

STANDARD FORM OF EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION AND DOCUMENTS

Council number 8578/18
COM(2018) 236

Tackling online disinformation: a European approach

1. Submitted by Department for Digital, Culture, Media and Sport on 21/05/2018.

SUBJECT MATTER

2. This Communication sets out the views of the Commission on the challenges associated with disinformation online. The Communication defines disinformation as misleading or outright false information that is created or shared online for malicious purposes - this could be for economic gain or to cause divisions in society. It states that where this content is illegal the relevant legislation is applicable, but it is important to note that the majority of disinformation is not illegal content. The internet has vastly increased the opportunities available to citizens but it has also changed the way users access and engage with news. The Communication charts the rise of disinformation across the EU, facilitated by the increase of digital platforms, and a variety of drivers which amplify this content such as: algorithms; click based digital advertising models and automated services. The Communication sets out that this poses a threat in sowing distrust in institutions and building societal tensions. Domestic and foreign actors can manipulate policy making and societal attitudes through disinformation.

3. The Communication calls upon platforms to step up efforts to tackle online disinformation. It argues that measures taken by online platforms to date, particularly social media platforms, have not been sufficient to tackle the spread of disinformation online. There are also concerns about the protections for users against unauthorised use of personal data, particularly following the recent Facebook/ Cambridge Analytica revelations. The Communication notes that these issues are growing in public awareness and concern.

4. Therefore the Communication states that action is needed by the EU, to ensure a consistent approach towards an issue which due to the nature of the internet crosses borders. The EU Commission set out four principles: improve transparency; promote diversity of information; foster credibility of information; and fashion inclusive solutions.

5. The Commission has committed to:

- a. convene a multistakeholder forum on disinformation, to develop a Code of Conduct for online platforms and the advertising industry, by July 2018.
- b. launch a study to example the applicability of EU rules and possible gaps in relation to the identification of online sponsored content, including assessing possible identification tools for sponsored content
- c. create an independent European network of fact-checkers and launch a secure European online platform to support academic research

- d. use the Horizon 2020 work programme to mobilise emerging technologies to combat disinformation
- e. develop a range of educational proposals including targeted disinformation initiatives as part of the #SaferInternet4EU campaign and a European Week of Media Literacy
- f. support a pluralistic and sustainable media environment, including launching a call for the production and dissemination of quality news content on EU affairs and supporting the Fundamental Rights Agency toolkit for media professionals

6. The Commission's actions complement the General Data Protection Regulation which will apply from 25 May 2018. All actions should also strictly respect an open Internet and the principle of freedom of expression.

SCRUTINY HISTORY

7. As new proposals they have not previously been considered for scrutiny.

MINISTERIAL RESPONSIBILITY

8. This communication does not require a Ministerial decision. The Secretary of State for the Department for Digital, Culture, Media and Sport is primarily responsible for these proposals.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

9. Online and media policy are reserved matters under the UK's devolution settlement. Scottish Government Ministers, Welsh Assembly Ministers and Northern Ireland may have an interest and have been consulted in the preparation of this EM.

LEGAL AND PROCEDURAL ISSUES

10. There are no legal or procedural issues. These are not proposals for legislation.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

11. These proposals are not applicable to the EEA.

SUBSIDIARITY

12. The cross border nature of the internet and the spread of disinformation means a European approach and cooperation between Member States is necessary to ensure consistent and effective action.

POLICY IMPLICATIONS (including Exit implications where appropriate)

13. There are no specific policy implications from this Communication on UK Government policy. As a Communication it does not set out a framework for legislation. The Commission will seek to build on existing EU initiatives and create a

new EU wide. The Government has noted the results of the consultation and barometer with interest.

14. The Government is currently considering measures to tackle disinformation and the Prime Minister announced in February 2018 that as part of the Internet Safety Strategy the Government would bring in a Code of Conduct for social media platforms on tackling harmful behaviour. We will consider the detail and impact of the Commission's proposed Code of Conduct with interest.

15. The Government is actively engaging with industry partners, including fact checkers to address this issue and the development of policy will be a collaborative effort with industry. We encourage UK industry representatives to participate in the multistakeholder event.

16. On 23 June 2016, the EU referendum was held and the people of the United Kingdom voted to leave the European Union. The Government respected the result and triggered Article 50 of the Treaty on European Union on 29th March 2017 to begin the process of exit. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will also continue to negotiate, implement and apply EU legislation.

17. The UK and EU negotiating teams have reached agreement on the terms of an implementation period that will start on 30 March 2019 and last until 31 December 2020. The UK will continue to pay its net contributions under the current EU budget plan that was signed in 2013 and which runs until the end of 2020. The UK will continue to benefit from EU programmes under this budget plan, which will include the Horizon 2020 programme. The Government will consider our future participation in initiatives such as the European network and secure online platform in the exit negotiations.

CONSULTATION

18. These proposals do not require UK consultation. The EU undertook a public consultation on disinformation from November 2017 to February 2018 to inform the proposals. A summary report was published on 12 March 2018. In addition a High Level Expert Group consisting of industry representatives, including UK representatives, advised on this matter and delivered a report on 12 March 2018.

IMPACT ASSESSMENT

19. No impact assessment has been made as we do not consider these proposals to impose any burden, or benefit, on business or the third sector.

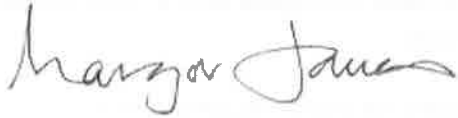
FINANCIAL IMPLICATIONS

20. There are no financial implications.

TIMETABLE

21. The Code of Conduct will be developed by July 2018 and is intended to produce demonstrable effect by October 2018. The Commission will report on progress made by December 2018.

MINISTERIAL NAME AND SIGNATURE

A handwritten signature in black ink that reads "Margot James". The signature is written in a cursive style with a large initial 'M' and 'J'.