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From: European Commission  
To: Working Party on Competitiveness and Growth (Internal Market - Attachés)  
Working Party on Competitiveness and Growth (Internal Market)

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Subject: Presentation from the Commission: Digital Services Act - Addressing Disinformation and the Digital Services Act

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# DIGITAL SERVICES ACT

Addressing Disinformation  
and the  
Digital Services Act

# Risk based approach to disinformation



Distinct approach from measures for illegal content, which is clearly defined as such under national or union law



For risks beyond illegal content, DSA takes a systems and not a content approach



Focus on where the harm is greatest



Sufficiently open and flexible to address emerging risks

# Russian-Backed Facebook Accounts Staged Events Around Divisive Issues

**Facebook Stopped Employees  
From Reading An Internal Report  
About Its Role In The Insurrection.**

Early focus on individual violations made us miss the harm in the broader network.

**The Facebook loophole**

**How Facebook let fake  
engagement distort  
global politics: a  
whistleblower's account**

# TikTok Played a Key Role in MAGA Radicalization

The platform's absorbing endless scroll and karaoke features have built an overlooked disinformation machine.



# Key elements in the DSA addressing disinformation



**Co-regulatory mechanism** allowing for flexible and detailed commitments in response to changing and evolving risks, such as disinformation



**Binding and enforceable obligations** where the harm is systemic, given the reach of the very large online platforms

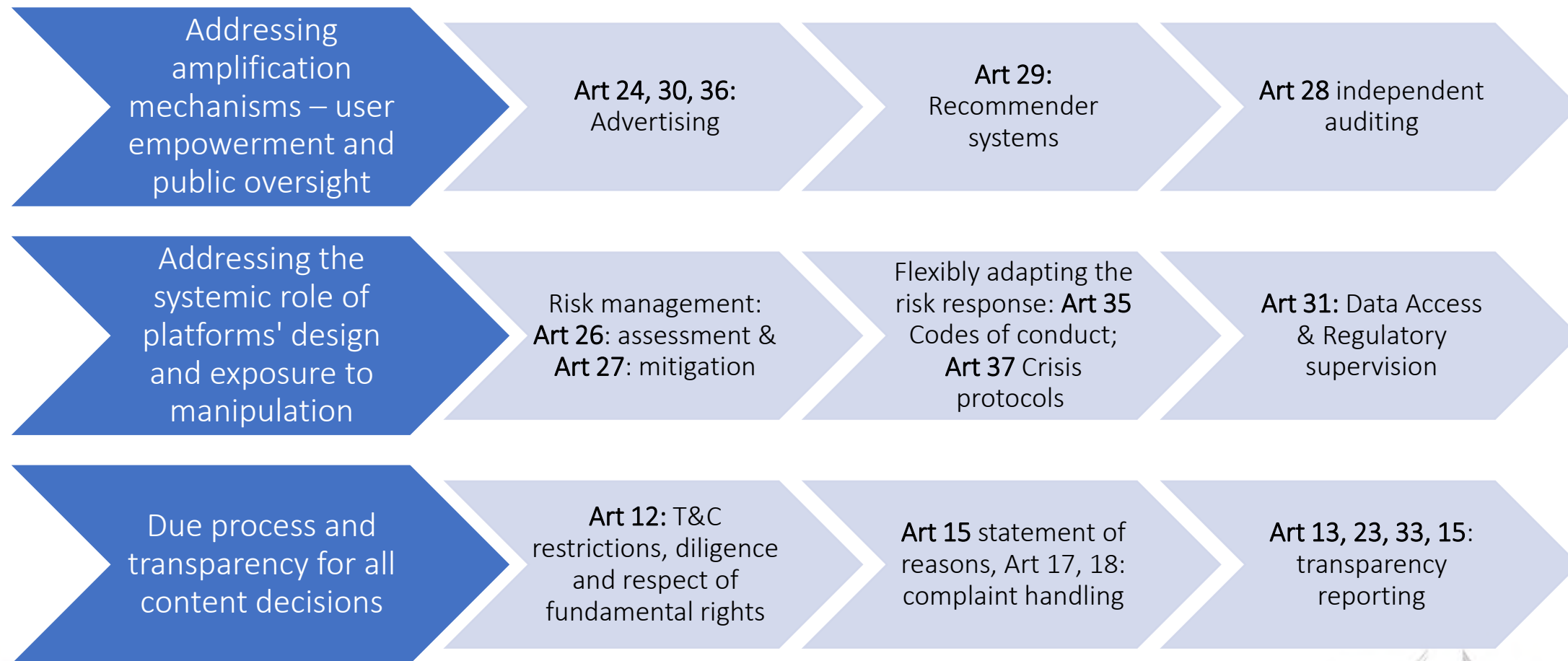


**User empowerment**



Obliging a diligent approach, **transparency and safeguards** where platforms already take action to tackle these harms under their terms of service

# Addressing emerging risks: overview of relevant obligations



# Co-regulatory approach (Art 35, 36, 37)

- Co-regulatory approach defines certain objectives and minimum criteria, but leaves it to parties in the relevant field to design the measures to fulfil these criteria.
- Designed to ensure multi-stakeholder involvement, including smaller platforms
- Recital 68 emphasises that Codes of Conducts should be considered for:
  - Systemic risks, such as disinformation or manipulative or abusive activities.
  - Fake or misleading information with the purpose of economic gain.

# Codes of Conduct

For all  
(Art 35 (1))

- **Commission and Board to encourage and facilitate** the drawing up of Codes of Conduct
- Contribute to **proper application of DSA**
- **Tackling illegal content and systemic risks**

Very large online platforms  
(Art 35(2))

**Significant systemic risks (Art 26(1))**



**Several VLOPs concerned**



**Commission to invite** very large online platforms concerned **and** other parties, as appropriate to draw up codes of conduct.



# *Codes of Conduct: objectives, criteria and monitoring*

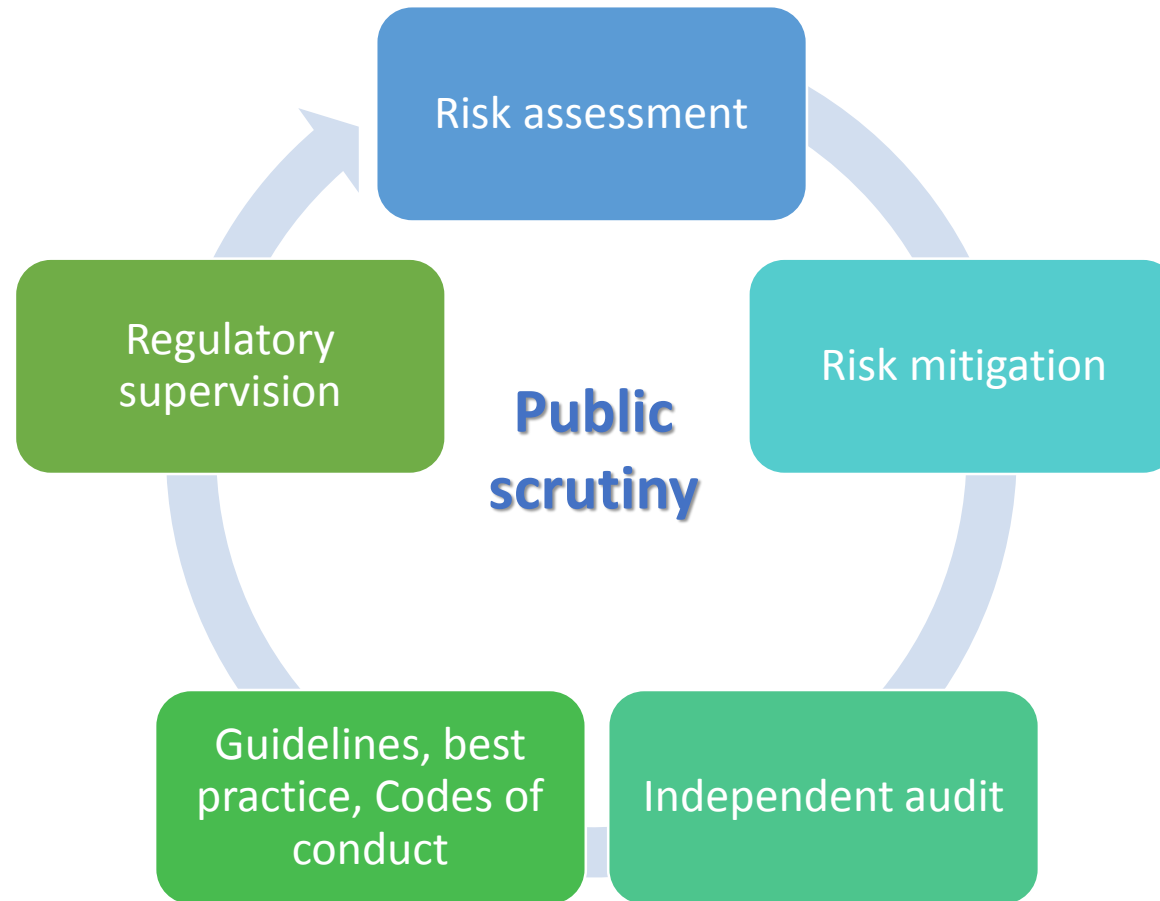
## **Measures in the Code:**

- ✓ Clear objectives
- ✓ Measurable Key Performance Indicators (KPIs)
- ✓ Take due account of interests of all parties
- ✓ Regular reporting to the Commission and DSC of establishment



- The Commission and the Board will assess if the Codes of Conduct meet the aims specified and shall regularly **monitor** and **evaluate** the achievement of their objectives, including by having regard to the KPIs.
- Conclusions will be published.

# Binding risk management obligations on very large online platforms



# Risk based obligations

## Risk assessment (yearly) Art 26

- Illegal content
- Fundamental rights – e.g. freedom of expression, unjustified discrimination
- **Intentional manipulation of their service (public health, electoral processes, protection of minors, etc.)**

## Mitigation of risks: Art 27

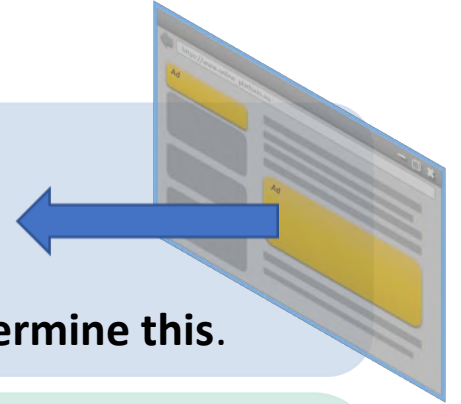
- Obligation of means to adapt services, terms and conditions, algorithmic systems...
- Prevent advertising income to infringers
- Adapt content moderation and recommender systems
- Codes of conduct

# Addressing amplification & user empowerment

## Advertising transparency

Art 24

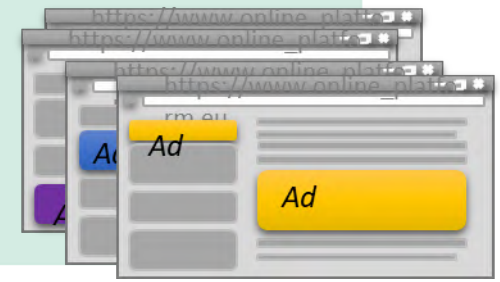
- Ensure that users can identify **in real time** when seeing an ad:
  - **That the information is an advertisement**
  - **The advertiser**
  - **Why the ad is displayed for them: main parameters used to determine this.**



## Ad repositories

Art 30

- Publicly available **repository** including for all ads displayed on the platform
  - **The advertisement & advertiser**
  - Period during which the ad was displayed
  - **Whether it was a targeted ad & targeting criteria**
  - Total number of users reached & aggregate data on delivery



## Recommender systems

Art 29

- Main parameters in ToS
- Include an option for users which is not based on profiling

# Accountability and enforcement

## Independent audit Art 28

- Annual independent audit covering **compliance with all obligations** and Codes of conduct

## Data access and scrutiny Art 31

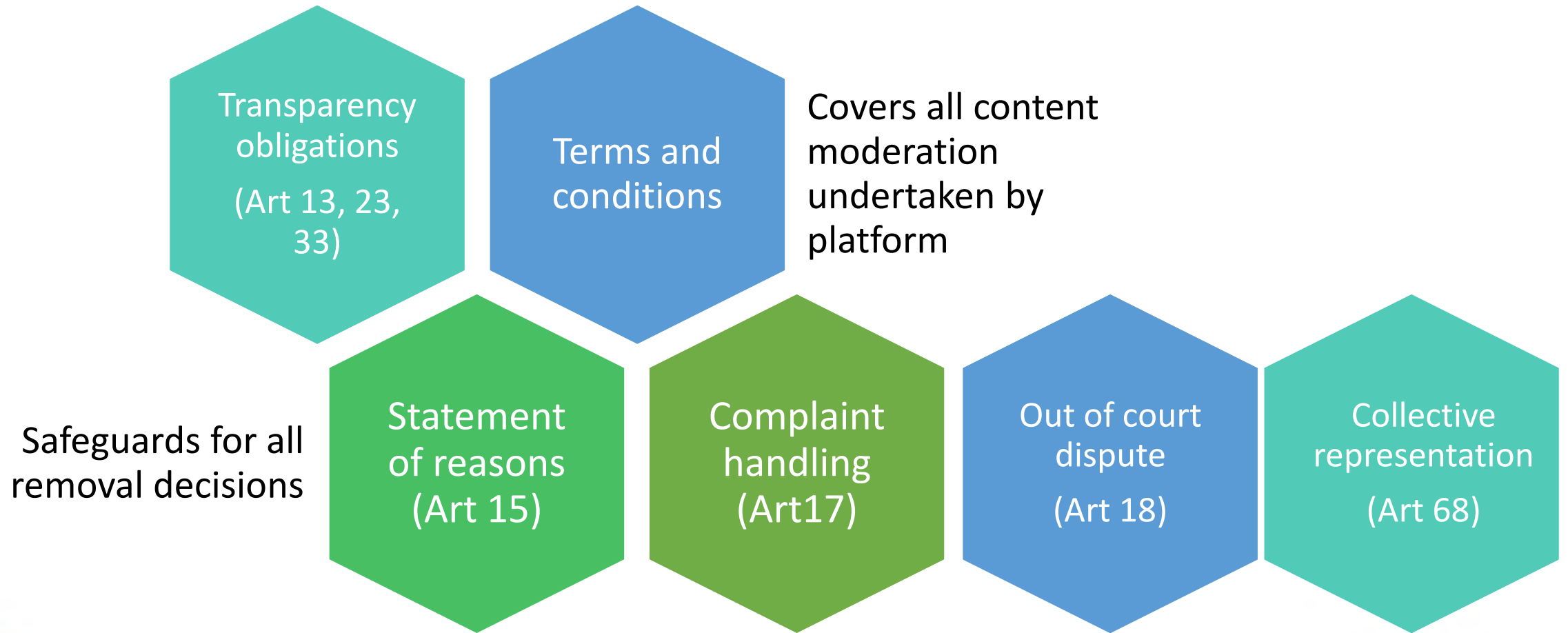
- Digital Services Coordinators/COM
- To vetted researchers at the request of the Digital Services Coordinator

## Enforcement Chp IV

- All VLOP obligations subject to enforcement
- Where VLOP participates in Codes of Conduct to comply with Article 27, those measures are also subject to the enforcement provisions in Chapter IV.



# Due process & transparency



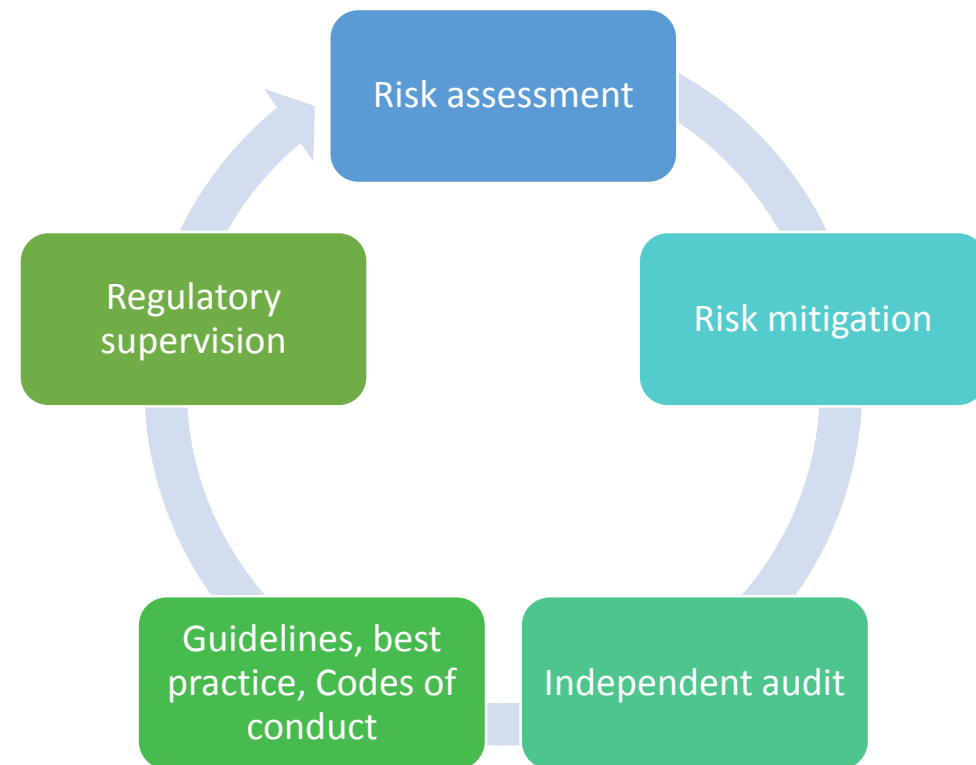


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# Relevant obligations on very large online platforms

## Risk assessment, mitigation and scrutiny

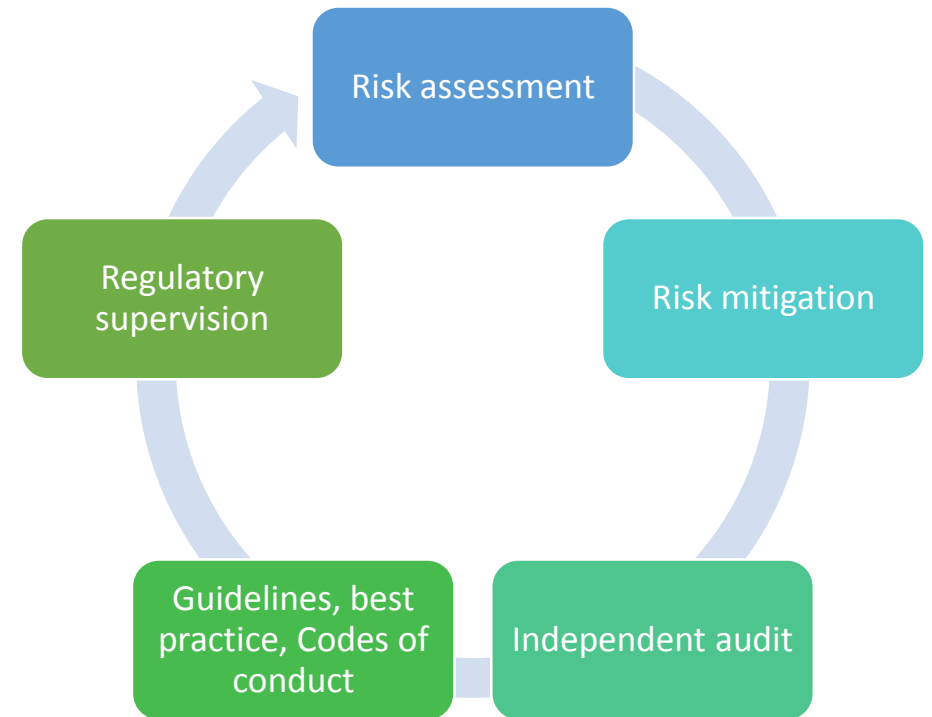
- Commission may invite very large online platforms to take part in Codes of Conduct (Article 35) to address specific risks
- Mitigating measures (Article 27) may include participation in Codes of Conducts
- Independent audit (Article 28) to assess the commitments taken under the Codes of Conduct
- The Commission and board will assess and monitor the Codes of Conducts



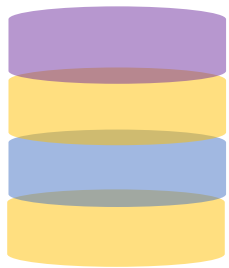
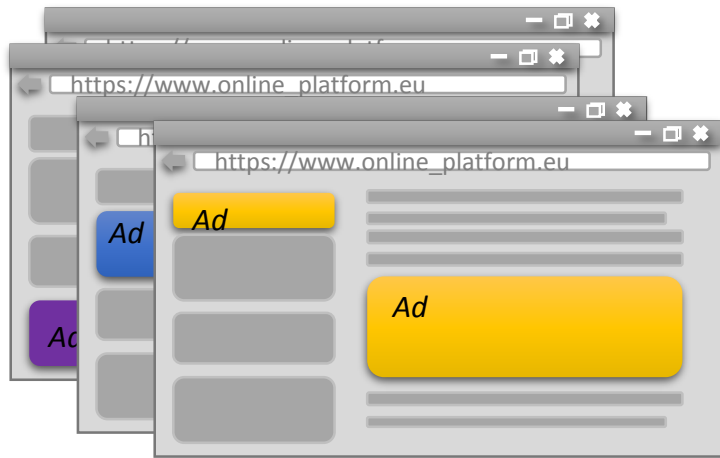
# Strong co-regulatory approach for very large online platforms

## Regulatory supervision

- The Commission and the Board will assess if the Codes of Conduct and Crisis Protocols meet the aims specified (Article 35, 36, 37)
- Refusal to participate in a Code of Conduct following Commissions invitation, without proper explanation, could be taken into account when determining infringements (Recital 68)
- Where the provider chooses to participate in Codes of Conduct to comply with Article 27, those measures are subject to the enforcement provisions in Chapter IV.
- Where there is an infringement of the obligations, the Digital Services Coordinator shall request the VLOP to draw up an action plan (Article 50), the platform may choose to comply via a participation in a code of conduct in Article 35



# Transparency around advertising



Comprehensive ad repository

## Article 24

Ensure that users can identify **in real time** when seeing an ad:

1. That the information is an advertisement
2. The advertiser
3. Why the ad is displayed for them: main parameters used to determine this.

## Article 30

- Publicly available **repository** including for all ads displayed on the platform, including at least:
  - **The advertisement & advertiser**
  - Period during which the ad was displayed
  - **Whether it was a targeted ad & targeting criteria**
  - Total number of users reached & aggregate data on delivery



# Key elements of the crisis protocols



the **specific parameters** to determine what constitutes the **specific extraordinary circumstance** the crisis protocol seeks to address and the objectives it pursues;



the **role of each participant** and the measures they are to put in place in preparation and once the crisis protocol has been activated;



a **clear procedure** for determining when the crisis protocol **is to be activated**;



a clear procedure for determining the **period during which the measures to be taken once the crisis protocol has been activated are to be taken**, which is strictly limited to what is necessary for addressing the specific extraordinary circumstances concerned;



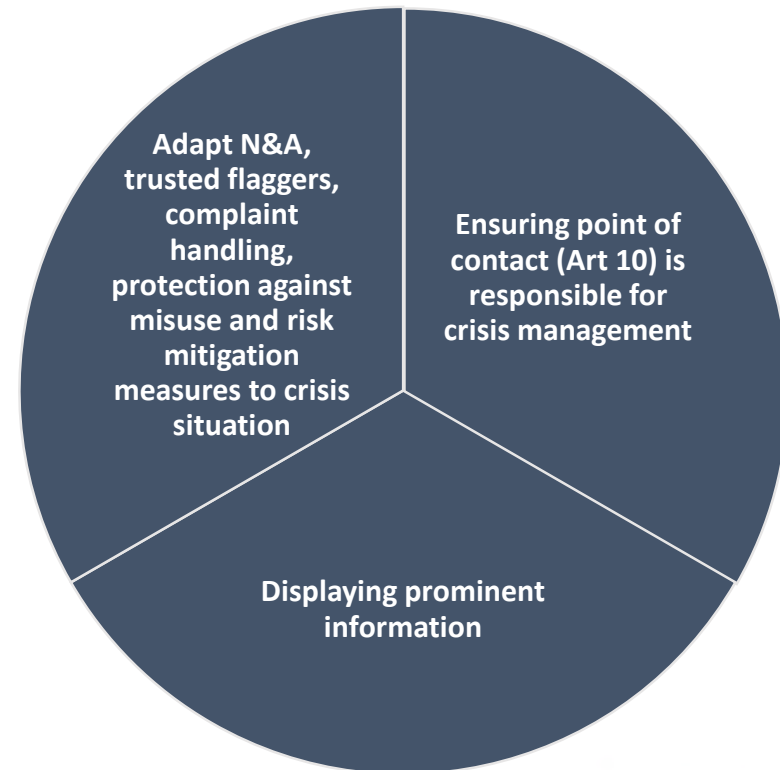
**safeguards** to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;



a process to **publicly report** on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.

# *Participants and measures in Crisis Protocols*

- The Board may recommend the Commission to initiate the drawing up of Crisis Protocols
- Very large online platforms are encouraged to participate (recital 71)
- Involving, as appropriate, MS authorities and Union bodies, offices and agencies as well as civil society organisations
- Where the Commission considers the Protocol fails to address the situation or does not protect fundamental rights, it may request a revision of the Protocol.



# Article 37 – Crisis Protocols



- Strictly limited to addressing extraordinary circumstances affecting public security or public health:
  - Unforeseeable events such as earthquakes, hurricanes, pandemics, war and acts of terrorism which constitute serious threats
  - Where online platforms may be misused for the rapid spread of illegal content or disinformation
  - Where the need arises for rapid dissemination of reliable information
- No general monitoring or active fact seeking obligation.