

Public survey for European Democracy Action plan

Fields marked with * are mandatory.

Introduction

The Commission's Political Guidelines announced a European Democracy Action Plan under the headline ambition of a new push for European Democracy. The Commission intends to present the Action Plan towards the end of 2020.

The aim of the European Democracy Action Plan is to ensure that citizens are able to participate in the democratic system through informed decision-making free from interference and manipulation affecting elections and the democratic debate.

The Commission has started the preparation of the European Democracy Action Plan and would like to consult the public on three key themes:

- Election integrity and how to ensure electoral systems are free and fair;
- Strengthening media freedom and media pluralism;
- Tackling disinformation.

In addition, the consultation also covers the crosscutting issue of supporting civil society and active citizenship.

When providing your contribution, you may opt to fill in one or more of the four sections, according to their relevance to your areas of interest. Please note that a specific public consultation on the Digital Services Act package is open until 8 September 2020 and covers also elements relevant in the context of the European Democracy Action Plan.[1]

[1] <https://ec.europa.eu/digital-single-market/en/news/consultation-digital-services-act-package>

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish

- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Diego

* Surname

NARANJO

* Email (this won't be published)

diego.naranjo@edri.org

* Organisation name

255 character(s) maximum

European Digital Rights (EDRi)

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

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* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|--------------------------------------|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |

- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland

- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi

- Cambodia

- Cameroon

- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
- Chad
- Chile
- China

- Christmas Island
- Clipperton

- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica

- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue

- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru

- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo

- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States

- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

Questions on election integrity and political advertising

Fair democratic debates and electoral campaigns as well as free and fair elections in all Member States are at the core of our democracies. The space for public debate and electoral campaigns has evolved rapidly and fundamentally, with many activities taking place online. This brings opportunities for the democratic process, public participation and citizen outreach but also challenges, inter alia concerning the transparency of political advertising online and possible threats to the integrity of elections. Ahead of the 2024 European Parliament elections, changes to the role of European political parties might also be considered.

(i) Transparency of political advertising

Q1 Have you ever been targeted^[2] with online content that related to political or social issues, political parties (European or national), political programmes, candidates, or ideas within or outside electoral periods ('targeted political content')?

[2] Paid for ads and any form of personalised content promoted to the user

- 1. No, never
- 2. Yes, once
- 3. Yes, several times
- 4. I don't know

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

- 1. No, I am not interested
- 2. I don't know how to do it
- 3. Yes, occasionally
- 4. Yes, all the time
- 5. I don't receive targeted political content

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

| | | | | | | |
|--|-------------|----------------|----------------------------|-------------------|----------------|------------------------|
| | Fully agree | Somewhat agree | Neither agree not disagree | Somewhat disagree | Fully disagree | I don't know /No reply |
|--|-------------|----------------|----------------------------|-------------------|----------------|------------------------|

| | | | | | | |
|--|-----------------------|-----------------------|-----------------------|----------------------------------|----------------------------------|-----------------------|
| 1. Targeted content was labelled in a clear manner | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. It was easy to distinguish paid for targeted content from organic content | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. It was easy to identify the party or the candidate behind the content | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 4. The content included information on who paid for it | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 5. The information provided with the content included targeting criteria | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 6. The ad was linked to a database of targeted political content | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 7. The targeted political content offered the possibility to report it to the platform | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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

| | Not at all | A little | Neither a lot nor a little | A lot | Absolutely | Don't know |
|--|-----------------------|-----------------------|----------------------------|-----------------------|----------------------------------|----------------------------------|
| 1. Disclosure rules (transparency on the origin of political content) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. Limitation of micro-targeting of political content, including based on sensitive criteria, and in respect of data protection rules | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. Creation of open and transparent political advertisements archives and registries that show all the targeted political content, as well as data on who paid for it and how much | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 4. Political parties to disclose their campaign finances broken down by media outlet | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 5. Prohibit foreign online targeted political content | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| 6. Prohibit online targeted political content altogether | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

| | | | | | | |
|--|-----------------------|-----------------------|-----------------------|----------------------------------|-----------------------|-----------------------|
| 7. Rules limiting targeted political content on the election day and just before | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 8. Other | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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

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

Please explain

Platforms are used by malicious actors keen to exploit this attention-driven industry to disrupt public and political discourse as noted in European Parliamentary Research Service, Polarisation and the use of technology in political campaigns and communication (Study PE 634.414, 2019). This abuse of personal data can result in serious impediments to the democratic process and elections. The Cambridge Analytica scandal and the Brexit campaign (<https://www.theguardian.com/technology/2017/may/07/the-great-british-brexit-robbery-hijacked-democracy>) show that the trafficking of illegally obtained personal data can lead to its misuse for political gain, such as micro-targeting citizens with political ads (which in the US most people oppose). Similar opposition is found in the EU (https://ec.europa.eu/commission/presscorner/detail/en/IP_18_6522) and in the US (<https://knightfoundation.org/articles/in-us-most-oppose-micro-targeting-in-online-political-ads/>). Facebook, particularly, is an enabler of precision-targeted political messages, thanks to its access to behavioural data and sophisticated algorithms, both treated by the platform as its “property” as noted in "Who (really) targets you? Facebook in Polish election campaigns", Panoptykon Foundation, (April 2020), <https://panoptykon.org/political-ads-report>.

Depending on how micro-targeting works, practices should be strictly limited or banned as they are already illegal. If micro-targeting uses sensitive data, for example, without the explicit consent of the user, this should not be allowed. On the other hand, if people opt-in to micro-targeted content/advertising based on their expressed interests (not inferred), that would be in line with privacy and data protection legislation. That said, we believe that the core of the discussion may be needed to be discussed elsewhere: adopting a strong ePrivacy Regulation, tackling gatekeepers and micro-targeting in the Digital Services Act, strongly enforcing the GDPR and strengthening competition law.

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

- 1. Yes
- 2. No
- 3. I don't know

Please explain your answer

(ii) Threats to electoral integrity

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

| | Yes | No | Don't know |
|-------------------------------|----------------------------------|-----------------------|-----------------------|
| 1. Intimidation of minorities | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | |
|--|----------------------------------|-----------------------|-----------------------|
| 2. Intimidation of political opposition | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Micro-targeting of political messages, that is messages targeted to you or a narrowly defined group | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4. Information suppression, that is the purposeful lack of information on a topic | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 5. Disinformation or fake accounts run by governments, including foreign governments | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 6. Divisive content, that is content created to divide society on an issue | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 7. The amplification of content that makes it difficult for you to encounter differing voices | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 8. Intimidation of women candidates | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 9. I or someone I know has been targeted based on sensitive criteria such as gender, ethnicity or sexual orientation | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 10. Content where I could not easily determine whether it was an advertisement or a news post | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 11. Other | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

[IF Q1=11: Please define]

Q1.1 IF Q1=YES for any answer option

- 1. Have you felt personally intimidated/threatened by targeted political content?
- 2. Could you tell us more about your experience?

Please explain your answer

(iii) European Political Parties:

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

| | | | | | | |
|--|------------|----------|----------------------------|-------|------------|------------|
| | Not at all | A little | Neither a lot nor a little | A lot | Absolutely | Don't know |
|--|------------|----------|----------------------------|-------|------------|------------|

| | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|----------------------------------|
| 1. Better highlighting the links between the national and European Political Parties, for example by displaying both names on ballot papers and in targeted political content | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. More transparency on financing (e.g. information about how much national parties contribute yearly to the European Political Parties budgets) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. Bigger budgets for European Political Parties | <input type="radio"/> | <input checked="" type="radio"/> |
| 4. Strengthening the European campaigns by European Political Parties in Member States | <input type="radio"/> | <input checked="" type="radio"/> |
| 5. Better explaining the role of European Political Parties in the EU | <input type="radio"/> | <input checked="" type="radio"/> |
| 6. Other | <input type="radio"/> | <input type="radio"/> |

Please explain

(iv) European Elections

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

- 1. Strengthened sharing of information and monitoring activity across borders and between authorities
- 2. Technical interfaces to display all political advertisements as defined by online service providers
- 3. Technical interfaces to display all advertisements (political or not)
- 4. Clear rules for delivery of political ads online in electoral periods, similarly to those that exist in traditional media (TV, radio and press)
- 5. Independent oversight bodies with powers to investigate reported irregularities
- 6. Enhanced reporting obligations (e.g. to national electoral management bodies) on advertisers in a campaign period
- 7. Enhanced transparency of measures taken by online platforms in the context of elections, as well as meaningful transparency of algorithmic systems involved in the recommendation of content

- 8. Privacy-compliant access to platform data for researchers to better understand the impact of the online advertisement ecosystem on the integrity of democratic processes
- 9. Greater convergence of certain national provisions during European elections
- 10. Stronger protection against cyber attacks
- 11. Higher sanctions for breaches of the electoral rules
- 12. Other – please specify

Please explain your answer

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

- 1. Strengthened sharing of information and monitoring activity across borders and between authorities
- 2. European-level obligations on political advertising service providers
- 3. European-level shared online monitoring and analysis capability being made appropriately available to national authorities
- 4. Cross border recognition of certain national provisions
- 5. Other

Please explain your answer

Questions on strengthening media freedom and media pluralism

Freedom of expression and freedom and pluralism of the media are enshrined in the Charter of Fundamental Rights of the European Union (Article 11), and their protection is underpinned by Article 10 of the European Convention on Human Rights. They are essential elements of a healthy democratic system. Whilst in general the EU and its Member States score well on a global scale, there are signs of deterioration (as shown by the Media Pluralism Monitor) and the sector is facing challenges from threats to the safety of journalists (including strategic lawsuits against public participation – ‘SLAPP lawsuits’) to the transformation of the sector, with digital technologies and new players transforming the established business model of advertising revenue. The COVID-19 pandemic has worsened the situation, both in the EU and outside of the EU, from restrictive national legislation to critical loss of revenues for the media sector.

Initiatives to strengthen media freedom and media pluralism will build in particular on the analysis and

areas covered by the upcoming Rule of Law Report, with a focus on improving the protection of journalists, their rights and working conditions. Please note that the Commission also intends to propose, by the end of the year, an Action Plan for the Media and Audiovisual sector to further support the digital transformation and the competitiveness of the media and audiovisual sectors and to stimulate access to quality content and media pluralism.

(i) Safety of journalists / conditions for journalistic activities

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

- 1. Yes (please justify)
- 2. No (please justify)
- 3. I do not know

Please explain your answer

Q1.1 If yes, what kind of issue?

- 1. Lack of proper sanction applied to perpetrators of attacks against journalists– Yes/No
- 2. Abuse of defamation laws or other laws aiming at silencing journalists and news media – Yes/No
- 3. Lack of legal safeguards for journalistic activities – Yes/No
- 4. Lack of institutions to protect journalists – Yes/No
- 5. Online hate speech – Yes/No
- 6. Cyberbullying – Yes/No
- 7. Physical threats – Yes/No
- 8. Other – please specify

Please explain your answer

Journalists in EU Member States face physical risk as part of the job, and individuals are subject to serious threats to life and physical attacks. Daphne Caruana Galizia (Malta, 2017) and Ján Kuciak (Slovakia, 2018) were both killed in EU Member States in relation to their work.

Journalists face a range of different threats that lead to self-censorship including psychological violence, humiliation, intimidation, harassment, smear campaigns, cyberbullying, or the threat of legal action. Female journalists are particularly likely to receive online threats and harassment, as well as journalists who expose crimes committed by State actors, as it is the case of Julian Assange (Wikileaks), who faces extradition to the US as we write these lines.

Such threats and abuses have been documented in the Council of Europe Journalist Safety Platform Annual Report (April 2020); the European Parliament Committee on Civil Liberties, Justice and Home Affairs study on the Safety of Journalists and the Fighting of Corruption in the EU (July 2020) and the findings of the Media Pluralism Monitor (July 2020).

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

- 1. Yes
- 2. No
- 3. Don't know

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

- 1. Yes
- 2. No
- 3. Don't know

Please explain your answer

Strategic Lawsuits Against Public Participation (SLAPPs<<https://storage.googleapis.com/planet4-eu-unit-stateless/2020/06/20200608-ending-SLAPPs-NGO-paper.pdf>>) are harmful (typically civil) lawsuits brought by powerful individuals or companies that have no legal merit and are designed to intimidate and harass the target. They involve the prospect of burdensome legal costs. They are not intended to be won in court, but to silence critical individuals, often journalists. The Council of Europe Journalist Safety Platform <<https://www.coe.int/en/web/media-freedom>> provides information on individual alerts filed by partner organisations to EU Member States in relation to SLAPPs, including Malta, Croatia, Belgium, and France. Other SLAPP lawsuits have been documented by Mapping Media Freedom<<https://www.mappingmediafreedom.org/>>, and by the University of Amsterdam (<<https://www.amsterdamlawhub.nl/en/amsterdam-law-practice/clinics/meet-our-staff/doing-business-right-clinic.html>>findings pending).

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

- 1. Regular monitoring of SLAPP cases in the European Union
- 2. Financial support for journalists facing SLAPP lawsuits
- 3. Rules on legal aid for journalists facing SLAPP lawsuits

- 4. Cross-border cooperation to raise awareness and share strategies and good practices in fighting SLAPP lawsuits
- 5. EU rules on cross-border jurisdiction and applicable law
- 6. None of the above
- 7. Other – please specify

Please explain your answer

A civil society coordination group working on SLAPPs has already been directly engaging <<https://cpj.org/2020/05/cpj-joins-call-for-reform-of-eu-defamation-law/>>with the European Commission on the question of establishing robust policy and legislative anti-SLAPP measures, including:

- Amendment of the Brussels I Regulation (recast) with a view to grounding jurisdiction in the domicile of the defendant in matters relating to defamation.
- The omission of defamation from the scope of the Rome II Regulation and the inclusion of a new rule which would require the application of the law of the place to which a publication is directed.
- The adoption of a Directive to introduce procedural safeguards to limit the abuse of SLAPPs against journalists.
- The establishment of budgetary measures to morally and financially support all SLAPPs victims.

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

- 1. Yes (please justify)
- 2. No (please justify)
- 3. I do not know

Please explain your answer

Q4.1 If yes, how?

- 1. By issuing guidance – Yes/No
- 2. By setting up dedicated structured dialogue with Member States – Yes/No
- 3. By providing financial support – Yes/No
- 4. Other – please specify

Please explain your answer

The European Commission should take all necessary budgetary, policy and legislative measures to ensure EU Member States can fully implement Council of Europe Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors (a recommendation that all EU Member states have endorsed).

The European Commission should ensure through the Rule of Law Mechanism provides an opportunity for robust dialogue with Member States on press freedom, including reviewing legislative and policy frameworks on journalist protection <[Q5. Are you aware of any issues regarding the protection of journalistic sources in your country?](https://cpj.org/2020/04/cpj-partner-organizations-call-for-strengthened-eu/#:~:text=The%20Rule%20of%20Law%20Mechanism,at%20risk%20around%20the%20bloc.>: text=The%20Rule%20of%20Law%20Mechanism,at%20risk%20around%20the%20bloc.>.</p></div><div data-bbox=)

- 1. Yes (please provide concrete examples)
- 2. No
- 3. I do not know

Please explain your answer

Alerts in relation to the protection of journalist sources have been registered on the Council of Europe Journalist Safety Platform over the past two years including in Italy, France, Slovakia, Belgium, Spain, Malta, and Romania <<https://www.coe.int/en/web/media-freedom/>>.

In addition to this, a strong implementation of Directive 2019/1937 on the protection of persons who report breaches of Union law is essential to protect journalistic sources and whistleblowers.

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

- 1. Yes (please provide concrete examples)
- 2. No
- 3. I do not know

Please explain your answer

Journalists can face difficulties accessing information from public bodies, including because of sensitive investigations in relation to corruption, organized crime, environmental contamination, or relationships with business and lobby groups. Mapping Media Freedom has documented cases in Bulgaria, Poland, Czech Republic, Hungary and Slovakia: <https://www.mfrr.eu/monitor/>

(ii) Media independence and transparency

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

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

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

- 1. Very important
- 2. Important
- 3. Not important
- 4. Don't know

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

- 1. Yes
- 2. No (please explain)
- 3. I do not know

Please explain

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

- 1. Yes (please explain)
- 2. No (please explain)
- 3. I do not know

Please explain

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

- 1. Yes (please explain)
- 2. No (please explain)
- 3. I do not know

Please explain

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

- 1. Yes (please explain)
- 2. If yes, please give examples of how it could be achieved and how to distinguish sources to be promoted?
- 3. No (please explain)
- 4. I do not know

Please explain

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

- 1. Transparency of state advertising and state support to news media / journalism – Yes/No
- 2. Transparency of media ownership – Yes/No
- 3. Promotion of information from independent media and trustworthy sources– Yes/No
- 4. Ownership limitations of commercial actors – Yes/No
- 5. Ownership limitations of political actors – Yes/No
- 6. Rules to prevent foreign (extra-EU) based manipulative and hate-spreading websites from operating in the EU - Yes/No
- 7. Other – please specify
- 8. No, what is in place is sufficient
- 9. No

- 10. I do not know

Please explain your answer

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

- 1. Transparency of state advertising and state support to news media / journalism – Yes/No
- 2. Transparency of media ownership – Yes/No
- 3. Promotion of information from independent media and trustworthy sources – Yes/No
- 4. Ownership limitations of commercial actors – Yes/No
- 5. Ownership limitations of political actors – Yes/No
- 6. Other – please specify
- 7. No
- 8. I don't know

Please explain your answer

Q9. If you answered yes to some of the options of the previous question, how should the EU act in these areas?

- 1. By issuing guidance – Yes/No
- 2. By setting up dedicated structured dialogue with Member States – Yes/No
- 3. By providing financial support – Yes/No
- 4. By adopting legislation – Yes/No
- 5. Other – please specify

Please explain your answer

Q10. EU countries have rules applying to media content such as news or current affairs, in general (e.g. rules on editorial independence, objectivity/impartiality), and

in particular during elections (rules on scheduling and the balance of the programmes, moratoria on political campaign activity, opinion polls). Do you think similar rules should apply online?

- 1. Yes
- 2. No
- 3. I don't know

Please explain your reply.

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

- 1. Yes
- 2. No
- 3. I don't know

Please explain your reply.

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

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

- 1. Yes
- 2. No

Q1.1 If yes, what are the main activities of a press or media council or another media self/co-regulation body in your country?

- 1. Please specify
- 2. I do not know

Please explain your answer

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

- 1. Yes (please explain)
- 2. No (please explain)

Please explain

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

- 1. Incentivising exchanges of best practices and promoting journalistic standards, in particular online – Yes/No
- 2. Providing support for journalists in the process of digitalisation of media sector – Yes/No
- 3. Ensuring effective complaints handling mechanisms – Yes/No
- 4. Establishing links between journalists and citizens to increase trust – Yes/No
- 5. Contributing to the fight against disinformation online – Yes/No
- 6. Other - please specify

Please explain your answer

Q2. What role, if any, should the EU play to facilitate cross-border cooperation?

- 1. Provide financial support to media councils or other media self/co-regulation bodies – Yes/No
- 2. Set up an EU-level coordination network – Yes/No
- 3. Promote citizens' awareness about their activities – Yes/No
- 4. Other (please specify)
- 5. No role

Please explain your answer

Questions on tackling disinformation

Designed to intentionally deceive citizens and manipulate our information space, disinformation undermines the ability of citizens to form informed opinions. Disinformation can also be a tool for manipulative interference by external actors.

(i) Scope

Q1. The April 2018 Commission Communication on Tackling online disinformation: a European Approach defines disinformation as verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm.[4]

Do you think this definition should be broadened and complemented to distinguish between different aspects of the problem?

[4] Public harm includes threats to democratic processes as well as to public goods such as Union citizens' health, environment or security. Disinformation does not include inadvertent errors, satire and parody, or clearly identified partisan news and commentary.

- 1. Yes (please specify)
- 2. No (please specify)
- 3. Don't know

Please explain your answer

EDRi already provided feedback to this definition in its position paper Informing the disinformation debate: https://edri.org/files/online_disinformation.pdf

This definition of disinformation requires that the content intentionally causes public harm or is designed for profit. Profit is a very risky element of the definition on its own. Taking measures to restrict an activity that is not illegal, on the basis of intention rather than impact is ineffective inasmuch as "intent" is an element of criminal law but non-illegal (but harmful content) requires an approach since "harm" may or not be done with "intent". To ensure that satire and parody, which are both speech acts that can be intentionally misleading or false and yet are protected by freedom of expression, the definition should be narrowed down to content that cause demonstrable and significant public harm.

Also, the definition would benefit from using a conjunctive criteria between the criteria "false" and "misleading" to gain clarity.

Q2. So far, the European Commission has addressed the spread of disinformation through a self-regulatory approach, which has resulted in a Code of Practice on Disinformation being subscribed by major online platforms and trade associations representing the advertising industry. Do you think that this approach should be:[5]

[5] This question complements the questionnaire for the public consultation on the Digital Services Act, which focuses on illegal content

- 1. Continued as it is currently pursued (status quo)
- 2. Pursued but enlarged to a wider range of signatories
- 3. Pursued but combined with a permanent monitoring and reporting programme
- 4. Pursued but on the basis of a substantially reviewed Code of Practice
- 5. Pursued but accompanied by a regulatory framework fixing basic requirements for content moderation, data access and transparency, as well as respective oversight mechanisms
- 6. Pursued but accompanied by a regulatory package fixing overarching principles applicable to all information society services and establishing more detailed rules for dealing with disinformation under such general principles
- 7. Replaced by special regulation on disinformation
- 8. abandoned altogether, as all forms of restriction or control on content posted online by internet users and which is not illegal in nature (e.g. illegal hate speech, incitement to terrorism) could endanger freedom of speech
- 9. Other (please explain)

Please explain your answer

We wrote extensively with Liberties and Access Now about tackling "disinformation" here: https://edri.org/files/online_disinformation.pdf

More specifically, we oppose the approach of the Code of Conduct on Disinformation, which pushes platform companies to measure their success only based on the number of deleted accounts or removed pieces of content as well as on how speedy those deletions have been carried out. It does not, however, improve legal certainty for users, nor does it provide for proper review and counter-notice mechanisms, or allow for investigations into whether or not the removed material was even illegal. Finally it does not put the emphasis on education for users, transparency or analysis of the content taken down and any potential legal actions against removed content.

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

| | Yes | No | Don't know |
|---|-----------------------|-----------------------|-----------------------|
| 1. Alerts when attempting to share or publish content that has failed a fact-check by journalists or a fact-checking organisation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | | | |

| | | | |
|--|-----------------------|-----------------------|-----------------------|
| 2. Notifications to users who have previously engaged with content or sites that have failed a fact-check by journalists or a fact-checking organisation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Clear labels above content or sites that have failed a fact-check by journalists or a fact-checking organisation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4. Mechanisms allowing you to report disinformation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Q3.1 If yes, on which platforms have you encountered this?

- 1. Google
- 2. Facebook
- 3. Twitter
- 4. YouTube
- 5. WhatsApp
- 6. Other (Please specify)

Please explain your answer

(ii) Disrupting the economic drivers for disinformation

Q1. What type of measures should online platforms and advertising networks operators take in order to demonetise websites that create, present or disseminate disinformation?[6]

[6] Please note that this question refers to monetisation of websites that systematically publish false or misleading information, which is not illegal in nature. Monetisation via advertisement placements of web sites publishing illegal content is addressed within the context of a separate questionnaire for the public consultation on the Digital Services Act.

| | Fully agree | Somewhat agree | Neither agree not disagree | Somewhat disagree | Fully disagree | I don't know /No reply |
|--|-----------------------|-----------------------|----------------------------|-----------------------|-----------------------|------------------------|
| 1. Establish and regularly update lists of websites identified by fact-checkers as systematic sources of disinformation (black list approach) and publish them | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. Establish and regularly update lists of websites identified by fact-checkers as systematic sources of disinformation (black list approach) and remove the ad accounts concerned | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Establish and regularly update lists of websites identified by fact-checkers as systematic sources of disinformation (black list approach) and temporarily suspend the ad accounts concerned | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4. Establish and regularly update lists of websites identified by fact-checkers as occasional sources of disinformation (grey list approach) and give the advertisers the possibility to selectively exclude such websites | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 5. Block ad accounts only for those websites that engage in deceptive behaviour (e. g. spamming, misrepresentation of identity, scraping content from other sources, containing insufficient original content, etc.) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 6. Ensure a systematic scrutiny of websites providing advertisement space and limit ad placements only on those websites that are considered trustworthy by reputable indexes (white list approach) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | | |
|---|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 7. Ensure transparency of platforms vis-à-vis advertisers and provide for third-party verification (e.g. position of the ads, the content the ads are run next to, metrics) | <input checked="" type="radio"/> | <input type="radio"/> |
| 8. Other | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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

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

(iii) Integrity of platforms' services

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

- 1. Yes
- 2. No
- 3. Don't know
- 4. Other

Q1.1 If you replied yes to the previous question, what do you think should be the most appropriate measures to tackle the above-mentioned manipulative techniques and tactics?

| | | | Neither agree | | | I don't |
|--|--|--|---------------|--|--|---------|
| | | | agree | | | |

| | Fully agree | Somewhat agree | not disagree | Somewhat disagree | Fully disagree | know /No reply |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| 1. Label the content as artificially promoted | <input type="radio"/> |
| 2. Demote the content to decrease its visibility | <input type="radio"/> |
| 3. Suspend or remove the content because the use of manipulative techniques is contrary to platforms' terms of service | <input type="radio"/> |
| 4. Suspend or remove the accounts engaging in manipulative techniques | <input type="radio"/> |
| 5. Invest in internal intelligence systems to detect manipulative techniques | <input type="radio"/> |
| 6. Invest in artificial intelligence to detect manipulative techniques | <input type="radio"/> |
| 7. Other | <input type="radio"/> | <input checked="" type="radio"/> |

Please explain

Option 3. Mandating by (EU or national) law that a platform suspends or removes accounts that are supposedly engaging in manipulative techniques (which is a restriction of fundamental rights) because it contrary to their terms and condition goes against the requirement of legal certainty. It does also not comply with the EU Charter's obligation that restrictions (on freedom of communication in this case) of fundamental rights must be "provided for by law". If it was necessary to delete such accounts and related content, then such content would be illegal, rather than just a possible breach of terms of service.

Option 4. This is a risky proposal. As nice as it sounds on paper to fight fake/spam accounts, this can likely lead to abuse and erroneous removals. Here is an example of Tunisian accounts unjustifiably being removed on the fallacious pretext of disinformation: <https://www.accessnow.org/rights-groups-to-facebook-on-tunisia-disappeared-accounts-were-still-waiting-for-answers/>

Option 5. It is unclear what it is meant by "internal intelligence systems". Is it a human-led evidence-gathering technique, an automated decision making process, or something else?

Option 6. We do not recommend that any kind of future law relies on algorithmic systems to detect manipulative techniques, as they are not capable of understanding the context of publication and they often lead to over-restrictive measures and the censorship of legitimate voices online.

(iv) Enhancing users' awareness

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

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

Which sources do you consider as trustworthy?

There is no source that can ostensibly declare it holds the truth at all times (even long-standing, No matter which sources of information people consult, our approach is that public authorities should promote the first basic media literacy take-away that is always cross-checking one's sources of information. For example, in-depth review of how media publishers' revenues can be diversified and moved away from behavioural-advertising would allow media publishers to gain more independence from big tech platforms.

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

| | No contribution | Minor contribution | Little contribution | Major contribution | Don't know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1. Demotion of posts or messages that have failed a fact-check by journalists or a fact-checking organisation in the newsfeed | <input type="radio"/> |
| 2. Alerts if attempting to share content that has failed a fact-check by journalists or a fact-checking organisation | <input type="radio"/> |

| | | | | | |
|--|-----------------------|-----------------------|-----------------------|----------------------------------|-----------------------|
| 3. Notifications to users who have previously engaged with content that has failed a fact-check by journalists or a fact-checking organisation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4. Clear labels above content that has failed a fact-check by journalists or a fact-checking organisation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 5. Mechanisms enabling readers to flag content that is misleading | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 6. Mechanisms to block sponsored content from accounts that regularly post disinformation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 7. Closing of fake accounts and removal of automated social media accounts like bots | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 8. Closing of accounts that continuously spread content that has failed a fact-check by journalists or a fact-checking organisation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 9. Allowing more diversity in suggestion algorithms designed to find videos, posts or sites that you might be interested in | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 10. Other | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

Q2.1. IF your answer=10, Please specify:

The bigger problem with online disinformation is not necessarily the fact that it exists (we do not recommend the criminalisation of such content), but rather that it is capable of reaching thousands and millions of users at once and in a strategic way. The main reasons for that is the business model of dominant platforms which rely on content going viral and user engagement, triggered by the collection of massive amounts of personal data. All other listed measures in this question, such as encouraging platforms to adopt mechanisms of removal or verification (such as flagging and 'disputed tags'), would be cosmetic changes and remain inappropriate if the fundamental business model of the platform that facilitates or propagates the problem is not addressed.

The type of data manipulation that this business model implies reinforces the need for a strong ePrivacy Regulation and stronger GDPR enforcement. By enforcing data protection laws and reducing personalised content and micro-targeted ads, the incentives of dominant advertising companies (e.g. Google) to spread disinformation are likely to be diminished.

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

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

Q3.1 IF your answer=10, Please specify:

On proposal 5.: the limits of such mechanisms are easy to guess: what one user doesn't like ideologically or politically will be reported as disinformation/misleading – likely ending up with a 'flagging battle' between two ideologically opposing communities. Deletion is not a good approach to tackle disinformation campaigns. Media literacy and transparency would be more efficient tools.

8. Closing of accounts that continuously spread content that has failed a fact-check by journalists or a fact-checking organisation: this proposal is very far-reaching and implies restrictions on the exercise of several fundamental rights. Neither journalists nor fact-checking organisations should be entitled and mandated to restrict users' rights.

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

The fight against online disinformation should not create a parallel system in which “fact-checkers” (whose status is attributed and evaluated in an unknown manner and is not addressed in this consultation) can limit freedom of expression. Such limitations should always be prescribed by law, not by unaccountable mechanisms that we use whenever we see something that we find undesirable or harmful online.

The rights to redress and access remedies are already poorly implemented (if not, not respected at all) by dominant platforms nowadays. Even if redress mechanisms were put in place to mitigate the effects on free speech, the proposals outlined in this consultation are far too great of a risk of over-removal of perfectly legal speech, notably in the form of political censorship. Each mechanism can be abuse for political and other types of gains and risks being used against already marginalised voices. This would inevitably create chilling effects and do not comply with the requirement that such restrictions are of “necessary and genuinely meet objectives of general interest”.

Instead, we recommend that the European Commission focuses on supporting an open, diverse and inclusive internet by following our recommendations on the DSA: https://edri.org/wp-content/uploads/2020/04/DSA_EDRiPositionPaper.pdf

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

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

Other: please list

For individuals specifically, we recommend to request the following transparency measures that would help people to better understand why certain ads or content are shown to them but not to others.

- Full access to personal data, including to inferred personal data (regardless of the purpose for which they were inferred) and advertising profiles. Users should be able to access their full profiling data in a comprehensible format.
- Information explaining the logic behind targeting of specific ads. At a minimum, these explanations should enable users to understand why they are seeing a given ad and should include data that is specific, accurate and relevant to users, such as:
 - All parameters concerning targeted users selected by the advertiser;
 - Reasons for why the platform has decided that a user meets the advertiser's criteria, including personal data that were relevant in this process;
 - The specific sources the advertiser or the platform have used to obtain the user data (e.g. website tracking, mobile app tracking, newsletter tracking, loyalty cards);
 - The optimisation goal selected by the advertiser and concrete reasons why the platform has decided that the user should be reached with this ad.
- A general, user-friendly explanation of the optimisation algorithms used by the platform
- Users should always be informed, using accessible and understandable language, when they are being subjected to algorithmic recommender systems.
- Users should always have the right to switch off recommender systems that they are subjected to. This should also be the default setting.
- Users should be able to delegate recommendation/curation services to competing service providers, if they so choose.

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

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

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

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

Please explain

End-to-end encrypted messaging services serve private electronic communications protected by the ePrivacy Directive. It is unclear how the content that is reported by users as “false” or “harmful” will be handled and by whom. If the flagging system requires the platform to delete almost automatically the flagged content, it would mean that the platform can read the messages exchanged – which contradicts the objective of end-to-end encryption. This is why we do not support such measure.

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

- 1. Yes
- 2. No
- 3. Don't know

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

- 1. Yes
- 2. No
- 3. Don't know

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

| | Yes | No | Don't know |
|---|----------------------------------|-----------------------|----------------------------------|
| 1. If they pay directly the factcheckers or if they work with an external factchecking organisation | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. How they decide which posts are factchecked | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. How many posts are factchecked | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4. How to flag posts to be factchecked | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| 5. Other, (please specify) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please explain

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

- 1. Yes
- 2. No
- 3. Don't know

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

- 1. Yes
- 2. No
- 3. Don't know

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

What researchers need to better understand is how the platforms' business model encourages and worsens the spread and impact of disinformation campaigns. For that, the Commission should ensure that the following measures are put in place:

- Meaningful transparency measures that cover content, funding, and reach of ads and the targeting process, notably via the creation of ad libraries/archives and accessible APIs for researchers.
- Meaningful transparency of targeting that covers both parameters selected by advertisers and the optimisation and delivery process controlled by platforms. This includes both publicly available information and explanations offered to individuals in specific cases.
- Real privacy protections in online advertising, notably a mandatory easily accessible opt-out for users from personalised ads.
- The oversight authority/ies should be able to audit and assess the functioning of and respect of fundamental rights by algorithmic recommendation systems.

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

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

Please explain

It is true that some disinformation campaigns have been linked to foreign actors, from CIA-backed media like Radio Free Europe (<https://www.cia.gov/news-information/featured-story-archive/2007-featured-story-archive/a-look-back.html>) to recent cases of Russian-backed disinformation campaigns to national campaigns (Hungary and Poland notably, but also AfD in Germany, Vox in Spain and others). Leaving aside the geopolitical element, we would like to highlight the fact that platforms financially benefit from the spread of disinformation through increased ad revenue and because of the very nature of disinformation and that we believe that attacking the root of surveillance capitalism business models by implementing GDPR, adopting the ePrivacy Regulation, strengthening competition law and adopting the best Digital Services Act possible. Disinformation takes mostly the form of polarising or shocking content that generates engagement from people and thus profiling data that can be sold to advertisers. The obsessive focus on foreign actors is also inappropriate as it shifts the attention away from European ones: It led to the creation of EU vs. Disinfo (East Stratcom) as part of the EEAS which ended up being subject to a vote in the second chamber of the Dutch parliament calling for its website to be shut down after three Dutch publications were impacted. See EDRI's "Informing the disinformation debate" paper: https://edri.org/files/online_disinformation.pdf (p.12).

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

1. Yes

- 2. No
- 3. Don't know

Questions on supporting civil society and active citizenship

As a crosscutting issue, civil society faces increasing pressure, but plays a key role in the democratic system, holding those in power to account and stimulating public debate and citizen engagement, as well as in combatting some of the identified threats. In addition to this, participatory and deliberative democracy gives citizens a chance to actively and directly participate in the shaping of planned or future public policies. A major element in the context will be the upcoming Conference on the Future of Europe.

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

- 1. Yes
- 2. No
- 3. Don't know

If Q1=2 What more could be done?

When public consultations at EU level are launched, ensure that Member States promote the consultations and that sufficient budget is allocated for national NGOs to respond to them.

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

- 1. Yes
- 2. No
- 3. Don't know

Please explain your answer

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

- 1. Yes
- 2. No
- 3. Don't know

Please explain your answer

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

- 1. Yes
- 2. No
- 3. Don't know

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

- 1. Formal education in school/university
- 2. Education online via social media platforms
- 3. Life-long learning
- 4. Exchange of best practices in expert fora
- 5. Don't know

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

- 1. A good thing
- 2. Neither good nor bad
- 3. A bad thing
- 4. Don't know

Please explain your reply

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

- 1. Yes, absolutely
- 2. Yes, probably
- 3. Maybe
- 4. Probably not
- 5. No, not at all
- 6. Don't know

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

- 1. Yes, I have taken part in one before
- 2. Yes, but I have not taken part in one before
- 3. Not sure
- 4. No, I do not know what a European Citizens' Initiative is

Contact

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