

2021 VADEMECUM OF THE ASSEMBLY OF SIGNATORIES OF THE CODE OF PRACTICE ON DISINFORMATION

Having regard to the Guidance issued by the European Commission¹, this Vademecum is intended to set out rules for the organization and functioning of the assembly of signatories and relevant stakeholders (the "Assembly") that will carry out a review of the 2018 Code of Practice on Disinformation (the "2018 Code"), with a view to producing a strengthened Code of Practice that will enter into force in 2021 (the "2021 Code").

1. Composition of the Assembly

The Assembly will be comprised of the existing signatories of the 2018 Code and by new signatories that are willing to subscribe to and take on commitments under the 2021 Code that are relevant to the services they provide in the EU.² Stakeholders who help address the spread of disinformation through their tools, technical efforts, philanthropic work,³ or specific expertise, could also become signatories, adopting commitments that are attuned to the company or organisation and the particular role they play in the online ecosystem.⁴ As set out further below, each signatory is expected to sign up to commitments that are relevant to the services they provide.

The Commission and the existing Code signatories will publish a joint call for relevant stakeholders that are interested in joining the 2021 Code and subscribe to its commitments ("Interested new signatories"). The Commission will keep the current signatories informed of any expressions of interest received from stakeholders who are considering signing onto the 2021 Code.

Interested new signatories that wish to participate in the revision of the Code shall provide to the current signatories and the Commission a Declaration affirming their intention to participate in good faith in the revision of the Code and to subscribe to the commitments of the 2021 Code that are relevant to the services they provide.⁵ The current signatories might decide to make the Declarations public.

Stakeholders that are interested in joining the 2021 Code, but have not yet provided the above mentioned Declaration, can participate in specific meetings of the Assembly or issues groups as observers, on an ad-hoc basis upon joint invitation by the Commission and the current signatories.

¹ European Commission Guidance on Strengthening the Code of Practice on Disinformation, 26 May 2021 (COM(2021) 262 final).

² Such new signatories may include inter alia: established or emerging platforms that provide social media services or search services; private messaging services; participants in the online advertising sector, including brands or other advertisers, ad exchanges and other tech providers, and communications agencies; and providers of services that may be used to monetize disinformation, including e-payment services, e-commerce platforms, and crowd-funding or donation systems

³ In order to allow transparency and avoid potential conflicts of interest, NGOs wishing to joining the Code as new signatories should submit information regarding their mission, funding structures and decision making processes.

⁴ These interested signatories should declare the areas of commitments they intend to adhere to ahead of joining the relevant issue groups.

⁵ In their application, interested new signatories shall also describe the nature of the commitments to which they intend to subscribe, including commitments that are not yet covered by the 2018 Code.

Current signatories and interested new signatories that made a Declaration can participate in the Assembly and the meetings of the issues groups discussing and drafting commitments they intend to sign up, as relevant for their services.

While commitments of the Code would be signed up per signatory, in order to facilitate the overview of the commitments and how they relate to the different services provided by signatories, the 2021 Code, its commitments and subscription documents should be drafted – and if possible grouped - with a view of allowing a clear identification of the particular commitments of the Code that would be applicable to the different services provided by the signatories.

Members of the Assembly shall each appoint representatives to participate in meetings of the Assembly; in case of absence, alternative representatives may be appointed. Representatives shall be vested with the necessary powers to negotiate and collaborate on drafting the 2021 Code. Participating business associations shall have a mandate from their respective members to negotiate and collaborate on drafting the 2021 Code and to agree on the Code on behalf of the associations bearing in mind the necessary due process that the business associations have to follow to consult their membership.

The Commission and members of the Assembly may invite independent experts, including representatives of the European Regulators Group for Audiovisual Media Services (ERGA) and experts suggested by the European Digital Media Observatory (EDMO),⁶ on an ad-hoc basis to present their views on technical matters or specific aspects relating to the Code. The Commission will share its suggestions regarding experts to be involved with appropriate prior notice before the suggested appearance. Members of the Assembly have the right to oppose the involvement of individual experts based on adequate reasons, e.g. conflict of interest. Members of the Assembly may invite experts before the Assembly and the Issue Groups, with appropriate prior notice to the Assembly and the Commission.

In view of ensuring the transparency and inclusiveness of the process, the Assembly will provide for an interim status update and exchange of views with interested stakeholder groups before the adoption of the 2021 Code. Interested stakeholder groups shall participate in this exchange of views in good faith and subject to the confidentiality agreements defined in this Vademecum.

The Assembly will be chaired by a representative of DG CONNECT. The role of the Chair will be to facilitate discussion during the Assembly meetings, but will not have the possibility to veto any decisions made by the members of the Assembly.

⁶ EDMO and ERGA will play a relevant role in the discussion regarding the Key Performance Indicators, the monitoring framework and the access to data for research purposes.

2. Purpose of the Assembly

The purpose of the Assembly is to strengthen the 2018 Code, in line with the Guidance, and to transform it into a stronger instrument for addressing disinformation in the EU. To this end, the Assembly will ensure, *inter alia*, that the 2021 Code sets out actionable, tailored commitments that correspond to the diversity of services offered by signatories and are adapted to their respective roles in the online ecosystem. The Assembly will also ensure that the 2021 Code establishes a robust framework for the regular monitoring and oversight of the Code, in line with the Guidance, including, *inter alia*, by defining Key Performance Indicators capable of measuring the implementation and effectiveness of the Code's commitments and the Code's impact on disinformation.

3. Structure of the Assembly

To ensure the efficiency of its work, the drafting process will take place in a series of Issue Groups run in sequence, namely:

- integrity of services and empowering users, including relevant KPIs;
- empowering the research and fact-checking community, including relevant KPIs;
- scrutiny of ad placements, political advertising and issue-based advertising⁷, including relevant KPIs;
- monitoring of the Code.

The Assembly may decide to adjust the remits of the Issue Groups or establish additional Issue Groups as necessary or appropriate.

The Assembly will receive the work and reports of the Issue Groups in advance of Assembly's meetings.

The Assembly meetings will be organized along the lines of the Issue Groups. Potential new signatories participating as observers and experts will only be invited to those parts of the Assembly that will be addressing their areas of commitment or fields of expertise.

4. Operation of the Assembly

The European Commission will facilitate discussions in meetings of the Assembly and provide necessary organisational and logistical support, including proposing agendas for the Assembly meetings.

Meetings of the Assembly shall be conducted online, unless the epidemiological situation permits in-person meetings and the Assembly agrees to hold such meetings.

Any decision concerning the practical organisation of the Assembly shall be taken by simple majority of the members present at a meeting of the Assembly.

Between meetings of the Assembly, the Issue Groups shall continue their work and schedule

⁷ In view of the Commission's upcoming legislative initiative on the transparency of sponsored political content, the Assembly's work in this area will focus on operational issues and technical solutions, as identified in the Guidance, that signatories can implement to improve the transparency of political advertising and issues based advertising, in parallel to the Commission's legislative initiative.

additional meetings as necessary to ensure the timely delivery of their work.

A draft of the 2021 Code shall be delivered to the Commission by November 2021 for discussion. A final version of the 2021 Code shall be open for signature following the discussion of the draft at an Assembly meeting. Implementation of new or revised commitments will be carried out on an expeditious basis following the signature of the 2021 Code and, in any event, within 12 months of signature. To this end, each signatory should provide a transparent timetable for the transitional period, with milestones indicating at 3 months intervals (3, 6, 9, 12 month after signature) which commitments will be implemented and by when.

5. The Issue Groups

- a) *Role:* Each Issue Group will be in charge of drafting and agreeing on commitments for the 2021 Code that fall within its remit, as set out above, in line with the Guidance. Each Issue Group will also draft and agree on a set of Key Performance Indicators corresponding to the commitments under its remit. Issue Groups shall strive to draft strengthened, actionable commitments that correspond to the diversity of services offered by signatories, are adapted to their respective roles in the online ecosystem, and may be subscribed to by as many relevant stakeholders as possible.
- b) *Composition:* Only members of the Assembly will be represented within the Issue Groups. As set out under point 1. Members of the Assembly and the Commission may also jointly invite experts and Observers to the Issue Groups on an ad-hoc basis.
- c) *Governance:* Issue Groups will regularly report to the Assembly on progress achieved. Each Issue Group will decide on its internal working methods, including the scheduling of and logistics for its meetings, and the methods for discussing and exchanging documents with the Assembly and ensuring confidentiality. Representatives appointed to the Issue Groups shall be vested with the necessary powers to negotiate and collaborate on drafting the 2021 Code on behalf of their respective organisations bearing in mind the necessary due process that organisations will need to follow to consult their membership. The Commission may participate as an observer in meetings of the Issue Groups upon invitation from the Issue Groups.
- d) *Decision-making:* Each Issue Group will have full autonomy in its decision-making processes.

6. Timetable

The Assembly agrees on the following provisional timetable of meetings:

1. **11 June** morning: half-day with all the **existing signatories**
2. **8 July** morning: half-day meeting of the Signatories and the Commission to formally agree on the Vademecum, followed by a discussion of the organisation of the work of the Issue Groups. **Interested new signatories** can be invited to present themselves at a relevant part of the meeting.
3. **15 Sept:** [*in case of sufficient interest*] 2-hours meeting with interested new signatories (presentation of their services, their commitments, and engagement in the process).
4. **30 Sept:** 3-hours meeting for the signatories to present the progress of the issue Groups. Issue Groups provide a progress report to the Assembly by 25 Sept.
5. **28 Oct:** 3-hours meeting for the signatories to present the progress of the issue Groups. Issue Groups provide a progress report to the Assembly by 24 Oct.

6. **From 28-Oct to mid-Nov:** Exchange with stakeholders and Commission
7. **From mid-Nov to mid-Dec:** The members of the Assembly will seek validation of the Code from their respective organisations.
8. **Mid-Dec:** half day meeting to present the finalised renewed Code
9. **From end January 2022 to December 2022:** Implementation/transition period for the renewed Code as described above

7. Confidentiality

To ensure an open and sincere discussion among participants, any organisations participating in the Assembly and their representatives, including observers together with potential experts or any other participants in the Assembly and Issue Groups are subject to the obligation of confidentiality as regards the discussions and outcomes of the Assembly and its Issue Groups. This includes any press outreach or public communication on the ongoing work. Conversations held in the Assembly and in Issue Groups are off the record, unless otherwise agreed by the Assembly and the Commission.