



# **GSMA's Views on the European Commission's Public Consultation on the European Democracy Action Plan**



## About the GSMA

The GSMA represents the interests of mobile operators worldwide, uniting more than 750 operators and nearly 400 companies in the broader mobile ecosystem, including handset and device makers, software companies, equipment providers and internet companies, as well as organisations in adjacent industry sectors. The GSMA also produces the industry-leading MWC events held annually in Barcelona, Los Angeles and Shanghai, as well as the Mobile 360 Series of regional conferences.

For more information, please visit the GSMA corporate website at [gsma.com](https://www.gsma.com)

Follow the GSMA on Twitter:

[@GSMA](https://twitter.com/GSMA)

[@GSMAEurope](https://twitter.com/GSMAEurope)

### Policy Contacts:

Maria Sotiriou  
Manager EU Affairs  
[msotiriou@gsma.com](mailto:msotiriou@gsma.com)

Pierantonio Rizzo  
Public Policy Manager  
[prizzo@gsma.com](mailto:prizzo@gsma.com)

# Introduction

The Internet has reached an unprecedented scale, both in terms of users and data collected and processed. Online service providers have enriched connectivity between citizens, facilitating unlimited access to and exchange of information. However, the lack of transparency and monitoring mechanisms of the business model of these service providers has allowed information to be manipulated on a large scale and has generated the explosion of disinformation as “a major challenge for Europe”, as described by the European Commission. The European Democracy Action Plan presents an opportunity to implement a clear, broad and comprehensive set of measures to tackle the spread and impact of online disinformation and to ensure the protection of European values and democratic systems.

In this view, it is necessary to distinguish between

disinformation and misinformation, the latter being understood as erroneous information that is false, but not created with the intention of causing harm. On the other hand, disinformation can be defined as information that is false and deliberately created to harm a person, social group, organization or country. Moreover, disinformation threatens public confidence and distorts perception of independently verifiable facts, which can disrupt democratic processes and undermine trust in institutions. It can also create or deepen tensions in society by exploiting individual or collective vulnerabilities such as cognitive dissonance, group cues or stereotypes. Far from existing solely in theory, the consequences of disinformation campaigns have proven severe and far-reaching, challenging Members States' ability to conduct free and fair elections or protect the health and safety of EU citizens.

# Disinformation and the Telecom Sector

The ongoing global pandemic has opened a new front for disinformation campaigns. In this context, one of the most widespread global disinformation campaigns falsely linked the COVID-19 virus to the deployment of 5G technology. The fast spread of this disinformation over online content sharing service providers<sup>1</sup> motivated arson attacks against hundreds of telecom masts and the harassment of hundreds of maintenance workers and engineers across 11 EU countries. Moreover, the ensuing disinformation that spread among activist groups and among broader communities has caused confusion around the health and safety effects of

networking technologies. Beyond being criminal offenses, these attacks on critical infrastructure threaten to undermine the fundamental rights of access to information and freedom of expression, as well as the digital economy. Europe's economic recovery depends on the vital connectivity and building blocks provided by 5G. These networks are an accelerator for many sectors and critical for e-health, e-learning, connected transportation, manufacturing and fighting climate change. Any unnecessary delays to the deployment of this new technology will inevitably hamper society's recovery.

1. According to the Copyright Directive, an Online Content Sharing Service provider is defined as a service provider of which the main or one of the main purposes is to store and give the public access to a large amount of copyright-protected works or other protected content uploaded by its users, which it organizes and promotes for profit-making purposes. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0790>

# Recommendations for Policy Makers

Online content sharing service providers currently work on a notice and take down basis: once they are notified of infringing content that is illegal or breaches their terms of service, they act expeditiously to remove it. Much of this content moderation is done through automated tools designed by the service providers themselves to scale to the breadth of their services, supervised by moderators employed by the service providers, and governed by rules that are often not easily-understood and subject to change. In this light, mobile network operators support the idea that self-regulation can be complemented by co-regulation.

Existing co-regulatory initiatives such as the [EU Code of Practice on Disinformation](#) show promise, creating an accountability mechanism and opportunities for online content service providers to share information and best practice on measures to fight disinformation. This Code was a good starting point for taking urgent action against the proliferation of disinformation in the context of the 2019 European elections. Improvements need to be made to deal with:

- Scope limitation and asymmetry in the application. The Code of Practice only applies to a certain number of online service providers active in the EU that are signatories to the Code and does not establish the same obligations for all actors;
- Lack of concrete and measurable commitments;
- Imprecise definitions. More transparency needed on how platforms assess disinformation, and effective communication to stakeholders when definitions are introduced, extended, or otherwise modified;
- Unclear processes. Uniformity and predictability is needed in applying policies and procedures related to content moderation.

This is particularly important in situations where social media service providers can actively affect the degree of propagation of such material to a wide audience, for example by tagging, organising, promoting, optimizing, presenting or otherwise curating content which perpetuates disinformation for profit making purposes.

In these situations, it would be important to remove persistently reloaded and unlawful content by encouraging online content sharing service providers, to take proactive steps by more stringent legal requirements, although granting them liability safe harbours.

Proactive steps should include the following:

- Delisting/demotion of false or misleading claims;
- Expeditious removal of any material which amounts to an incentive to commit acts of violence or vandalism;
- Monitoring to ensure that identical instances of the same material are not re-uploaded by any user;
- Measures to ensure that similar instances of the same material are not uploaded by the same user.

Many service providers already have the tools to undertake this: for example, under the terms of the Copyright Directive online content sharing service providers are obliged to take proactive steps to prevent the re-upload of material, which has been identified by a rightsholder as in breach of copyright.

Mobile network operators call for concerted action from all stakeholders to swiftly address issues of disinformation, and in particular 5G and COVID-19. We think it is reasonable to consider repurposing these tools and policies to address other types of content found to be illegal or in violation of online platforms' terms of service.

We agree with the recent report of the European Regulators Group for Audiovisual Media Service (ERGA)<sup>2</sup> that while there has been some progress in addressing disinformation under the Code of Practice, serious deficiencies remain. In particular, there is a lack of transparency in how signatories to the Code moderate and remove disinformation and a lack of granularity to deal with specific disinformation campaigns on a given platform or in specific countries.

We support the ERGA recommendation to move from a self-regulatory model to a co-regulatory model on disinformation with the Commission and national authorities equipped with meaningful powers to compel online content sharing service providers to abide by the measures in the Code. The scope of the new co-regulatory regime should be expanded to include all content sharing service providers active in Europe, including those without a physical presence. Moving from the current self-regulatory model to a more structured co-regulatory system, which would make the fight against online disinformation more effective, will also require:

- Defining the role and responsibility of each actor in the co-regulatory model;
- Encouraging a broad membership of the EU Code of Practice to include a wide range of players;
- Introducing clear reporting requirements, more harmonised procedures and appropriate deadlines, e.g. for responding to users or organisations that flag up offending content;
- Improving transparency and user choice on the information that is exposed and consumed, as well as encouraging transparency regarding the recommendation and prioritisation of algorithms

applied carried out by online service providers, without revealing trade secrets;

- Co-regulation should therefore focus on outlining fair and transparent processes for content moderation, which would be audited by the regulator.

If these steps are taken, we are confident that online disinformation campaigns, including those linking 5G to COVID-19 could be swiftly eliminated. This regulatory approach -based on responsibility, transparency and supervision- would help to ensure balance and effective protection of users' rights.

However, there are other problems related to disinformation that are outside the scope of the service providers. These include issues related to the psychological and cognitive predispositions of individuals to receive and share false information, to other issues related to the lack of a political or information culture. As set out in the [Joint Communication Tackling COVID-19 disinformation - Getting the facts right](#), "conspiracy theories require to strengthen the commitment of the whole society, including competent authorities, media, journalists, fact-checkers, civil society and online service providers, and include for example prompt debunking, demotion, possible removal or action against accounts." Therefore, we also agree that educational initiatives are needed to promote digital literacy and the skills needed for everyone to participate effectively in today's digital society.

The European Union must lead this co-regulatory response based on European values and principles to prevent disinformation from becoming a weapon to weaken democracy, society and institutions.

2. <https://erga-online.eu/wp-content/uploads/2020/05/Executive-Summary-ERGA-2019-report-published-2020.pdf>



## **GSMA EUROPE**

Regent Park, 1st Floor,  
Boulevard du Régent 35,  
1000 Brussels, Belgium  
Tel: +32 2 891 8700  
[www.gsma.com/gsmaeurope](http://www.gsma.com/gsmaeurope)

*September 2020*

