

**THE SOUNDING BOARD'S UNANIMOUS FINAL OPINION ON
THE SO-CALLED CODE OF PRACTICE
24 SEPTEMBER 2018**

The Multistakeholder Forum on Disinformation Online is set up in two different and autonomous groups. On the one hand, major online platforms and their trade association, ad exchanges and major advertisers associations (“the working group”), and on the other hand representatives of the media, civil society, fact checkers and academia (“the sounding board”). Members of the Sounding Board of the Multistakeholder Forum on Disinformation Online hereby officially transmit their final opinion on the so-called “Code of Practice” to the Commission.

1. The Sounding Board wishes to thank the Commission and Commissioner Mariya Gabriel for launching the process in order to tackle disinformation and for convening this Forum. The Sounding Board was tasked to assess and adopt an opinion on the Code of Practice and on the set of Key Performance Indicators agreed upon by the Working Group.
2. The Sounding Board Members entered the Multistakeholder process based on a number of key principles supported by the High-Level Expert Group back in March of 2018. Their recommendations followed 3 months of intense discussions which formed the framework for the Platforms to produce a self-regulatory Code of Practice. In its Communication titled “Tackling online disinformation: a European Approach” released on 26th April 2018, the Commission turned the 10 principles of the High-Level Expert Group's report into 9 clear objectives.
3. The European Union defines self-regulation in the following way: “Self-regulation constitutes a type of voluntary initiative which enables economic operators, social partners, non-governmental organisations or associations to adopt common guidelines amongst themselves and for themselves. They are responsible for development, monitoring, compliance with and enforcement of those guidelines” (See AVMS D as adopted in CULT Committee, Recital 7a).

As outlined by the Sounding Board's previous written feedback and comments, the “Code of practice” as presented by the working group contains no common approach, no clear and meaningful commitments, no measurable objectives or KPIs, hence no possibility to monitor process, and no compliance or enforcement tool: it is by no means self-regulation, and therefore the Platforms, despite their efforts, have not delivered a Code of Practice.

4. The Sounding Board is strongly concerned about online disinformation. The Sounding Board asks the European Commission and the foreseen third-party review to measure whether the stated intentions laid out in the so-called Code of Practice have been implemented and to assess whether or not the code delivers against the goals as set out in the April Communication on Tackling online disinformation. While it will be very difficult to assess the overall development of online disinformation, a test case around the European elections could be elaborated. Based on the work of independent fact-checkers and academic researchers, regular evaluation of the situation could be carried out. The Sounding Board encourages the European Commission to closely monitor the situation and provide its assessment in the first quarter of 2019.