ERGA Contribution to Inquiry into the impact of social media on elections and electoral administration

National regulators in audiovisual media services have, not exclusively, the role of implementing the rules set by the European legislative framework – the Audiovisual Media Services Directive (AVMSD). The European Regulators Group for Audiovisual Media Services brings together the leaders or high level representatives of these regulatory bodies to advise the Commission on the implementation of the EU's Audiovisual Media Services Directive (AVMSD).

- **How is social media changing elections?**

Social media plays a growing role in how people communicate about the news, politics, and other important social issues. Political campaigning has also followed this trend and social media gradually became the main arena of political discussion around the world. The impact of social media on elections was discussed between experts and policy-makers in detail at least since the US elections and the British referendum of 2016.

Social media has enabled access to information for people around the globe who previously might not have had such access. Digital platforms thus played an important and arguably positive role in empowering citizens, most notably in the context of elections by allowing citizens to make more informed decisions.

On the other hand, as the ERGA report on disinformation highlights, concerns about disinformation have increased in the digital age due to the disruptive impact of the internet and new communications technologies on the dissemination of information across the globe. Instead of broadcasting a single, coherent message to the general public, the algorithms used by the social platforms offer the opportunity to tailor the type of information and messages that are conveyed to specific portions of the population. Differentiating the messages/information depending on the gender, the social class, the geographical area, the age, the political views or the economic status of the recipients ('Microtargeting') gives a much higher chance to negatively influence democratic processes and societal debates. A similar point was also highlighted in the ERGA Report on Internal Plurality that noted that the abundance of media online is made navigable by a set of filtering mechanisms which direct users to the content they want to see. In the extreme, algorithmic selection and personalisation in the provision of news and commentary to viewers risks creating 'filter bubbles'. These then have the potential to contribute to further political and public polarisation of societies.

The establishment of the European Coordination Network on Elections illustrates how the role of social media in elections is perceived by the European Union and the Member States. The mission of this network was to support the integrity of the 2019 elections to the European Parliament. It continues its work to address potential risks and identify solutions, and contribute to building more resilient electoral and democratic systems across the European Union. A significant part of the work of the network was dedicated to political campaigning on social media as well as potential influence operations abusing the digital platforms for its goals.

- **What problems have you seen with social media and online advertising around elections?**

The ERGA report on Disinformation talks in detail about the effects of the phenomenon of disinformation and the new communications technologies, including social media, on democratic processes. ERGA believes that Microtargeting, i. e. differentiating the messages/information depending on the gender, the social class, the geographical area, the age, the political views or the economic status of the recipients, gives a much higher chance to negatively influence democratic processes and societal debates.

The work carried out by ERGA in 2019 – monitoring of the implementation of the five pillars of the EU Code of Practice on Disinformation ("the Code") - showed that the Code has significant weaknesses that need to be addressed if it is to achieve its objectives. Among the five pillars whose implementation ERGA monitored were also those related to the scrutiny of ad placements, and political advertising, and issue-based advertising.

While the Code is indeed a unique and innovative tool to address the issue of disinformation, ERGA also highlights that in order to carry out any meaningful monitoring of the implementation of commitments made by digital platforms in the Code of Practice, a reliable API and a detailed, comparable dataset is needed. Generally, in relation to online advertising (including political advertisements) ERGA concludes that there is a need for greater transparency about how the signatories are implementing the Code. And secondly, the measures of the Code are too general in terms of content and structure.

- **What actions have you seen governments take in relation to social media/online advertising and elections? What results have been achieved by these actions?**

In the European Union, the question of social media and their role in elections was to a large extent addressed in the context of the fight against disinformation.

The European institutions have tried to counter the spread of disinformation online in recent years by adopting several measures. On 26 April 2018, the European Commission adopted a Communication on "Tackling Online Disinformation: a European Approach".

The Communication delineates the challenges online disinformation present to our democracies and outlines five clusters of actions for private and public stakeholders that respond to these challenges. The outlined actions include (inter alia) the development of a self-regulatory code of practice on disinformation for online platforms and the advertising industry in order to increase transparency and better protect users; the creation of an independent European network of fact-checkers to establish common working methods, exchange best practices and achieve the broadest possible coverage across the EU.

In May 2018 the Commission convened the Multistakeholder Forum on Disinformation to draft a self-regulatory Code of Practice on Disinformation. The Code was published on 26 September.

In 2020 the European Commission initiated a public consultation on two legislative initiatives related to questions of regulation of technologies, including social media – the Digital Services Act and the European Democracy Action Plan. Although these initiatives are currently (August 2020) in the consultation phase, one could already say that they are both the most comprehensive efforts to tackle the issues related to the effect of technologies on democracies and elections as their core element.

- **What are the most effective ways to address any problems with social media and online advertising around elections?**

One of the key elements of the Code of Practice on Disinformation is transparency. More specifically, according to the provisions of Pillar B of the Code dedicated to the political advertising and issue-based advertising, all advertisements should be clearly distinguishable from editorial content whatever their form, and regardless of the medium used. An advertisement should be presented in such a way as to be readily recognizable as a paid-for communication or labelled as such when it appears in a medium containing news or editorial matter.

As social media operate on a global scale, cross-border cooperation is another effective way of finding solutions. On the other hand, it should be noted that the question of elections integrity is highly sensitive, and therefore any cross-border cooperation should take that into account.

Monitoring of implementation of the Code has shown that the self-regulatory framework is not sufficient and ERGA proposes a co-regulatory system instead. Such a system would provide for more consistency in the formulation and implementation of any regulation. It would also allow for the introduction of a formal backstop mechanism to deliver the required monitoring and enforcement elements.

As ERGA concludes in the [Position paper on the Digital Services Act](#), ERGA's experience in monitoring the implementation of the voluntary European Code of Practice on Disinformation demonstrates the need for clear and genuinely effective mechanisms of accountability in respect of platforms' activities, which are based in law and formulated in a manner that guarantees European values are upheld.