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The European Commission and fake news: Lots of talk, little walk

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The European Union says to take disinformation's potential harm to democracy seriously. However, based on the outcome of the latest initiatives taken by the European Commission, one could wonder whether Europe is really taken a stance against the spread of disinformation or whether it is too prudent, with some generic recommendations on self-regulation and ethical codes testifying for this. In this policy brief, we present an overview of the EU's actions with regard to online disinformation and provide a critical perspective on the outcomes of the initiatives taken by the European Commission to tackle fake news.

Why the recent interest for fake news?

Fake news is not new. Just like lies, they are as old as humankind. In recent years, the term gained in popularity due to the tone of the debate during the US presidential election in 2016. One year later, a study of the Oxford Internet Institute found that 14% of a sample of 27 million tweets on the 2017 German elections contained fake news or linked to fake news. This number raised to 20% of tweets for the UK Brexit referendum and the French elections. Facebook had to suspend 30,000 fake accounts as an effort to stop the spread of fake news and propaganda during the French presidential campaign. About 270 million Facebook and 48 million Twitter accounts could be fraudulent and might be bots rather than people.[i]

However, we are still unable to assess the actual impact fake news might have on people's news use or political conviction. What can the growing amount of research tell us already? Hunt Allcott and Matthew Gentzkow analysed 156 news articles related to the US presidential election that were labelled as 'fake' by distinguished fact checkers in the three months prior to the election and found that these were shared 380 million times, generating approximately 760 million clicks. At first glance, these are dizzying figures, but it comes down to an average of three stories per US adult, which **nuances the presumed 'flood of fake news'.[ii]**

Other research shows the **difficulties in developing solutions to tackle fake news**, suggesting that flagging news as fake on Facebook might not be that effective in stopping people from sharing it. Showing related stories with corrective information might offer a better solution.[iii]

However, whether that alters specific beliefs is dependent on the political views and predispositions of people. In other words, it is not because fact-checking changes people's minds about certain issues, that it will also change their votes. On the bright side, the study shows that also false information will not easily change people's votes either.[iv]

The annual news report from the Reuters Institute for Journalism[v] showed that people are confronted with fake news; big differences exist between countries though. Regardless of the actual level of fake news, people are very much concerned about it. Policy brief #16, written by Prof. Dr. Ike Picone and Ruben Vandenplas, already made this abundantly clear.

The main steps of the European Commission walk on fake news

The European Commission started an Inception impact assessment on a Communication on Fake news and online disinformation in November 2017.[vi] In line with its guidelines of the impact assessment, the European Commission launched a Eurobarometer public opinion survey and a public consultation, established a High -level Expert Group, and, lately, published a Communication.

What do European Citizens think about fake news?

Eurobarometer 464[vii] shows that most people see fake news as a problem, but people remain unclear on who is responsible for stopping the spread of fake news. The public consultation[viii] on the other hand shows a consensus among respondents pointing at **online platforms** and social media **as responsible for the spread of fake news** and these platforms could also play a bigger role in limiting such spread, rather than relying only on their users. Something should be done to reduce the spread of disinformation online (see figure 1). This should however never lead to censorship.
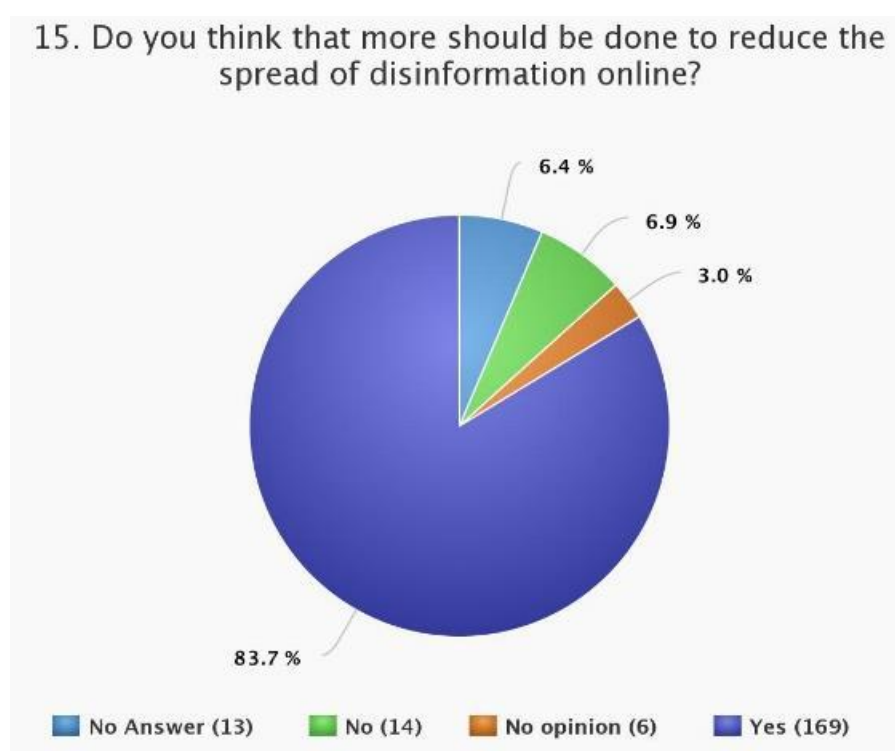

Figure 1: Response to *the public consultation for legal entities on whether more should be done to reduce the spread of disinformation online (Source:* Summary report of the public consultation on fake news and online disinformation.)

What do European experts say about fake news?

The Report of the High-level Group (HLEG) of experts set up by the European Commission to better grasp the problem and potential solutions emphasises the need to broaden the discussion **going beyond fake news to discuss the broader issue of disinformation**. Fake news is not an adequate term to capture the complex problem of disinformation, defined as "false, inaccurate or misleading information designed, presented and promoted to intentionally cause public harm or for profit".[8] The Group emphasizes the need for a multi-dimensional approach with "stakeholders collaborating in a manner that protects and promotes freedom of expression, media freedom and media pluralism" and avoiding fragmentation of the Internet and harmful consequences for its technical functioning.

The proposed approach aims to (i) **enhance transparency**, (ii) **promote media and information literacy**, (iii) **develop tools for empowering users and journalists**, (iv) **safeguard the diversity and sustainability** of the European news ecosystem, and (v) promote continuous research on the impact of disinformation in Europe.

In the short term, the High Level Expert Group suggests a **self-regulatory approach** based on a multi-stakeholders engagement process, with all relevant stakeholders adhering to a Code of Practice. While playing a facilitating role, public authorities should support the development of a **network of independent European Centres for research on disinformation**, managed by a Centre of Excellence established by the European Commission.

In the longer term, the Expert Group recommends **a set of complementary measures** designed to support the diversity and sustainability of the news media ecosystem, and appropriate initiatives in the field of media and information literacy to foster a critical approach and a responsible behaviour across European citizens.

What is the European Commission response to fake news?

Following the HLEG Report, the Communication[ix] sees **disinformation as a symptom of a wider phenomenon** that can erode the trust in political institutions and the media and hence can harm our democracies. The Communication also recognises that policy institutions should **refrain from interference and censorship** in relation to freedom of expression and media freedom and to ensure a favourable environment for an inclusive and pluralistic public debate. At the same time, the Commission states that online platforms play a key role in spreading and amplifying online disinformation and so do users of social media themselves.

The Communication identifies **transparency**, **diversity**, **credibility** and **inclusiveness** as overarching principles and objectives to guide these actions. Building on the previously described gathered input, and complementing the General Data Protection Regulation, the Commission intends to take five specific actions to tackle the dissemination of online disinformation: a more transparent, trustworthy and accountable online ecosystem; secure and resilient election processes; foster education and media literacy; support quality journalism; and use strategic communication to counter internal and external disinformation threats. More recently, a draft code of practice on online disinformation was published on 10 July 2018, which aims at mapping out these objectives.[x]

Commission: walk your talk on fake news!

The Communication provides many interesting ideas, which could have a positive impact in the long term. However, the Communication seems to foster a **soft approach**. This is understandable given the sensitive nature of any regulation over content, but the **question remains why a stronger approach has been excluded** from the discussion altogether. The Commission, as the HLEG expert Aidan White (from the Ethical Journalism Network) clearly stated,[xi] chose not to take a hard line on social media providers. For example, they were not asked to end the secrecy about the way they work. More transparency on their algorithms

and related commercial practices might, however, already hamper the commercial incentives for fake news (which enhances clickbait). More liability for platforms regarding news provision might help too. Now, platforms such as Facebook deny all legal liability, while earning quite a lot of money with news distribution.

In its resolution on Online Platforms and the Digital Single Market of 15 June 2017[xii], the European Parliament was more daring than the European Commission. It called the Commission "to verify the possibility of legislative intervention to limit the dissemination and spreading of fake content". Although a legislative intervention on content might be disproportionate, other regulatory approaches – as the ones suggested above – could have been considered to fight the **real problem at stake** here: the **dissemination and spreading of fake content**.

In a similar vein, the HLEG report was more daring when they suggested to adhering to the **"follow the money"** principle. Online platforms (notably social media) should be obliged to make visible who pays for what information. Facebook already announced that it demands people who buy political or issue advocacy ads to reveal their identities. It will also verify where they are based, in order to prevent foreign interference in elections. This is definitely a promising evolution, but it is striking that taking such actions is left to the goodwill of online platforms. So, if a strict regulatory intervention is to be excluded, **why not to do something about the commercial mechanisms** sustaining the spread of disinformation?

Again, any hard approach that risks ex-ante interference in content should be avoided. The current legal framework offers a balanced way to tackle possible issues ex-post, in order to avoid any form of censorship while still offering protection against defamation, hate speech, etc. But measures such as the ones described above are examples of interventions that are not directed at managing the content, but at increasing the transparency of political advertisement. Here, a firmer approach could have consisted in offering a **standardised way of enforcing compliance to transparency** not only to Facebook but to all social media platforms active in the EU.

The European Commission could have suggested investing more effort in supporting independent journalism in the Member States. Paradoxically, a discussion on combatting online disinformation comes even across as hypocritical given the absence of any measures regarding the threats against freedom of speech and independent journalism in many European Countries. Also, in its multiannual financial framework, no funding was foreseen for **supporting quality journalism,** and no discussion about this seems to take place in view of the new multiannual financial framework 2021-2027.

One step further would be to think about **regulation in the field of competition law**. While it may seem inappropriate to tackle issues like disinformation through competition law, one might ask to what extent disinformation on social media can be seen separately from the dominant position of players like Facebook and Google. The possibilities of targeted advertising, only effective due to both platforms' dominant market positions, are part of the problem of **politically-driven misinformation**.

The dynamics of viral content leads to the spread of disinformation, and to news organisations turning to clickbait tactics to get their information across platforms. In turn, both phenomena contribute to **commercially-driven misinformation**.

Finally, it is to be considered if a more competitive environment, as – for example – the one asked by the 'Freedom From Facebook' coalition to the American Federal Trade Commission to support, could bring about a more balanced environment in which to further and easier tackle disinformation.

imec-SMIT-VUB will keep following the issue of fake news and disinformation both at the European, Belgian and Flemish levels. Fake news and disinformation are today amongst our research priorities and in line with our track record of research into media policy, media economics and journalism. The issue of fake news and disinformation is one of the focus points of the H2020 MediaRoad project, in which imec-SMIT-VUB is a partner, and is central in the 2018 Digital News Report of the Reuters Institute for Journalism to which imec-SMIT-VUB contributed the country analysis for Belgium (and Flanders).

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[i] https://www.cnbc.com/2017/03/10/nearly-48-million-twitter-accounts-could-be-bots-says-study.html, site accessed 20/09/2018

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[iii] https://www.poynter.org/fact-checking-research-database/related-links-facebook-could-help-correct-misinformation, site accessed 20/09/2018

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[vi] https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5489364_en, accessed 20/09/2018/.

[vii] https://ec.europa.eu/digital-single-market/en/news/summary-report-public-consultation-fake-news-and-online-disinformation, accessed 20/09/2018

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