

No.2, 2018 (June)

Digital Platforms/Social Media

EU to Facebook: Sorry Is Not Enough	p.2
Written Replies from Facebook to MEPs	P.3
Platforms Forced To Show How They Rank Search Results?	p.3
Digital Tax: Disagreement about Commission Proposal	p.4

Privacy/Data Protection

GDPR For Better Or For Worse	p.5
Soon Breakthrough for ePrivacy Bill?	p.6

Media – general

Copyright reform: Publishers' Right Close to Approval?	p.7
Soon New Telecom Rules	p.8
More EU Funds for Media and Culture	p.8
EU Rules to Protect Whistleblowers Proposed	p.9
Attacks on Journalists the New Norm?	p.9
EU Parliament Calls for More Protection of Journalists	p.10
MEPs: More Support Needed To Save Media Freedom and Pluralism	p.10

Audiovisual

Broadcasters Forced To Help Fund European Productions?	p.11
Brexit Tough for MTG and Other Broadcasters Based in UK	p.12

Fake News/Disinformation

New EU Measures To Tackle Online Disinformation Proposed	p.12
Mixed Reactions to Commission Proposal	p.13
EU Elections: More Modern Methods Needed To Counter Fake News?	p.13

Digital Economy/Big Data

"Human-Centric" Approach To Make Europe An A.I. Leader?	p.14
MEPs: No Barriers to Free Flow of Data in EU!	p.15
EU To Make More Public Sector Data Commercially Available	p.15

Digital Platforms /Social Media

EU to Facebook: Sorry Is Not Enough

Europeans are known to be sticklers for privacy. So when it was reported that the consultancy firm Cambridge Analytica had harvested more than 87 million Facebook users' data without their knowledge – among them around 2.7 million users in the EU – for political campaign work in the Brexit referendum and the US presidential election, EU policymakers were not overjoyed.

“It is an unacceptable violation of our citizens' privacy rights and a threat to the very functioning of democracy”, fumed European Parliament President Antonio Tajani and announced that the Parliament would investigate the allegations. The EU Commission called for national watchdogs to open their own probes of the incident.

In April the group uniting the European data protection authorities, Working Party 29 (WP29), said it would create a Social Media Working Group to develop a long-term strategy to cope with this type of issues.

“A multi-billion dollar social media platform saying it is sorry simply is not enough...What we are seeing today is most likely only one instance of the much wider spread practice of harvesting personal data from social media for economic or political reasons. WP29 is fully aware that the issue is broader and concerns other actors, such as app developers and data brokers”, explained the WP29.

Meanwhile the EU Parliament repeatedly urged Facebook's Mark Zuckerberg to come to Brussels to answer MEPs questions on the data scandal. Finally he did come, on 22 May, but only to meet a small group of MEPs: Parliament President Antonio Tajani, the leaders of the house's political groups, Claude Moraes, the British MEP who chairs the Civil Liberties Committee (LIBE) and Jan Philipp Albrecht, the German MEP who led negotiations on the new EU data protection regulation, GDPR.

During the meeting – which was livestreamed – Zuckerberg said he regretted not having done enough to prevent abuse of the platform. “We didn't take a broad enough view of our responsibility. That was a mistake and I am sorry for it”, [said Facebook's CEO](#) in his opening remarks.

Some MEPs brought up EU's famously tough competition rules. “I think it time to discuss breaking Facebook's monopoly, because it's already too much power in one hand. Can you convince me not to do so? asked Manfred Weber, the head of the centre-right European People's Party.

In response to such queries, Zuckerberg said the question was not whether there should be regulation but what kind of regulation there should be. “Some sort of regulation is important and inevitable,” he said.

On the whole the meeting was no big success. Most of the speaking time was taken up by the dozen MEPs in the room. Zuckerberg spent only around 20 minutes responding to groups of their questions at the end.

Angry MEPs therefore demanded that Zuckerberg would respond in writing to their specific questions “in the next days”, which he actually did (see separate news item below).

Politico published [some comments](#) about the meeting. Jan Philipp Albrecht, the MEP who led negotiations on the GDPR, said it was “disappointing” but added:

“Nonetheless, there is a silver lining. Parliament learned that simply holding a discussion with Facebook is not enough to ensure the individual rights of European citizens and guarantee a fair market. What we need instead is to increase oversight and regulation of Facebook, including via all instruments of European competition policy.”

Written Replies from Facebook to MEPs

Two days after the encounter in May between EU Parliament leaders and Facebook CEO Mark Zuckerberg, Facebook sent replies to a number of outstanding questions that were left unanswered at the meeting. Some of the questions:

“Facebook has admitted to creating “shadow profiles” of people who surf the web but don’t have a Facebook account. Is avoiding the internet entirely the only way to prevent Facebook from collecting my data? What do you do with the data from non-Facebook users?”

Will Facebook commit to systematically and publicly release data on all politically relevant advertising in all election campaigns or referendum campaigns? How can you explain that the number of false accounts on Facebook are on the rise?

You've changed your algorithms and that has led to a substantial drop in views for right wing publications and pages – is Facebook a genuinely neutral platform?”

Read the answers to these and other questions from the MEPs [here](#)

In early June Facebook published a second set of replies to questions that were left unanswered at the meeting. These focus on topics such as algorithms, online safety, election manipulation and the application of the GDPR by Facebook.

The second set of answers can be found [here](#).

Platforms Forced To Show How They Rank Search Results?

Online platforms such as Google, Apple and Amazon would be forced to reveal the criteria they use to display search results, under [a new EU Commission proposal](#) probably cheered by many.

It’s the first time the EU executive is proposing regulation that targets large online platforms. The new legislation reflects a sharpening of the Commission’s recent approach to tech giants, comments the news service Euractiv.

The draft legislation would require e-commerce retailers and online search engines to be more transparent about how they rank search results by publishing criteria on their websites.

Music streaming services such as Spotify have been pushing for Brussels to address relations between platforms and businesses, reports Reuters. The music companies however have some reservations about the Commission proposal, which will have to be approved by the European Parliament and member states before becoming law.

“In order to be effective, the regulation must also address the discriminatory practices that arise when a platform provider is also the direct competitor with those third parties”, [said Hans-Holger Albrecht](#), President of the organisation Digital Music Europe.

Earlier in April, the Commission [proposed a separate bill](#) that will force tech platforms to be more transparent with consumers about how they rank search results. Under that legislation, platforms will need to inform consumers if services displayed in results are run by the platforms themselves, or by other companies.

Digital Tax: Disagreement about Commission Proposal

In March the European Commission [proposed new rules](#) to ensure that digital business activities are taxed, “in a fair way” in the EU. The proposal pleases some, but far from all, of the member states. Nor did it please the U.S. government – extra unfortunate in light of the current trade war.

The proposed measures would tax companies’ revenue from digital services such as online advertising – which will hit Google and Facebook – and platforms that connect its users, like Airbnb or Uber.

A tax of 3% would be collected by the EU member states where the users are located, and will apply only to companies with total annual worldwide revenues of €750 million and EU revenues of €50 million.

The EU Commission describes this plan as a short-term, “interim” measure. On the same day it published a proposal for more long-term reform of corporate tax rules. [Read more](#)

Big EU countries like France, Spain and Italy seem pleased with the interim tax plan but smaller nations, like Ireland, Luxemburg and the Nordic states are not. These differences are a significant hurdle for the Commission’s tax plan, as all EU member states must agree unanimously to any legal change to EU tax law.

During the first Council meeting to discuss the plan ministers from smaller countries opposed it, arguing that an overhaul of digital taxation should be done globally and involve a long-term solution. Many point to discussions on the same issue in the OECD.

The Commission said a long-term, global solution was the preferred option, but that it would take a long time to be approved.

In March the OECD published a report showing that there is still no consensus among its members about how to tax tech firms. By 2020 the organisation expects to reach a deal between its 35 member countries, among them the United States, Japan and China.

Angel Gurría, the head of the OECD, attended the EU Council meeting and said his organisation was ready to speed up its work, possibly advancing to next year the adoption of a blueprint.

Privacy / Data Protection

GDPR For Better or For Worse

Nobody could possibly have missed the fact that the EU's General Data Protection Regulation (GDPR) went into effect on 25 May.

As soon as the new rules came into force, Austrian privacy activist Max Schrems filed complaints against Google, Facebook, Instagram and WhatsApp, arguing they were acting illegally by forcing users to accept intrusive terms of service or lose access.

Schrems won a landmark European court ruling in 2015 that invalidated a 'safe harbour' agreement allowing firms to transfer personal data from the EU to the United States.

The GDPR has led many non-EU countries, such as Canada, Argentina and Japan, to revamp their own domestic legislation to fall in line with the EU rules. Perhaps it will even have repercussions in the United States.

"If American companies can devise a way to create a privacy regime that is opt-in consent for more than 400 million Europeans, they have a lot of explaining to do to the 320 million people in the United States", U.S. Senator Ed Markey, who for decades has been on the front lines of the privacy debate in Washington, [told Politico](#).

There are, however, some concerns about the GDPR. EU Justice Commissioner, Vera Jourová, is worried about the enforcement of the new rules. National data protection authorities will receive an arsenal of new powers under the GDPR and in several EU countries they might not have the manpower and resources to crack down on tech giants that break the law.

How Google interprets the GDPR has publishers up in arms. Google is the biggest vendor of the software and services that many newspapers and digital media firms use to sell ads on their websites and mobile apps. As part of its plans for GDPR, Google wants to offload to publishers the burden of getting user consent for the data collection that is at the core of how Google's ad-serving business operates, [explains Reuters](#).

The company has also irked publishers by saying that rather than being a "processor" of data as defined by GDPR, it wants to be a "controller", giving it more ability to use information such as reader data for its own purposes.

What ordinary people will make of their new rights under the GDPR remains to be seen.

Katharina Lemke, a German higher education expert, told *Politico* that she has read up on her GDPR rights. Yet with everything going on in her life, the 30-year-old doesn't think she'll have the time to send requests to companies asking about

how they use her digital data, let alone file complaints to stop the most egregious activities. "It's a good opportunity to protect my privacy, but maybe it's all too much."

Soon Breakthrough for ePrivacy Bill?

The public outrage over the Facebook/Cambridge Analytica data harvesting scandal may help negotiations on the proposed e-Privacy regulation to finally get going. In any case, that's what the EU Commission and numerous MEPs seem to be hoping.

During a discussion in the EU Parliament on the scandal many MEPs lauded the union's new data protection law, GDPR, but said it will not be enough to stop major data abuse; the new e-Privacy regulation will be needed too. The member states must now stop dragging their feet on this issue and agree on their Council compromise version of the bill so that negotiations with the Parliament can start, they urged.

(Current ePrivacy rules on access to the content of communications do not cover companies like Facebook, but this would change under the proposed ePrivacy Regulation, [explains](#) the European Digital Rights organization.)

Some EU countries are critical of the legislation arguing that it will overburden companies that are already restructuring their business to comply with the GDPR.

Technology firms have also raised the alarm over tougher measures in the ePrivacy bill that limit how telecoms operators and digital services like WhatsApp can process their users' data, [reports Euractiv](#).

Publishers, too, have voiced concerns. They argue that the new regulations relating to "cookies" could cut off their ability to build digital revenue.

The Parliament, which adopted its [negotiating position](#) already in October 2017, wants strong privacy rules for online communications, in some cases even stronger than those proposed by the Commission.

In May the EU Commission warned the member states that they must now "accelerate" their work on the e-Privacy regulation. It hopes that national diplomats will sign off their version of the bill by the end of June so that negotiations with the European Parliament can start and the rules be adopted by the end of 2018.

The Commission is probably wary that the public outrage over privacy will soon peter out, making member states more open to lobby groups again. These are already mobilising.

"More time is needed to assess the ePR's scope of application, its overlaps with the General Data Protection Regulation (GDPR) and its impact on all sectors of the economy", advised dozens of industry groups – including the European Publishers' Council (EPC) and several other publishers' associations – in [a letter](#) addressed to the EU member states just before a Council meeting in early June when the ePrivacy bill was to be discussed.

Media - general

Copyright Reform: Publishers' Right Close to Approval?

Proposed by the European Commission almost two years ago the reform of EU copyright rules has proceeded at a snail's pace as a result of much lobbying and disagreement both within the Parliament and among member states. But now the reform is finally picking up speed.

On 25 May the EU member states [agreed their common Council position](#) on the draft directive. The text would allow press publishers to ask search engines to pay them for showing their articles – or parts of them – up to one year after publication. (The original Commission proposal had foreseen giving publishers the right to ask for payment for up to 20 years).

News publishers welcomed the Council's agreement, calling it a "decisive step in the right direction", [reports Reuters](#). The tech industry was, of course, less pleased.

The publishers' right seems to be moving closer to approval in the European Parliament too. In recent months several EU Parliament committees involved in the dossier announced they were for it and MEP Axel Voss, the rapporteur of the responsible Legal Affairs Committee (JURI), presented a proposal that would guarantee press publishers such a right. Towards the end of June JURI is expected to vote on his report.

Once the Parliament has agreed its common position negotiations with the Council can start.

In March the International Federation of Journalists (IFJ) [voiced concerns](#) over the exclusion of journalists' interests in the ongoing EU debate over the publishers' right.

"The introduction of an EU neighbouring right for press publishers that does not take into account the need to remunerate journalists for this extra layer of rights over their work is absurd", said the IFJ president.

Another clause in the Council's copyright text would force websites like YouTube to seek a license from rightsholders for displaying their content, for example a music video, or prevent it from being accessible. This should please the music industry, which has waged a campaign against YouTube whom they accuse of making money off their content without remunerating them properly.

Also of interest is a mandatory exception for uses of text and data mining technologies in the fields of scientific research, as well as mandatory exceptions or limitations to the general copyright rules for illustrations used for teaching in the digital environment and for cultural heritage institutions such as public libraries, museums and archives, explains the Council.

For more details read [Draft directive on copyright in the digital single market](#)

Soon New Telecom Rules

A lot has happened since 2009 when EU telecom rules were last updated, so many were surely happy on 6 June when the European Parliament and the Council managed to reach a political agreement on a new set of rules.

The new Electronic Communications Code will boost investments in very high capacity networks across the EU, including in remote and rural areas.

It will enhance the deployment of 5G networks by ensuring the availability of 5G radio spectrum by the end of 2020 in the EU and providing operators with predictability for at least 20 years in terms of spectrum licensing

The new framework will also facilitate the roll-out of new, very high capacity fixed networks by making rules for co-investment more predictable and promoting risk sharing in the deployment of very high capacity networks.

There will be other benefits too. International calls within the EU will be capped at 19 cents per minute and text messages at 6 cents per SMS. And there will be access for all citizens to affordable communications services, including universally available internet access for services such as e-government, online banking or video calls.

Once fully adopted by the European Parliament and the Council, EU member states will have two years to transpose the Electronic Communications Code into national law. [Read more](#)

EU Long-Term Budget: More Funds for Media and Culture

For the next long-term EU budget 2021-2027 the European Commission is [proposing to increase funding for Creative Europe](#), the programme supporting European cultural and creative sectors and audiovisual works, to €1.85 billion. Although not immediately available, many probably welcome the prospect of some extra funds.

The budget will mainly be used to fund audiovisual projects but will also support projects in the news media sector.

Most of the money, €1.081 billion, will go to the MEDIA programme, which will continue to support the development, distribution and promotion of European films, TV programmes and video games. In the coming years, more money will be invested in the international promotion and distribution of European works and innovative storytelling, including virtual reality. An online directory of EU films will be created to reinforce the accessibility and visibility of European works.

A smaller sum, €160 million, goes to a “cross-sectoral strand”, including support for projects in the news media sector, which:

- Address the structural changes faced by the media sector by promoting and monitoring a diverse and pluralistic media environment;
- Support high media production standards by fostering cooperation, cross-border collaborative journalism, and quality content;
- Promote media literacy to allow citizens to develop a critical understanding of the media.

What the lawmakers, i.e. the European Parliament and the Council/EU member states, think about the Commission's proposal remains to be seen.

[Legal proposal and factsheet](#) [Video MEDIA programme](#)

EU Rules to Protect Whistleblowers Proposed

Recent scandals like the Panama Papers or the Cambridge Analytica revelations show that whistleblowers can play an important role in uncovering unlawful activities that damage the public interest. Journalists' organisations have long demanded more protection for these sources.

In April the EU Commission issued a [proposal for a directive on the protection of persons reporting on breaches of Union law](#). Under these rules whistleblowers exposing fraud, tax evasion, data breaches and other misdeeds will be given more protection from retaliation.

[According to the news service Euractiv](#) most political groups and individual MEPs in the European Parliament praised the Commission proposal. Currently only 10 EU countries offer full protection to whistleblowers.

Journalist and media organisations were also positive, but not completely happy. The proposal will only allow whistleblowers to go public by alerting the press as a last resort and under unclear conditions, they point out.

Moreover, the proposal seems to allow alerts only about unlawful activities or abuse of law. "The directive should allow for an alert about wrongdoings and any act that may harm or threaten the general interest, even if it is not strictly illegal", said Paul Coppin from Reporters Without Borders.

The Commission proposal requires approval from the EU Council, representing the member states, and the European Parliament before it can become law.

Attacks on Journalists the New Norm?

The [2018 World Press Freedom Index](#), compiled by Reporters without Borders (RSF), shows a growing animosity towards journalists, in Europe as well as in other countries.

Hostility towards the media from political leaders is no longer limited to authoritarian countries such as Turkey and Egypt, where "media-phobia" is now so pronounced that journalists are routinely accused of terrorism and those who don't offer loyalty are arbitrarily imprisoned.

More and more democratically-elected leaders no longer see the media as part of democracy's essential underpinning, but as an adversary to which they openly display their aversion. Trump is not the only one.

Verbal violence from politicians against the media is also on the rise in Europe, writes the RSF, citing, i.a., vile examples from the Czech Republic and Slovakia.

"The unleashing of hatred towards journalists is one of the worst threats to democracies," commented RSF secretary-general Christophe Deloire. In this year's Press Freedom Index, Norway is, for the second year running, first

followed – as it was last year – by Sweden (2nd). But although traditionally respectful of press freedom, the Nordic countries have also been affected by the overall decline, writes the RSF.

EU Parliament Calls for More Protection of Journalists

This spring the EU Parliament called for better protection of journalists on several occasions.

On 19 April MEPs adopted [a resolution](#) in which they condemn insulting comments made by some EU politicians towards journalists and insist that all EU states must protect the personal safety and livelihoods of investigative journalists and whistle-blowers.

They also called for better protection of journalists who are regularly subject to lawsuits intended to censor their work and a permanent EU scheme to support independent investigative journalism.

The subject came up again in [another resolution](#) adopted 3 May. Here the Parliament expresses its, “deep concern at the abuses, crimes and deadly attacks still being committed against journalists and media workers in the Member States because of their activities; urges the Member States to do their utmost to prevent such violence, to ensure accountability and avoid impunity and to guarantee that victims and their families have access to the appropriate legal remedies.”

MEPs also called on EU member states to set up an independent and impartial regulatory body, in cooperation with journalists’ organisations, for monitoring, documenting and reporting on violence and threats against journalists and to deal with the protection and safety of journalists at national level”.

A pity that these examples of non-legislative Parliament resolutions are not binding but merely suggest a political desire to act in a given area.

MEPs:

More Support Needed To Save Media Freedom and Pluralism

In recent years media freedom and pluralism has been shrinking in Europe. The EU Parliament has often discussed these issues.

On 3 May it adopted a [resolution](#) underlining that media freedom, pluralism and independence are “crucial components of the right to freedom of expression” and that the media “play an essential role in democratic society, by acting as public watchdogs”.

The Parliament points out that “the effect of the economic crisis, coupled with the simultaneous growth of social media platforms and other high-tech giants and highly selective advertising revenues, have dramatically increased precariousness in the working conditions and social insecurity of media actors, including independent journalists, leading to a dramatic drop in professional, social and quality standards in journalism that may negatively affect their editorial independence;”

The MEPs ask EU member states to step up financial support to public service media, community media and grassroots media as well as investigative journalists, while refraining from involvement in editorial decisions. All public funding provided to media owners should be regularly monitored, they add.

The Parliament also calls on the EU Commission to allocate permanent and adequate EU budget funding to support the [Media Pluralism Monitor at the Centre for Media Pluralism and Media Freedom](#) and create an independent monitoring mechanism to assess risks to media pluralism and freedom in the EU.

Audiovisual

Revised Audiovisual Directive: Broadcasters Forced To Help Fund European Productions?

At the end of April the EU Parliament, Council and Commission reached a [preliminary political agreement](#) on the main elements of the revised Audiovisual Media Services Directive (AVMSD).

Much discussed is a new measure introduced by the Council negotiators that will allow national governments to force media service providers targeting their audiences to pay into national funds for European productions or co-productions, or offer direct investments, regardless of their country of establishment.

In its original proposal, the Commission suggested that EU countries could require only online streaming services like Netflix to pay into such a fund for European works.

It was France - which already demands that broadcasters pay into a national film fund supporting French productions - that fought to broaden that proposal to apply to traditional television broadcasters as well.

European Film Agency Directors (EFADs) and the Society of Audiovisual Authors (SAA) were of course delighted to learn about the new measure. Broadcasters [criticized](#) the EU proposal, arguing that other countries could now be encouraged to follow France's example.

Some other changes in the audiovisual directive endorsed by the EU lawmakers:

- *Protection of minors against harmful content* whether on TV or video-on-demand services. The new rules envisage that video-sharing platforms put appropriate measures in place to protect minors.
- *Rules against hate speech and public provocation to commit terrorist offences* will also apply to video-sharing platforms to protect people from incitement to violence or hatred and content constituting criminal offences.
- *Promoting European works*: There will be a quota requiring broadcasters and online streaming services to include a minimum of 30% European content in their full programmes or catalogues.
- *TV advertising*: The revised rules give broadcasters more flexibility as to when ads can be shown. Instead of the current 12 minutes per hour, broadcasters can choose more freely when to show ads during the day.

- *Strengthened Country of Origin Principle* with more clarity on which Member State's rules apply in each case.

The negotiations on the AVMSD will officially conclude in June when the EU Parliament, Council and Commission will meet to finalise and discuss the last remaining technical details of the proposal. After formal confirmation by the Council and the European Parliament's plenary vote (probably in September) the new rules will have to be transposed into national law. [Read more](#)

Brexit Tough for MTG and Other Broadcasters Based in UK

Some international broadcasters, such as Viacom, have started moving their broadcast licenses from the United Kingdom in anticipation of Brexit. A number of other channel providers with bases in Britain are expected to follow suit, including the Swedish Modern Times Group (MTG), [reports TVB Europe](#).

The broadcasters have probably read a [Notice](#) issued by the EU Commission in March warning providers of audiovisual media services based in the UK to be prepared for the legal repercussion of Brexit.

Judging from this Notice, after Brexit Sweden could possibly impose its ban on alcohol advertising on MTG and the American-owned Discovery channel if they stay based in England. It could even restrict reception and retransmission of these channels.

The Brexit decision means that, unless a ratified withdrawal agreement establishes another date, the rules of the EU's Audiovisual Media Services Directive (AVMSD) will no longer apply to the UK from 30 March 2019. This has a number of consequences, writes the Commission.

The so-called "Country-of-Origin" principle will no longer apply and EU member states will then be free to take whatever measures they deem appropriate with regard to audiovisual media services coming from the UK, which will then be a third country.

Nor will the broadcasters benefit from the freedom of reception and retransmission laid down in the audiovisual directive. Therefore, EU member states will be entitled, "based on their own national law and, where applicable, within the limits of the European Convention on Transfrontier Television", to restrict reception and retransmission of audiovisual media services originating from the UK, writes the EU Commission.

Fake News /Disinformation

Tackling Online Disinformation: New EU Measures Proposed

The outrage about "fake news" has put pressure on the EU Commission to come up with remedies. On 24 April the EU Commission [proposed new measures](#) to tackle disinformation online. Whether these will do the trick remains to be seen.

Self-regulation by the social media still seems to be considered the best solution, at least for now. By July online platforms should develop and follow a common "Code of Practice on Disinformation" with the aim of:

- Ensuring transparency about sponsored content, in particular political advertising, as well as restricting targeting options for political advertising and reducing revenues for purveyors of disinformation;
- Providing greater clarity about the functioning of algorithms and enabling third-party verification;
- Making it easier for users to discover and access different news sources representing alternative viewpoints;
- Introducing measures to identify and close fake accounts and to tackle the issue of automatic bots;
- Enabling fact-checkers, researchers and public authorities to continuously monitor online disinformation;

The Commission also proposes the establishment of an independent European network of fact-checkers as well as a secure European online platform on disinformation. Enhancing media literacy is important too.

Furthermore, it calls on EU member states to scale up their support of quality journalism. The Commission itself will launch a call for proposals this year "for the production and dissemination of quality news content on EU affairs through data-driven news media".

By December 2018, the Commission will report on the progress made. "Should the results prove unsatisfactory, the Commission may propose further actions, including actions of a regulatory nature", it warns.

Mixed Reactions to Commission Proposal

Reactions to the EU Commission's proposal to tackle online disinformation have been mixed. The European Federation of Journalists (EFJ) [seems quite happy](#). Especially of course about the commitment to call on member states for significant financial support for independent news media, fact- and source-checking.

The European consumer organization, BEUC, is more critical:

"(The Commission) does not act on one of the main reasons for the dissemination of sensationalist content, which includes fake news: the business models which are based on click-baiting to drive advertising revenues... (It) recognises that advertising-based models play a role in online disinformation, but it falls short of committing to investigate this relationship. Shying away from this crucial element makes the Commission's efforts look half-hearted", [commented Monique Goyens, Director General of the organisation](#).

European Elections 2019: More Modern Techniques Needed to Counter Fake News?

Brussels fears that next year's European Parliament elections are vulnerable to mass online "fake news" campaigns – especially from Eurosceptics – similar to what happened in the US elections. Now preparations are under way to face this challenge.

One reason for being worried is that EU matters are generally unknown. "It is therefore easy to tell people false information about the European Union as usually we are not informed enough about the EU to distinguish between what is true and what is false", [said the EU Parliament's spokesman and media director Jaume Duch](#).

Therefore the Parliament, "will double its efforts to communicate" in view of the elections next May. The EU Commission has launched an action plan against false information in cooperation with the Parliament (which has a special task force dedicated to fake news). And the External Action Service – EU's foreign affairs service – is trying to reduce as much as possible "the involvement of external powers in European disinformation".

All this sounds a bit vague and old-fashioned. Maybe EU lawmakers should use more modern campaign methods like many politicians already do in various parts of the world, including in Europe.

The news service *Politico* describes in an [article](#) how lawmakers have realized that they can use smartphone-friendly tactics to gather data on potential voters just like the tech giants.

Apps used in the Trump and Vote Leave Campaign in the Brexit referendum functioned as quasi-social networks. Here people were asked to fill in personal information, including their phone numbers and, in the U.S., voter registration information.

In the United Kingdom roughly 34,000 [used the app](#), which relied on so-called "gamification" techniques, such as offering people additional social network points if they sent pro-Brexit messages to their friends through the digital service.

Focusing on "media influencers" seems to be another modern technique. In April [Bloomberg Law reported](#) that the U.S. Department of Homeland Security wants to monitor hundreds of thousands of news sources around the world and compile a database of journalists, editors, foreign correspondents, and bloggers to identify top "media influencers".

For each influencer found, the database is to "present contact details and any other information that could be relevant, including publications this influencer writes for, and an overview of the previous coverage published by the media influencer."

The request comes amid heightened concern about accuracy in media and the potential for foreigners to influence U.S. elections and policy through "fake news", explains Bloomberg.

Digital Economy / Big Data

Artificial Intelligence: "Human-Centric" Approach to Make Europe An AI Leader?

Artificial intelligence being the Big Thing now, everybody wants to jump on the bandwagon.

French President Emmanuel Macron wants to turn Europe (and France) into AI leaders. In March he announced a plan to invest €1.5 billion in AI by 2021. Soon thereafter 24 EU member states plus Norway signed a declaration indicating they will consider investing public funds into AI.

Then, in April, [the EU Commission presented a series of measures](#) to boost Europe's competitiveness in the field, including big investments. Fierce international competition requires coordinated action for the EU to be at the forefront of AI development, underlines the Commission.

The EU strategy emphasises its "human-centric" approach to AI, and bills the bloc's focus on ethics as a selling point for Europe that will give companies a competitive advantage over tech giants in the US and Asia, [writes](#) the news service Euractiv.

For some tech policy observers, the Commission's plan however comes too late. The US and Chinese governments started pumping public money into AI research several years ago, and private investments in both countries are much higher than in Europe, they point out.

There are also other misgivings. The Computer and Communications Association (CCIA) raised a concern related to the EU copyright reform.

"By pushing for a restrictive Text and Data Mining exception, the Commission's copyright proposal removes the ability for startups, businesses or public-private collaborators to use in Europe a technology playing a foundational role in AI", said the association.

MEPs:

No Barriers To Free Flow of Data in the EU!

Removing obstacles to the free movement of non-personal data within the EU for companies and public authorities is the key aim of a draft law approved recently by the European Parliament's Internal Market Committee.

The draft EU law would prohibit national rules requiring that data be stored or processed in a specific member state. MEPs kept exceptions to a minimum by clarifying that any restrictions on the location of data would only be allowed "on an exceptional basis", where justified on "imperative grounds of public security".

"This regulation is truly a game changer...It will pave the way for artificial intelligence, cloud computing and big data analysis", said Swedish MEP [Anna Maria Corazza Bildt](#) who is steering this legislation through Parliament.

The mandate to start negotiations with the Council was approved in the Internal Market Committee. Once it receives a green-light from the Parliament in plenary session in June, three-way ("trilogue") talks between Parliament, Council and Commission can start. The first trilogue is scheduled for 14 June 2018. [Read more](#)

EU to Make More Public Sector Data Commercially Available

In April the European Commission put forward a set of measures to increase the availability of data in the EU. The measures include, i.al., a revised law on public

sector information and allows public authorities to use data better in research and health system reforms.

"...without data, we will not make the most of artificial intelligence, high-performance computing and other technological advances ..Our proposal will free up more public sector data for re-use, including for commercial purposes", explained Commission Vice-President for the Digital Single Market, Andrus Ansip. [Read more](#)

Nick Wallace, a senior policy analyst at the Center for Data Innovation, is however skeptical. He [believes](#) the new EU data protection rules (GDPR) impose such tight restrictions on the use of personal data that Europe will be unable to keep up with other parts of the world as they use AI to streamline their economies.

European Media Policy

Editor: Anna Celsing, ahcelsing@outlook.com

Publisher:

Jonas Ohlsson NORDICOM
University of Gothenburg
Box 713
SE 405 30 Göteborg Sweden

The Newsletter provides an up-date on policy developments at the European level. We concentrate on news from the European Union – current issues and trends in media policy, new proposals for legislation, debates in the European Parliament, recently taken or impending policy decisions and reactions among those concerned, new support programmes, EU studies in the field etc. There will also be some coverage of policy developments in the Council of Europe and at the international level. The newsletter is published three times a year.