

Questions & Answers: EU cooperation on vaccine preventable diseases

What are the benefits of vaccination?

Vaccination is one of the greatest successes of public health. Before vaccines existed, many children would die young, or become crippled for life. In Europe, seasonal flu vaccination prevents around 2 million people from getting the flu each year. Worldwide, vaccination prevents 2.7 million people from contracting measles, 2 million from getting neonatal tetanus, and 1 million from getting pertussis (whooping cough) each year. Vaccination has also led to the eradication of smallpox, and the near elimination of polio.

Vaccines are a safe and effective way of protecting children and adults from serious illness and complications from vaccine-preventable diseases. They can prevent a disease from occurring in the first place, saving human suffering, and reducing healthcare costs. Vaccines protect not only you but others around you, provided that 'herd immunity' is reached. In the case of measles, diphtheria, tetanus and pertussis, a 95% coverage rate is required to protect the whole community.

Are vaccines safe?

Yes. Despite the myths that have led to doubts amongst a growing proportion of EU citizens, an extensive body of research has proven the effectiveness and safety of vaccines. Reports of a link between the Measles, Mumps, and Rubella (MMR) vaccine and autism, for example, were based on a now discredited study. The EU has very strict rules for the market authorisation of vaccines. On average, it takes 12 to 15 years, including extensive clinical studies, to develop a vaccine. Once on the market, the European Medicines Agency continues to supervise a vaccine's safety, to detect, prevent and communicate any adverse effects.

Are vaccine-preventable diseases increasing in the EU?

Several EU and neighbouring countries are in the midst of unprecedented outbreaks of vaccine-preventable diseases, due to insufficient vaccination coverage. Between 2016 and 2017, cases of measles more than tripled in the EU, bringing the total in 2017 to 14,000 cases. In the past 2 years, over 50 people have died due to measles and 2 from diphtheria. Furthermore, although the EU is currently polio-free, with falling vaccination rates, we run the risk that the virus will reappear on European soil.

Seasonal flu vaccination coverage in older age groups has also decreased in the past few years in the majority of EU countries, and the European Centre for Disease Prevention and Control estimates that 40,000 people in Europe – many of whom are elderly, die prematurely from complications from seasonal flu every year.

What are the key drivers of falling vaccination coverage?

The first reason is vaccine hesitancy. Misconceptions about vaccination have shifted the public focus away from the benefits of vaccination, towards distrust in science and fear of possible side effects. While routine vaccination has led to a sharp reduction in vaccine-preventable diseases, it has also led to the severity of such diseases frequently being underestimated by citizens and healthcare workers alike.

A second challenge is the variation of vaccination policies and schedules between EU countries, which can be a particular obstacle to people who move between several EU countries during their lives. Variation in when vaccines are administered and the number of doses, for example, can cause confusion, and this can result in children not getting all the vaccines they need. Varying vaccine policies between countries can also lead to the perception that there are differences in opinion on the vaccines themselves.

Other factors that play a role in immunisation gaps include a lack of access to vaccines, vaccine shortages, challenges related to the research and development for new and existing vaccines, including unpredictable demand and insufficient motivation for industry to make the necessary investments in terms of financing and expertise, and constraints linked to public financing.

Why should we step up EU-level cooperation in this area?

Infectious diseases such as measles, diphtheria and influenza are not confined within national borders. One EU country's immunisation weakness puts at risk the health and security of citizens across the EU. Given the cross-border nature of vaccine-preventable communicable diseases, and the common challenges faced by EU countries, there is a clear advantage to strengthening cooperation among all relevant sectors at EU level. Moreover, Member States themselves have requested intensified EU support, and stressed the need for common EU action and a more coordinated approach.

Why have you chosen a Council Recommendation as the instrument?

Given that the organisation of vaccination programmes is a national competence, the Commission is proposing that Member States agree on a set of joint measures, in the form of a Council Recommendation. The proposal for a Council Recommendation on vaccine preventable diseases, accompanied by a Commission Communication on the policy rationale of acting together in this area, gives Member States flexibility and takes into account their history, practices and particular cultural challenges. It is also the best instrument for achieving the desired results.

Who was consulted on the proposal and to what effect?

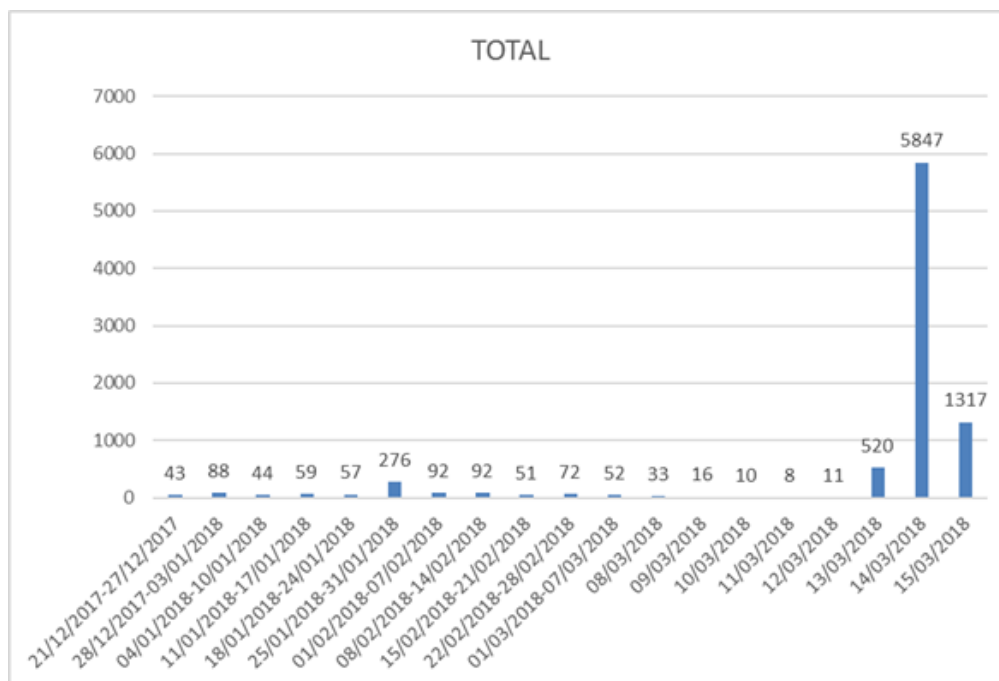
The Commission consulted stakeholders and citizens, and organised a series of targeted face-to-face meetings with professional healthcare organisations, health NGOs, student organisations and the industry. The most support was for:

- EU and national authorities' support for healthcare professionals in

- advocating for vaccination and tackling hesitancy;
- scientific guidance and information from the EU and its agencies tailored to the specific circumstances of individual EU Member States;
- investment in R&D focusing on vaccine safety and effectiveness, with greater transparency and industry involvement.

The online consultation revealed citizens' lack of trust in the safety and effectiveness of vaccines as well as a lack of trust of public authorities and industry. For instance, 70% of the 8,688 citizens' replies, most of which were from France and submitted to the 12-week consultation within the same 24-hour period, chose 'no opinion' for all questions and submitted anti-vaccination comments. These replies suggest that powerful influencers greatly contribute to the current vaccine hesitancy in the EU that the Commission initiative intends to tackle as a key priority.

Timescale and number of replies to online consultation



What are the next steps?

The Commission's proposal will be discussed by the Council, with the aim of seeing it adopted before the end of 2018, with an immediate entry into force. Following this, every 3 years, the Commission will report on progress made in the implementation of the Recommendation. In addition the Commission will also produce a report on 'The State of Confidence in Vaccines in the EU', to monitor attitudes towards vaccination, in the context of the [State of Health in the EU](#) process.

For more information

https://ec.europa.eu/health/vaccination/overview_en

<https://ecdc.europa.eu/en/immunisation-and-vaccines>

Vaccination: Commission calls for stronger EU cooperation against preventable diseases

Today, the Commission is issuing a set of recommendations for how the EU can strengthen cooperation in the fight against diseases that can be prevented by vaccines. This follows President Juncker's call, in his [2017 State of the Union address](#), for action to increase vaccination coverage and to ensure that everyone in the EU has access to vaccines.

Commissioner for Health and Food Safety, Vytenis **Andriukaitis** said: *"Vaccination is one of the most powerful and cost-effective public health measures developed in the 20th century. As a medical doctor, I find it disheartening to witness children dying because of low uptake, vaccine hesitancy, or vaccine shortages. Infectious diseases are not confined within national borders. One Member State's immunisation weakness puts the health and security of citizens at risk across the EU. Cooperating in this area is in all of our interests. Protect our children, vaccinate!"*

Vaccination saves between 1 and 3 million lives worldwide every year. According to the World Health Organisation, vaccines will save 25 million more lives in the coming decade. And yet, according to [ECDC](#), several EU countries are facing unprecedented outbreaks of measles and a resurgence of other vaccine-preventable diseases due to insufficient vaccination coverage, and children and adults in the EU are still dying from these diseases.

The Commission's proposal focuses on 3 main pillars for action: tackling vaccine hesitancy and improving vaccination coverage; sustainable vaccination policies in the EU; and EU coordination and contribution to global health.

The proposal calls for 20 concrete actions by the Commission and Member States, including:

- Developing and implementing **national and/or regional vaccination plans** by 2020, including a target of at least 95% vaccination coverage for measles;
- Introducing **routine checks** of vaccination status and regular opportunities to vaccinate across different stages of life, for example in schools and workplaces;
- Presenting options for a common **vaccination card** that can be shared electronically across borders;
- Establishing a European **vaccination information portal** by 2019 to provide online objective, transparent and updated evidence on the benefits and safety of vaccines;
- Mitigating the risks of shortages by developing a virtual repository **EU data warehouse** with information on vaccine stocks and needs to

facilitate voluntary exchange of information on available supplies and shortages of essential vaccines;

- Equipping all **healthcare workers** with the necessary training to confidently deliver vaccinations and address hesitant behaviours;
- Convening a **Coalition for Vaccination** to bring together European associations of healthcare workers as well as relevant students' associations in the field, to commit to delivering accurate information to the public, combating myths and exchanging best practice;
- Establishing a **European Information Sharing System** to gather knowledge and develop guidelines for a core EU vaccination schedule by 2020 with doses and ages that EU Member States agree as being common to all countries;
- Strengthening partnerships and collaboration on vaccination with **international partners**.

State of play: key vaccination gaps in the EU

According to the most recent data collected by the European Centre for Disease Prevention and Control (ECDC), measles cases continue to increase in a number of EU and EEA countries. In the 12-month period between 1 March 2017 and 28 February 2018, 14,813 cases of measles were reported through the European Surveillance System. Of these cases, where vaccination status was known, 86% were unvaccinated. Furthermore, the ECDC estimates that at least 40,000 people die every year from influenza, partly due to low vaccination coverage.

Next steps

The Commission's proposal for a Council recommendation will be discussed by the Council, with the aim of seeing it adopted before the end of 2018, with an immediate entry into force. Following this, every 3 years the Commission will report on progress made in the implementation of the recommendation. In addition the Commission will also produce a report on *'The State of Confidence in Vaccines in the EU'*, to monitor attitudes towards vaccination, in the context of the [State of Health in the EU](#) process.

Background

In his [2017 State of the Union address](#), President **Juncker** said: *"In a Union of equals, there can be no second class citizens. It is unacceptable that in 2017 there are still children dying of diseases that should long have been eradicated in Europe. (...) No ifs, no buts. (...) Avoidable deaths must not occur in Europe."*

The Commission's recommendations on vaccine-preventable diseases build on a number of existing EU policies and projects in area of vaccination. These include the 2009 Council Recommendation on seasonal influenza vaccination, the Joint Procurement Agreement, established by the serious cross-border health threats Decision (1082/2013/EU), and a Joint Action on vaccination co-funded by the Health Programme 2014-2020, which will start in the months to come, addressing vaccine hesitancy amongst other topics.

For more information

See [MEMO/18/3458](#)

[Vaccination – Overview](#)

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Tackling online disinformation

Why is the Commission proposing a Communication on online disinformation?

While technologies offer new and easy ways, notably through social media, to disseminate information on a large scale and with speed and precision, they can also be used as powerful echo chambers for disinformation campaigns.

Disinformation erodes trust in institutions and in digital and traditional media and harms our democracies by hampering the ability of citizens to take informed decisions. It can polarise debates, create or deepen tensions in society and undermine electoral systems, and thus have a wider impact on European security. It impairs freedom of opinion and expression, a fundamental right enshrined in the [Charter of Fundamental Rights of the European Union](#). Freedom of expression encompasses respect for media freedom and pluralism, as well as the right of citizens to hold opinions and to receive and impart information and ideas “without interference by public authorities and regardless of frontiers”. However, public authorities have a duty to make citizens aware of and protect them against activities aimed at deliberately manipulating their views and covertly influencing their decisions.

The rise of disinformation and the gravity of the threat have sparked growing awareness and concerns in civil society, both in EU Member States and internationally. [In a June 2017 Resolution](#), the European Parliament called upon the Commission “to analyse in depth the current situation and legal framework with regard to fake news and to verify the possibility of legislative intervention to limit the dissemination and spreading of fake content.”

That is why the Commission is today proposing a series of measures and self-regulatory tools, such as an EU-wide Code of Practice on Disinformation with the objective of producing measurable effects by October 2018. It also proposes to enhance media literacy, and support of an independent network of fact-checkers and tools to stimulate quality journalism.

What does the Commission expect from social media and online platforms?

There are growing expectations that online platforms should not only comply with legal obligations under EU and national law, but also act with appropriate responsibility, given their central role, so as to ensure a safe online environment, protect users from disinformation, and offer users exposure to different views.

The Commission calls upon platforms to decisively step up their efforts to tackle online disinformation. It considers that self-regulation, provided that it is effectively implemented and monitored, can contribute to these efforts. The latter should not lead to any harmful consequences for the technical functioning of the internet, and internet fragmentation should be avoided.

To this end, the Commission will support the development of an ambitious Code of Practice aiming to achieve the following objectives:

- Significantly improve the scrutiny of advertisement placements notably in order to reduce revenues for purveyors of disinformation; and restrict targeting options for political advertising;
- Improve access to trustworthy information.
- Ensure transparency about sponsored content relating to electoral and policy-making processes;
- Intensify and demonstrate the effectiveness of efforts to close fake accounts;
- Facilitate users' assessment of content through indicators of the trustworthiness of content sources and provide easily accessible tools to report disinformation;
- Establish clear marking systems and rules for bots and ensure their activities cannot be confused with human interactions;
- Empower users with tools enabling a customized and interactive online experience so as to facilitate content discovery and access to different news sources representing alternative viewpoints;
- Ensure that new online services include safeguards against disinformation;
- Provide trusted fact-checking organisations and academia with privacy-compliant access to platform data (notably via application programming interfaces) to enable them to better analyse and monitor disinformation

dynamics, and better understand the functioning of algorithms

What are the actions to limit the role of troll, bots, etc. which are actually responsible for the spread of fake news?

The Code of Practice should also cover bots by establishing clear marking systems and rules for bots and ensuring their activities cannot be confused with human interactions. Platforms are also expected to intensify and demonstrate the effectiveness of efforts to close fake accounts.

What will happen to online platforms and social networks that will not follow the suggested Code of Practice?

The Commission calls upon platforms to decisively step up their efforts to tackle online disinformation. To this end, the Commission will support the development of an ambitious Code of Practice of self-regulatory nature. The Commission will assess the implementation of the Code of Practice, in broad consultation with stakeholders and on the basis of key performance indicators. Should the results prove unsatisfactory, the Commission may propose further actions, including actions of a regulatory nature.

What is the Commission expecting from other players, such as traditional media?

The Communication proposes an inclusive approach where there is broad stakeholder involvement and the cooperation of public authorities, online platforms, advertisers, trusted flaggers, journalists and media groups.

Since many aspects of disinformation remain insufficiently analysed and access to online platforms' data is still limited, the Communication foresees additional data gathering, analysis and monitoring by fact-checkers and academic researchers.

On the other hand, it also recommends further media literacy activities by civil society and fact checkers.

It also recognises the need to take action to further support Europe's quality media in the digital environment, reinforce trust in the key societal and democratic role of quality journalism both offline and online, and encourage quality news media to explore innovative forms of journalism.

The Commission multi-stakeholder forum on disinformation to be convened will also provide a framework for efficient cooperation between relevant stakeholders, including online platforms, the advertising industry and major advertisers, media and civil society representatives, and will secure a commitment to coordinate and scale up efforts to tackle disinformation.

Why does the Commission think that self-regulation for online platforms is the right approach to tackle the issue?

Online disinformation is a new, multi-faceted and fast developing issue that requires immediate action. Therefore, self-regulation is considered the most

appropriate way for online platforms to implement swift action to tackle this problem, in comparison to a regulatory approach that would take a long time to be prepared and implemented and might not cover all actors. The objective is for this self-regulatory effort to produce measurable effects by October 2018.

Should the self-regulatory approach fail, the Commission may propose further actions, including regulatory ones targeted at a few platforms. Such actions should in any case strictly respect freedom of expression.

Why does the Communication propose an Online Platform on Disinformation?

As a first step, the Commission will support the creation of an independent European network of fact-checkers to establish common working methods, exchange best practices, achieve the broadest possible coverage across the EU, and participate in joint fact-checking and related activities.

As a second step, the Commission will launch a secure European online platform on disinformation to support the network of fact-checkers and relevant academic researchers.

The platform should offer cross-border data collection and analysis tools, as well as access to EU-wide data. This will enable the network members to act as trusted flaggers. It will also facilitate deeper understanding of online disinformation and formulation of evidence-based strategies for further limiting its spread.

Who will be part of the independent network of fact-checkers?

The network will gather fact-checkers operating on the basis of high standards, such as the [International Fact-Checking Network Code of Principles](#). These principles foresee commitment to non-partisanship and fairness, transparency of sources and of funding, transparency of methodology, and open and honest corrections. The Commission will not interfere with the activity of the network but only provide operational support.

Does the Communication suggest new ways of supporting quality journalism?

Quality news media – including public media – and journalism play an important role in providing citizens with high quality and diverse information. By ensuring a pluralistic and diverse media environment, they can uncover, counterbalance, and dilute disinformation.

As part of the ongoing Commission support for the provision of information on EU affairs from a pan-European point of view, a new call will be launched in 2018 for the production and dissemination of quality news content on EU affairs through data-driven news media.

The Commission will support initiatives promoting media freedom and pluralism, quality news media and journalism. Journalists must have the right digital skills to be able to use data and social media analytics, with a view to enhancing fact-finding and verification.

EU Member States are encouraged to consider horizontal aid schemes to address market failures hampering the sustainability of quality journalism, as well as support measures for specific activities, such as training for journalists, service and product innovation.

Does the Commission foresee any action to support the use of new technologies to address the issue?

The Communication recognises the key role of emerging technologies which are changing the way information is produced and disseminated, and have the potential to play a central role in tackling disinformation over the longer term. For instance:

- Artificial intelligence, subject to appropriate human oversight, will be crucial for verifying, identifying and tagging disinformation;
- Technologies for media to enable customisable and interactive online experiences can help citizens discover content and identify disinformation;
- Innovative technologies, such as blockchain, can help preserve the integrity of content, validate the reliability of information and/or its sources, enable transparency and traceability, and promote trust in news displayed on the Internet. This could be combined with the use of trustworthy electronic identification, authentication and verified pseudonyms;
- Cognitive algorithms that handle contextually-relevant information, including the accuracy and the quality of data sources, will improve the relevance and reliability of search results.

The Commission will make full use of the Horizon 2020 Work Programme to support research activities on tools and technologies such as artificial intelligence and blockchain that can contribute to a better online space, increasing cybersecurity and trust in online services.

To address the issue of fake accounts, the Commission will explore the feasibility of setting up voluntary systems to allow greater accountability based on electronic identification and authentication scheme. Together with others actions aimed at improving traceability online (improving the functioning, availability and accuracy of information on IP and domain names in the WHOIS system and promoting the uptake of the IPv6 protocol), this would also contribute to limiting cyberattacks.

What will the Commission do to improve the media literacy of online users?

The Commission will organise a European Week of Media Literacy to strengthen

cross-border cooperation among relevant organisations, highlight the importance of teaching digital and media literacy skills and ensure that interactions with media and on social networks are positive and enriching

Critical thinking, analysing media items, and interpreting messages lead to more knowledgeable citizens and empower the next generation, leading to new forms of self-expression and communication, and richer participation in society.

The Commission will continue to support initiatives such as the [Digital Opportunity traineeship](#), which aim to strengthen digital skills and awareness of European citizens – in particular, the younger generation – and promoting common values and inclusion.

The Commission also encourages Member States to mobilise resources and include in their educational policies digital citizenship, media literacy, the development of critical-thinking skills for the online environment, and awareness-raising activities on disinformation and online amplification techniques.

Furthermore, the Commission will encourage fact-checkers and civil society organisations to provide educational material to schools and educators and include targeted initiatives on disinformation online in the #SaferInternet4EU Campaign.

Would the measures that the Commission is proposing prevent illicit data mining as seen in the recent Cambridge Analytica files?

The Communication does not directly address the problem of third party access to users' data. However, the action proposed by the Communication complements the [General Data Protection Regulation](#) (GDPR), which will apply across the EU as from 25 May 2018, and which will strengthen protection of the personal data of users of online platforms.

The media literacy actions foreseen in the Communication should increase awareness among users about the functioning of the algorithms and advertising models on social media.

The Code of Practice committing online platforms and the advertising industry should also ensure transparency about sponsored content, in particular political and issue-based advertising that could influence public opinion. This should be complemented by repositories where comprehensive information about sponsored content is provided, such as the actual sponsor identity, amounts spent and targeting criteria used. Similar mechanisms should be put in place so that users understand why they have been targeted by a given advertisement.

Empowering users is also an objective of the [new ePrivacy rules](#) that the Commission proposed in 2017. The aim is that all people and businesses in the EU enjoy the same level of protection of their electronic communications. In addition, the rules would enhance transparency regarding privacy settings and provide effective control of users' device information.

What will the Commission do to tackle the problem of online disinformation in view of the European elections in 2019?

During election campaigns the phenomenon of fake news and online disinformation is particularly visible. It can impact voters' choices which means we need to be particularly vigilant.

With a view to the 2019 European Parliament elections, the Commission has encouraged the competent national authorities to identify best practices for the identification, mitigation and management of risks to the electoral process from cyberattacks and disinformation ([Commission Recommendation of 14.2.2018 on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament](#)).

In the Cooperation Group established under the Directive on the security of Network and Information Systems (NIS Directive), Member States have started to map existing European initiatives on cybersecurity of network and information systems used for electoral processes, with the aim of developing voluntary guidance.

The Commission will provide all the necessary support, together with the European Union Agency for Network and Information Security, to the work that the NIS Cooperation Group is carrying out on the cybersecurity of elections. By the end of 2018, the Group should deliver practical recommendations and measures that can be implemented by Member States to secure their election life-cycle.

The Commission will also organise a high-level conference with Member States on cyber-enabled threats to elections in late 2018, through its Task Force on the Security Union.

How does the Communication match the work of the East StratComm Task Force?

The two initiatives are independent but complementary as they will both address disinformation campaigns within and outside the EU.

The [EEAS East StratCom Task Force](#) was set up by the High Representative/Vice-President Federica **Mogherini** in 2015 on [the mandate of the European Council](#) "to challenge Russia's ongoing disinformation campaigns". The Task Force is communicating the EU's policies towards its eastern neighbourhood; strengthening the overall media environment in the eastern neighbourhood, including support for media freedom and strengthening independent media; and improving the EU's capacity to forecast, address and raise awareness of pro-Kremlin disinformation activities. In the area of disinformation, the Task Force reports on and analyses disinformation trends, explains and rebuts disinformation narratives, and raises awareness of disinformation.

In cooperation with the European Union External Action (EEAS), the Commission will strengthen its strategic communication capability by first reinforcing the coordination of its communication activities aiming at tackling disinformation.

The Commission and EEAS will explore further options to develop strategic

communications responses and other mechanisms, together with Member States, to build resilience as well as counter systematic disinformation campaigns and hybrid interference by foreign governments towards citizens and other entities in the EU.

The Commission, in cooperation with the EEAS, will report in June on the progress made so far in hybrid threats, including cybersecurity, strategic communication and counter intelligence areas. What are the next steps?

- The Commission will shortly convene a multi-stakeholder forum to provide a framework for efficient cooperation among relevant stakeholders, including online platforms, the advertising industry and major advertisers, media and civil society representatives, and to secure a commitment to coordinate and scale up efforts to tackle disinformation. The forum's first output should be an EU-wide Code of Practice on Disinformation to be published by July 2018, with a view to having a measurable impact by October 2018.
- In parallel, the Commission will support the creation of an independent European network of fact-checkers before the summer to establish common working methods, exchange best practices, achieve the broadest possible coverage across the EU, and participate in joint fact-checking and related activities.
- The Commission will also launch a secure European online platform on disinformation in September to support the network of fact-checkers and relevant academic researchers. Access to data will be privacy-compliant.
- In parallel, the Commission will launch as soon as possible a study to examine the applicability of EU rules and possible gaps in relation to the identification of online sponsored content.
- By December 2018, the Commission will report on the progress made. The report will also examine the need for further action to ensure the continuous monitoring and evaluation of the outlined actions.

For More Information

[Press release: Tackling online disinformation: Commission proposes an EU-wide Code of Practice](#)

[Factsheet: Tackling the spread of disinformation online](#)

Commission sets new standards on transparency and fairness for online platforms

Why is the Commission proposing a Regulation to increase fairness and transparency for online platforms?

Online platforms offer access to cross-border consumer markets and have become the go-to interface for millions of businesses, big and small, in sectors ranging from online retailing, professional services and app development, to transport and hospitality.

Online search engines and platforms generate the vast majority of internet traffic for big businesses as well as SMEs. However, the current position of the online platforms as intermediators of business customer relationships allows them to engage in unfair trading practices that can cause significant economic harm to the businesses that use them. 46% of business users surveyed in a [study](#) noted problems in their relationships with such platforms, 21% of which experience these problems often. Additionally, 75% of heavy users (i.e. users generating more than 50% of their turnover via online platform intermediaries) are far more likely to experience problems and 33% of them experience these problems often.

Moreover, the online visibility of small businesses can depend on their position in search results, whether on online platform intermediaries or in the results of general online searches. 66% of EU SMEs [surveyed](#) explain that their position in search results has a significant impact on their sales.

What does the proposed Regulation aim to achieve?

The proposal aims to establish a fair, trusted and innovation-driven ecosystem in the online platform economy in the EU and contribute to a strengthened, better-functioning Digital Single Market in terms of innovation, competitiveness, growth and jobs.

Granting businesses more predictability in their relationships with platforms, as well as giving access to effective means to address problems, will encourage their use of online platforms as a means to grow their business. Clearer rules at EU level should provide platforms with a predictable regulatory environment and enable them to scale-up in a less fragmented Single Market.

Which online platform intermediaries are in the scope of the Regulation?

The Regulation covers online platform intermediaries and general online search engines that provide their services to businesses established in the EU and that offer goods or services to consumers located in the EU. A consumer may, for example, directly subscribe to an online service on a

platform (e.g. download an app), she/he may be redirected to the website of an airline, or use a platform to locate a physical restaurant or shop in his/her proximity (e.g. by using Google's My Business).

Such online platform intermediaries include third-party e-commerce market places (e.g. Amazon Marketplace, eBay, Fnac Marketplace etc.), app stores (e.g. Google Play, Apple App Store, Microsoft Store etc.), social media for business (e.g. Facebook pages, Instagram used by makers/artists etc.) and price comparison tools (e.g. Skyscanner, Google Shopping etc.). Whereas online platform intermediaries are covered to the extent that they have a contractual relationship with both the businesses trading via them and the consumers using them, general online search engines are covered irrespective of whether they have a contractual relationship.

The proposal excludes online advertising and payment services that do not intermediate direct transactions between businesses and consumers, as well as intermediaries that operate between businesses only.

Which online search engines are in the scope of the Regulation?

General online search engines that facilitate web searches based on a query on a subject and provide links corresponding with the search request (e.g. Google Search, Seznam.cz, Yahoo!, DuckDuckGo, Bing etc.).

What does this Regulation bring to EU businesses?

The proposal ensures that businesses operating on online intermediation services and general online search engines have greater legal certainty and clarity on what rules govern their relationships with these platforms and how to resolve potential disputes.

Firstly, businesses will be made aware of the principles that affect their ranking position in general online search results or in the search results on a particular online intermediation platform. In the case of online intermediation platforms, this also includes the circumstances under which businesses can influence their ranking position, for example, through payments of additional commissions. Additionally, these businesses will also be informed on how online intermediation platforms treat and rank goods or services offered by themselves compared to other "external" businesses, on the type of data that will be shared with them (i.e. data which businesses or consumers provide when using the online intermediation services), and why they may be restricted from offering goods and services on different conditions through other intermediation platforms.

Secondly, businesses will also now have clarity on when their use of an online intermediation platform can be suspended or terminated, including delisting and removing of goods and services from search results. They will also be informed about the reasons should a platform decide to do so.

Finally, the Regulation also provides effective and quick means to resolve disputes between businesses and online platform intermediaries. This includes for online platform intermediaries the obligation to establish internal

complaints handling systems by the larger platforms or through mediation in the cases of smaller enterprises. In addition, in cases of court disputes, the Regulation now enables businesses to be represented by associations or organizations in cases against online platform intermediaries or online search engines with the requirements of the Regulation.

What will online platform intermediaries and general online search engines need to do?

The Commission proposes a co-regulatory approach requiring online platform intermediaries and online search engines to comply with legal obligations and encourages them to take voluntary complimentary steps.

Online platform intermediaries are required to make their standard terms and conditions more transparent, and easily available. The terms and conditions will now have to state the reasons for suspending or terminating a business' account. In addition, they will need to include a description of any differentiated treatment given to goods or services offered by the platforms themselves, the access the platform gives to personal or other data which businesses or consumers provide through them, and how they may restrict the ability for those that use their platform to offer different conditions through other means (so called 'most favoured nation' clauses). Any changes to terms and conditions will have to be announced and businesses given a reasonable time to adjust before the changes come into effect.

Should an online platform intermediary decide to suspend or terminate a business' account, including the delisting of individual goods or services or effectively removing them from search results, it is required to provide a statement of reasons to the business concerned.

Both online platform intermediaries and online search engines will need to set out their general policy on ranking of businesses in search results in their terms and conditions or in a publically available description.

Online platform intermediaries will be required, unless they are a micro or small enterprise (i.e. less than 50 staff members and generating less than €10 million turnover), to have in place an internal complaints handling system and to report annually to the general public on its functioning (e.g. number of complaints, their subject matter, time taken to process complaints and the decision taken). In addition, all online platform intermediaries shall need to name at least one mediator with whom they are willing to engage in settling disputes out of court.

Why are small enterprises with less than 50 staff members and generating less than €10 million turnover exempted from the obligation to set up internal complaint handling mechanisms?

The internal complaint-handling mechanism entails higher compliance costs compared to the other measures proposed in the Regulation. The exemption of undertakings that qualify as a small enterprise under the EU SME definition will ensure that no disproportionate regulatory burden is imposed on platform businesses during the startup and scale up phases of their development.

The work carried out under the EU Observatory of the online platform economy (see further below) will allow monitoring the efficiency of the proposed exemption. Given the fast moving nature of the platform environment, it is important to adjust this exemption if appropriate. The monitoring work will ensure that the exemption proposed is properly capturing those platforms which display the specificities underlying the platform-to-business issues identified.

What will be the benefits for consumers?

Though the proposal concerns consumers only indirectly, they are likely to benefit from the overall positive effects of the new rules. By improving trust, predictability and legal certainty in the online business environment, the use of online intermediation platforms is expected to lead to an increase in the number of businesses active on them. This is likely to expand consumer choice and services, increasing the online business competition and leading to better quality and lower prices of goods and services for the consumer.

How does this Regulation relate to national laws? If there is no harmonisation of these rules, how does this initiative help?

The instrument chosen is a directly applicable Regulation, preventing Member States from setting additional rules in the areas explicitly covered by the Regulation. The Regulation constitutes a maximum harmonisation tool which applies exclusively in relation to the transparency and redress obligations which it establishes.

The Regulation only applies to the contractual relationships between platforms and businesses, excluding commercial practices law pertaining to general business-to-business relations. Member States' fairness standards that are independent from contractual relationships would therefore continue to apply. In this way, the fairness standards of the Member States and this Regulation will be to a large extent complementary. Additionally, the Commission will closely cooperate with Member States to ensure that the enforcement of the proposed Regulation is proportionate and limited to the platforms in the scope. Finally, the EU Observatory on the Online Platform Economy will evaluate the need for more specific, sectoral rules.

Why does the Commission create a new Regulation instead of relying on the existing EU competition law?

EU Competition law addresses anticompetitive behaviour and mergers. The trading practices described in Section 2.1.1 do not necessarily have an anticompetitive object or effect under Article 101 of the Treaty on the Functioning of the European Union (TFEU). In order for the rules against the abuse of dominance pursuant to Article 102 TFEU to apply, the respective platforms must be dominant in the relevant market. As a result, competition law at EU or national level does not necessarily address the type and breadth of platform-to-business issues targeted by the present Regulation, which will, therefore, aim at complementing the enforcement of EU competition law.

Why does the Commission not leave it up to the individual unfairness laws of

the Member States?

Existing or envisaged measures of Member States neither cover the whole set of potentially harmful trading practices nor the range of online platform intermediaries that can engage in them.

The emergence of national laws demonstrates that Member States increasingly recognise that existing rules do not sufficiently address the harmful practices used by online platform intermediaries. However, national laws may be diverse or even conflicting. Leaving the regulation of the intrinsically cross-border online economy to Member States risks leading to the very fragmentation of the internal market that this proposal aims to prevent.

Why does the Commission create a new Regulation instead of extending the existing consumer law instruments to B2B?

The consumer law instruments were not considered appropriate to deal with business-to-business relations. This is because extending consumer law to platform-specific business-to-business issues would be disproportionate, as these instruments would inherently extend beyond online platforms, to all traders. Consumer law addresses practices that consumers face vis-à-vis all businesses in their commercial relationships, including online platform intermediaries acting as traders.

Regarding the protection of consumer rights on online platforms, the Commission has just adopted a proposal for the [New Deal for Consumers](#) to update relevant consumer legislation, including the Unfair Commercial Practices Directive (UCPD) and the Consumer Rights Directive (CRD). The New Deal for Consumers proposes the introduction of an obligation for online market places to inform consumers of the main parameters determining ranking of offers presented as a result of their search query. In this sense, this targeted transparency obligation complements the aims of the proposed Regulation on online platforms but is too broad to be extended to online businesses.

What is the evidence-base used for preparing the Regulation?

The proposed Regulation is based on a wide-ranging fact-finding exercise. This includes a [public consultation](#), [several studies](#) (including one which surveyed over 3,500 companies), [workshops](#) with online platforms and business users, bilateral discussions with stakeholders, talks with representatives of Member States, and internal research on the legal and economic aspects of online platforms and their business-to-business practices.

How will the Commission ensure that the proposed Regulation remains fit for purpose?

The Commission today adopted a decision setting up a group of experts that, together with a dedicated team of Commission officials, will form the EU Observatory of the online platform economy. The group will be composed of independent experts in the field of the online platform economy who will be selected through a public call for applications. The group will meet at least

four times a year and provide the Commission with advice and expertise on the evolution of the online platform economy.

It will monitor market trends and opportunities and the evolution of potentially harmful practices as well as the development of national policy and regulatory approaches. Its work will focus on issues such as algorithmic decision-making and ranking, data access and use, remuneration of material displayed online, business-to-business commercial relations in online advertising, alleged discriminatory practices of service providers towards users and restrictions on users to offer different conditions on other distribution channels.

This monitoring exercise will inform public policy makers about the opportunities and challenges arising from the online platform economy and specifically inform the review of the proposed Regulation three years after its entry into force.

For More Information

[Press Release](#)

[Communication and other useful links](#)

Tackling online disinformation: Commission proposes an EU-wide Code of Practice

The recent Facebook/Cambridge Analytica revelations demonstrated exactly how personal data can be exploited in electoral contexts, and are a timely reminder that more is needed to secure resilient democratic processes. Today the European Commission is taking steps forward in the fight against disinformation to ensure the protection of European values and security.

Vice-President for the Digital Single Market Andrus **Ansip** said:

“Disinformation is not new as an instrument of political influence. New technologies, especially digital, have expanded its reach via the online environment to undermine our democracy and society. Since online trust is easy to break but difficult to rebuild, industry needs to work together with us on this issue. Online platforms have an important role to play in fighting disinformation campaigns organised by individuals and countries who aim to threaten our democracy.”

Commissioner Mariya **Gabriel**, Commissioner for Digital Economy and Society, said: *“We are calling on all actors, in particular platforms and social networks who have a clear responsibility, to act on the basis of an action*

plan aiming at a common European approach so that citizens are empowered and effectively protected against disinformation. We will closely monitor the progress made and may propose further actions by December, including measures of regulatory nature, should the results prove unsatisfactory."

Commissioner for the Security Union Sir Julian **King** said: *"The weaponisation of on-line fake news and disinformation poses a serious security threat to our societies. The subversion of trusted channels to peddle pernicious and divisive content requires a clear-eyed response based on increased transparency, traceability and accountability. Internet platforms have a vital role to play in countering the abuse of their infrastructure by hostile actors and in keeping their users, and society, safe."*

Based on the independent [report](#) published in March 2018 by the High-Level Group on Fake News and Online Disinformation as well as wider consultations carried out over the past six months, the Commission defines disinformation as *"verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm"*.

In the latest [Eurobarometer survey](#), 83% of respondents said that fake news represents a danger to democracy. Respondents were particularly concerned by intentional disinformation aimed at influencing elections and immigration policies. The survey also emphasised the importance of quality media: respondents perceive traditional media as the most trusted source of news (radio 70%, TV 66%, print 63%). Online sources of news and video hosting websites are the least trusted source of news, with trust rates of 26% and 27% respectively.

The European Commission's Joint Research Centre has published a [study on fake news and disinformation](#). It points out that two thirds of consumers of online news prefer to access it through algorithm-driven platforms such as search engines and news aggregators, and social media websites. It also states that market power and revenue streams have shifted from news publishers to platform operators who have the data to match readers, articles and ads.

Measures to tackle disinformation online

To address these concerns and trends, the Commission is proposing a series of measures to tackle disinformation online. These include:

- **A Code of Practice on Disinformation:** By July, and as a first step, online platforms should develop and follow a common Code of Practice 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;
- **An independent European network of fact-checkers:** this will establish common working methods, exchange best practices, and work to achieve the broadest possible coverage of factual corrections across the EU; they will be selected from the EU members of the [International Fact Checking Network](#) which follows a strict International Fact Checking Network Code of Principles;
 - **A secure European online platform on disinformation** to support the network of fact-checkers and relevant academic researchers with cross-border data collection and analysis, as well as access to EU-wide data;
 - **Enhancing media literacy:** Higher level of media literacy will help Europeans to identify online disinformation and approach online content with a critical eye. To this end, the Commission will encourage fact-checkers and civil society organisations to provide educational material to schools and educators and organise a European Week of Media Literacy;
 - **Support for Member States in ensuring the resilience of elections** against increasingly complex cyber threats, including online disinformation and cyber attacks;
 - **Promotion of voluntary online identification systems** to improve the traceability and identification of suppliers of information and promote more trust and reliability in online interactions and in information and its sources;
 - **Support for quality and diversified information:** The Commission is calling on Member States to scale up their support of quality journalism to ensure a pluralistic, diverse and sustainable media environment. The Commission will launch a call for proposals in 2018 for the production and dissemination of quality news content on EU affairs through data-driven news media;

- **A Coordinated Strategic Communication Policy**, drafted by the Commission services, combining current and future EU initiatives on online disinformation with those of Member States, will set out outreach activities aimed at countering false narratives about Europe and tackling disinformation within and outside the EU.

Next steps

The Commission will shortly convene a multi-stakeholder forum to provide a framework for efficient cooperation among relevant stakeholders, including online platforms, the advertising industry and major advertisers, and to secure a commitment to coordinate and scale up efforts to tackle disinformation. The forum's first output should be an EU-wide Code of Practice on Disinformation to be published by July 2018, with a view to having a measurable impact by October 2018.

By December 2018, the Commission will report on the progress made. The report will also examine the need for further action to ensure the continuous monitoring and evaluation of the outlined actions.

Background information

In his [mission letter](#) of May 2017, the President of the European Commission Jean-Claude **Juncker** tasked Commissioner for the Digital Economy and Society Mariya **Gabriel** with outlining the challenges that online platforms create for our democracies with regard to disinformation and initiating an EU response to these challenges.

In February 2018, the Commission adopted a list of [recommendations](#) looking ahead to the 2019 elections to the European Parliament calling for: *“competent national authorities [...] to identify, based on the experiences of Member States, best practices in the identification, mitigation and management of risks to the electoral process from cyberattacks and disinformation”*.

A **High Level Expert Group on Fake News (HLEG)** advised the Commission on tackling online disinformation. The [Group's conclusions and recommendations](#) were published on 12 March 2018.

Prior to these initiatives, the European Union was already active in the fight against disinformation: in 2015, the [East StratCom Task Force](#), under High Representative/Vice-President Mogherini's responsibility, was set up following [a decision of the European Council](#) in March 2015, in order *“to challenge Russia's ongoing disinformation campaigns”*. The Task Force has operated within the European External Action Service since September 2015, effectively communicating the EU's policies towards its eastern neighbourhood; strengthening the overall media environment in the eastern neighbourhood, including providing support for media freedom and strengthening independent media; and improving the EU's capacity to forecast, address and raise awareness of pro-Kremlin disinformation activities.

For More Information

[Questions and answers](#)

[Factsheet: Tackling the spread of disinformation online](#)

[Public Consultation](#) (synopsis report)

[Eurobarometer \(full report\)](#)

[JRC Report](#)

[Report of the High Level Expert Group](#) on Fake news & disinformation

[General information on EU actions to tackle fake news](#)

[Factsheet on the East StratCom Task Force](#)

[EUvsDisinfo website](#)

[Communication and other useful links](#)