthy and varied information space, notably with respect to fact-checking.

#### 4.1 Improving EU and Member State capacity to counter disinformation

Online and offline influence operations can be relatively cheap to carry out and have limited downsides for those acting with malign intent, which partly explains their proliferation.<sup>79</sup> Information can also be weaponised by foreign actors<sup>80</sup>. For example, foreign actors and certain third countries (in particular Russia<sup>81</sup> and China<sup>82</sup>) have engaged in targeted influence operations and disinformation campaigns around COVID-19 in the EU, its neighbourhood and globally, seeking to undermine democratic debate, exacerbate social polarisation and improve their own image. When foreign actors use manipulative tactics to mislead EU citizens for their own gain, the threat to democracy demands a comprehensive, collective response. At the same time, the threat of disinformation by domestic actors is also growing<sup>83</sup>.

A prerequisite for effective responses to disinformation, both when it occurs in isolation and when it is part of a broader influence operation or foreign interference, is a thorough understanding of the challenges. Disinformation by spreading outright false content is only one technique used, others include **distortion of information, misleading the audience and manipulative tactics** such as fake profiles and false engagement to artificially amplify narratives on specific political issues and exploit existing divisions in society.

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<sup>78</sup> Joint Communication of the European Commission and the High Representative, Tackling COVID-19 disinformation – getting the facts right (JOIN(2020) 8 final).

<sup>79</sup> For example report by the NATO StratCom Center of Excellence, which shows that an entire industry has developed around the manipulation of social media, including the purchase of fake accounts, fake engagement and others, that can be found easily on the internet at a low price.

<sup>80</sup> See for example *Information Manipulation – A challenge for our democracies*, French Ministry for Europe and Foreign Affairs and the Ministry of Defence.

<sup>81</sup> www.EUvsDisinfo.eu has identified over 500 examples of pro-Kremlin disinformation on COVID-19 in its publicly available database which holds over 10.000 examples of pro-Kremlin disinformation.

<sup>82</sup> The EEAS has described foreign states' activities in its public analytical report e.g.: <https://euvsdisinfo.eu/eeas-special-report-update-short-assessment-of-narratives-and-disinformation-around-the-covid19-pandemic-updated-23-april-18-may/>

<sup>83</sup> Pamment, J., The EU's role in fighting disinformation: Taking back the initiative, Carnegie Endowment for International Peace Working Paper, July 2020; available at: <https://carnegieendowment.org/2020/07/15/eu-s-role-in-fighting-disinformation-taking-back-initiative-pub-82286>.

The new threat landscape calls for even **closer cooperation** within the EU, with relevant stakeholders in civil society, academia and private industry, and with international partners. Only by pooling existing knowledge on hybrid threats<sup>84</sup> across different sectors (e.g. disinformation, cyber operations and election interference) can the EU develop the comprehensive understanding of the threat landscape that it needs to respond effectively to disinformation and influence operations. The EU Security Union Strategy<sup>85</sup> puts particular focus on the systematic mainstreaming of hybrid considerations into policy making, to address the heightened risk of hybrid attacks by state and non-state actors, through a mix of cyber-attacks, damage to critical infrastructure, disinformation campaigns, and radicalisation of the political narrative.

The Commission and the High Representative will **strengthen cooperation structures** in this area within the EU, but also with international partners. The Rapid Alert System will continue to cooperate with international partners such as NATO, the G7, but possibilities to engage with other relevant organisation such as the EU Agency for Cybersecurity (ENISA), the European Digital Media Observatory (EDMO)<sup>86</sup> and Europol will also be explored, as appropriate.

In addition to the Rapid Alert System, the European Cooperation Network on Elections, is also working to develop effective responses to disinformation, when part of a broader hybrid threat, by supporting cooperation between Member States and facilitating engagement with international entities like the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights, as part of its comprehensive approach to free and fair elections in Europe. Regular cooperation and participation in joint meetings of the relevant structures working on disinformation will allow to put their vast knowledge to best use, developing a multi-disciplinary response to disinformation.

The EU institutions will ensure that their **internal coordination** on disinformation is strengthened, with a clear protocol for action to pull together knowledge and resources quickly in response to specific situations, for example ahead of European Parliament elections. This would build on the approach taken for COVID-19, where a system of reinforced coordination has been set up in response to the tougher challenges. Member States are invited to invest more in the relevant networks and ensure (also at national level) proper coordination between those who represent them in various fora, so as to ensure effective cooperation and coherent, comprehensive responses.

The EU has steadily improved its abilities to expose information influence methods by foreign actors and has called out perpetrators. However, with the continuously changing threat landscape, the EU needs to use more systematically the full range of tools in its **toolbox for countering foreign interference and influence operations**, and further

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<sup>84</sup> To date, the process of building all-source situational awareness on hybrid threats within the EU is led by INTCEN and its Hybrid Fusion Cell.

<sup>85</sup> COM/2020/605 final.

<sup>86</sup> EDMO was set up in October 2020. It is based on the work of an independent multidisciplinary community of researchers, fact-checkers and other relevant stakeholders, aiming to contribute to increased resilience and a better understanding of disinformation. In addition, cooperation between the RAS and the European Cooperation Network on Elections will be reinforced to allow to make better use of the vast knowledge of these two networks.

develop them including **by imposing costs on the perpetrators**<sup>87</sup>, in full respect of fundamental rights and freedoms. Possible ways of doing so range from publicly identifying commonly used techniques (so as to render them operationally unusable) to imposing sanctions following repeated offences. The response toolbox needs to be further developed. The Commission and the HR/VP will explore conceptual and legal aspects of devising appropriate instruments, seeking synergies with the EU's Framework for a joint EU diplomatic response to malicious cyber activities ('cyber diplomacy toolbox')<sup>88</sup>.

The EU will continue to support work to build **resilience in third countries**, to equip societies and democratic governments with the means to respond to external disinformation threats and to raise awareness of European values and EU-supported projects, in particular in the European Neighbourhood and Enlargement region. This includes efforts aimed at communicating more effectively the Union's policies and values, strengthening the media environment, including support for greater media freedom and pluralism, and raising awareness and building resilience against disinformation and influence operations.

*Actions:*

- *Develop the EU's toolbox for countering foreign interference and influence operations, including new instruments that allow imposing costs on perpetrators, as well as strengthening the EEAS strategic communication activities and taskforces*
- *Put in place a new protocol to strengthen existing cooperation structures to fight disinformation, both in the EU and internationally*
- *Develop a common framework and methodology for collecting systematic evidence on foreign interference and a structural dialogue with civil society, private industry actors and other relevant stakeholders to regularly review the threat situation*
- *Increase support for capacity-building of national authorities, independent media and civil society in third countries to detect and respond to disinformation and foreign influence operations*

## **4.2 More obligations and accountability for online platforms**

Information exchanged on social media platforms has become increasingly important for news consumption and political debate. However, online platforms can be used by malicious operators for disseminating and amplifying false and misleading content and have been criticised for the lack of transparency in the use of algorithms to distribute content online and for targeting users on the basis of the vast amount of personal data generated from online activity.

Systems such as ranking and recommender algorithms, which facilitate citizens' access to relevant information, can also be manipulated, in particular through coordinated and inauthentic actions, to facilitate the wide dissemination of disinformation on online

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<sup>87</sup> 74% of respondents to the public consultation were in favour of imposing costs on states that conduct organised disinformation campaigns. Civil society organisations stressed the need to make the threat of targeted sanctions more credible and frequent, thereby raising the cost of foreign influence operations and deterring interference.

<sup>88</sup> <https://www.consilium.europa.eu/en/press/press-releases/2017/06/19/cyber-diplomacy-toolbox>.



platforms. A diligent inspection by the platform and meaningful transparency towards users and researchers, can help better understand and address such threats.

These and other problems specific to disinformation were identified in a recent evaluation of the Code of practice on disinformation<sup>89</sup> (which platforms and other stakeholders joined on a voluntary basis). In the Commission's view, a more robust approach based on clear commitments and subject to appropriate oversight mechanisms is necessary to fight disinformation more effectively.

The Digital Services Act (DSA) will propose a horizontal framework for regulatory oversight, accountability and transparency of the online space in response to the emerging risks. It will propose rules to ensure greater accountability on how platforms moderate content, on advertising and on algorithmic processes. Very large platforms will be obliged to assess the risks their systems pose – not only as regards illegal content and products but also systemic risks to the protection of public interests and fundamental rights, public health and security. In this context, very large platforms will also need to develop appropriate risk management tools and take measures to protect the integrity of their services against the use of manipulative techniques. The DSA will provide users with meaningful possibilities to challenge the platforms' decisions to remove or label content.

The DSA will also establish a **co-regulatory backstop**<sup>90</sup> for the measures which would be included in a revised and strengthened *Code of practice on disinformation*. Based on this co-regulatory approach, the Commission will steer efforts with targeted actions addressing issues specific to disinformation on three pillars:

- the Commission will issue **guidance**, in parallel to the opening of the co-legislative discussions on the DSA, setting out how platforms and other relevant stakeholders should step up their measures to address the shortcomings identified in the assessment of the Code of practice on disinformation. Given the sensitivity of the issues, the Commission will follow a **multi-stakeholder approach** involving not only platforms but also other stakeholders, such as advertisers, media, civil society, fact-checkers and academia;
- subsequently, the Commission will call upon signatories and relevant stakeholders' groups, including in cooperation with ERGA, to **strengthen the Code of Practice** according to the guidance;
- the Commission will also set up a **more robust framework for recurrent monitoring of the strengthened Code of Practice**. This framework will build on the experience of the COVID-19 disinformation monitoring exercise<sup>91</sup>.

In addition, stronger enforcement of the **General Data Protection Regulation (GDPR)**<sup>92</sup> in respect of online platforms and other players influencing the spread of disinformation is

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<sup>89</sup> SWD(2020) 180 final.

<sup>90</sup> A large number of respondents support the option of pursuing the Code of practice on disinformation and combining it with some form of regulation. This approach is notably supported by regulators, civil society organisations and academia.

<sup>91</sup> JOIN(2020) 8 final.

<sup>92</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).



needed, in line with the September 2020 guidance from the European Data Protection Board<sup>93</sup>.

Based on the guidance issued by the Commission, the strengthened Code of Practice will aim to address the following objectives:

- **monitor the impact of disinformation and the effectiveness of platforms’ policies**, on the basis of a new methodological framework which includes principles for defining Key Performance Indicators (KPIs). In this context, timely information on platforms’ policies and access to relevant data, needs to be available to allow, amongst others, measuring progress against the KPIs;
- **support adequate visibility of reliable information of public interest<sup>94</sup> and maintain a plurality of views**: by developing accountability standards (co-created benchmarks) for recommender and content ranking systems and providing users with access to indicators of the trustworthiness of sources;
- **reduce the monetisation of disinformation linked to sponsored content**: in cooperation with advertisers, limiting the false or misleading issue-based advertisement on online platforms or on third-party websites as well as the placement of ads on websites that are purveyors of disinformation<sup>95</sup>;
- **step up fact-checking, by establishing transparent standards and procedures for open and non-discriminatory collaboration** between fact-checkers and platforms and foster cooperation<sup>96</sup>;
- **strengthen the integrity of services offered by online platforms** by developing appropriate **measures to limit the artificial amplification** of disinformation campaigns;
- **ensure an effective data disclosure for research** on disinformation, by developing a framework in line with applicable regulatory requirements and based on the involvement of all relevant stakeholders (and independent from political influence). The European Digital Media Observatory (EDMO) can facilitate the development of such a framework. The Commission notes that the GDPR does not a priori and across the board prohibit the sharing of personal data by platforms with researchers<sup>97</sup>.

*Actions:*

- *Issue guidance for strengthening the Code of Practice on Disinformation (Spring 2021)*

<sup>93</sup> [https://edpb.europa.eu/our-work-tools/public-consultations-art-704/2020/guidelines-082020-targeting-social-media-users\\_en](https://edpb.europa.eu/our-work-tools/public-consultations-art-704/2020/guidelines-082020-targeting-social-media-users_en).

<sup>94</sup> During the Covid-19 crisis online platforms have promoted accurate and reliable information about COVID-19 from the WHO, national health authorities and independent media outlets. They have implemented new tools such as information panels, cards, pop-ups, maps and prompts that lead users directly to reliable information sources in multiple languages. It is nevertheless important that citizens are always able to access a plurality of sources.

<sup>95</sup> The Global Disinformation Index recently estimated that online ad spending on disinformation domains amounted to \$235 million a year: <https://disinformationindex.org/>

<sup>96</sup> Alongside media and other relevant actors, fact-checkers have a specific role in the development of trustworthiness indicators and the scrutiny of ad placement.

<sup>97</sup> See in this respect also *Data protection rules as a pillar of citizens’ empowerment and EUs approach to digital transition - two years of application of the General Data Protection Regulation*, SWD/2020/115 final, page 27.

- *Convene the signatories of the Code of Practice and relevant stakeholders groups to strengthen the code according to the guidance*
- *Set up a permanent framework for the monitoring of the code*

### 4.3 Empowering citizens to make informed decisions

Everyone has a role to play in combatting disinformation and misinformation. Media literacy, including critical thinking, is an effective capacity helping citizens of all ages to navigate the news environment, identify different types of media and how they work, have a critical understanding of social networks and make informed decisions<sup>98</sup>. Media literacy skills help citizens check information before sharing it, understand who is behind it, why it was distributed to them and whether it is credible. Digital literacy enables people to participate in the online environment wisely, safely and ethically.

Countering disinformation and the use of hate speech through education and training as well as the promotion of open political debates is crucial for effective participation in society and democratic processes and is an important priority in the Digital Education Action Plan<sup>99</sup>. Over 40% of young people consider that critical thinking, media and democracy are ‘not taught sufficiently’ in school. In this context, promoting citizenship education is key in view of ensuring that young people are equipped with the social and civic competences to be open-minded, think critically and fully participate in our diverse societies. Along this line, ensuring academic freedom in higher education institutions is also at the core of all higher education policies developed at EU-level.

The Commission will increase its efforts to **strengthen media literacy** from various angles and further support national media literacy campaigns, in cooperation with the European Digital Media Observatory (EDMO) and the Media Literacy Expert Group. The revised Audiovisual Media Services Directive requires Member States to promote the development of media literacy skills. It also obliges video-sharing platforms to set up effective media literacy tools and raise user awareness. These are further developed under the Media and Audiovisual Action Plan, under which citizens are to be equipped with the necessary skills to understand fully the mechanisms that shape online interaction among users, including via a media literacy toolbox and guidelines to Member States.

The Commission will support media literacy projects under the new cross-sectoral strand of the Creative Europe programme. Media literacy projects will also be supported across various other programmes involving young people and schools (e.g. Erasmus+ and the European Solidarity Corps). In 2021, the priority theme for the ‘etwinning’ action (which helps schools, teachers and students across the EU to collaborate via new technologies) will be ‘media literacy and disinformation’. EDMO and the multidisciplinary community coordinated by it, will provide support to national media literacy campaigns aiming at strengthening citizens’ ability to assess the quality and veracity of online information, including citizens with additional needs. Through the work of its national hubs, the EDMO will identify specific issues to be tackled. The Commission will also scale up its efforts

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<sup>98</sup> Also, the new European digital identity proposal announced for 2021 will make it easier to carry out tasks and access services online across Europe and ensure that people have greater control and peace of mind over what data they share and how it is used.

<sup>99</sup> COM(2020) 624 final.

within the next edition of the European media literacy week. It will also cooperate closely with international organisations such as UNESCO.

In addition, the Commission will work on developing **common guidelines for teachers and educational staff** to foster digital literacy and tackle disinformation through education and training, as set out in the Digital Education Action Plan. In this context, it will engage with multiple stakeholders, including civil society, European technology companies and carriers, broadcasters, journalists, the Media Literacy Expert Group, EDMO, national authorities, parents, students and young people. The guidelines will go hand in hand with new initiatives to develop innovative ways to fight disinformation, such as an EUvsDisinfo hackathon.

The Commission will support the **involvement of journalists** in media literacy activities, in particular through ‘back-to-school’ initiatives enabling them to discuss their work and the role of the media with school pupils.

Support for **civil society** (including funding) will be a key element of action to tackle disinformation. The Commission will support initiatives aimed at helping civil society actors to participate in public debate. It will also help to strengthen cooperation across civil society at European level. This could be supported by several programmes in the new financing period<sup>100</sup>, in particular the proposed Rights and Values programme for the period 2021-2027<sup>101</sup>.

*Actions:*

- *Support new innovative projects to fight disinformation under various EU programmes, in particular by civil society organisations and higher education institutions, with journalists’ involvement*
- *Increase support and funding for and diversifying initiatives, including by civil society organisations, to promote media literacy and help citizens identify disinformation, within the EU and beyond*

## 5 CONCLUSION

In July 2019, President von der Leyen called for a new push for European democracy, with a greater say for Europeans and for Europe altogether to strive for more in nurturing, protecting and strengthening our democracy.

This European democracy action plan, taken together with the new European rule of law mechanism, the new Strategy to strengthen the application of the Charter of Fundamental Rights<sup>102</sup> as well as the package of measures taken to promote and protect equality across the EU, will be a key driver for the new push for European democracy to face the challenges and reap the benefits of the digital age. The commitment to democracy is also embedded in the EU’s external action, and a central pillar of its work with accession and neighbourhood countries.

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<sup>100</sup> Including under the proposals for Erasmus+, European Solidarity Corps and the Media programme.

<sup>101</sup> COM (2018) 383 final of 7.6.2018.

<sup>102</sup> COM(2020) 711.

The gradual delivery of the set of measures proposed in the action plan will ensure that Europe has a stronger democratic underpinning to take up the challenges of the unprecedented economic, climate and health crises we face, in full respect for our common principles and values. The Commission will review the implementation of the action plan in 2023, a year ahead of the elections to the European Parliament, and reflect on whether further steps are needed.

The Commission looks forward to the further engagement of the European Parliament and the Council as well as of the wide circle of national actors, public and private, beyond government authorities, who will be instrumental to ensure the resilience of our democracy.