



Fake it 'till you make it

Hailed as the [2017's words of the year](#), “fake news” are believed to affect people's understanding of reality. They potentially amount to a “**threat to democracy**” as EU Digital Commissioner Mariya Gabriel [puts it](#), and Pope Francis even [compared](#) them to the first sin in the Garden of Eden. An understanding is slowly emerging that something should be done about them, but what and by whom? And firstly, what are fake news?

Fake news are not illegal content. Such content is defined by the e-commerce [directive](#) and includes terrorism, hate speech and child sexual abuse, as well as intellectual property rights violations, illegal commercial practices or defamation. Most of these practices are already regulated at the national or European level but the wave of terrorist attacks in Europe prompted governments to do more against hate speech through legislative (e.g.: audiovisual media service [directive](#) proposal) and non-legislative initiatives ([communication](#) on notice and action, [code of conduct](#) on hate speech).

On the contrary, **fake news are legal content** but they are “false, often sensational [information](#) disseminated under the guise of news reporting”. **Fake news are not new:** mis- or disinformation has always existed. The novelty lies in internet’s viral nature: **news spread faster and reach more people who cannot always separate the wheat from the chaff** (which [potentially](#) amounts to 63% of the US population, according to a recent study). Social media’s personalisation tools that continually expose readers to the same narratives may be to blame but citizens’ limited trust in the media (in their [lack of independence](#)) and in politics should not be underestimated.



The EU started to act against fake news when it became their target. During Russia’s annexation of the Donbass region in 2014, Russian state-owned websites carried out [disinformation campaigns](#) against the EU and NATO. In March 2015, the European Council [tasked](#) the High Representative Federica Mogherini to publish an [action plan](#),

and the European External Action Service set up the [East Strategic Communication Task Force](#) to promote EU policies, to strengthen the media environment in Eastern countries and to respond to disinformation.

However fake news also come from within as the 2016 Brexit referendum showed. The EU realised that reacting to fake news was too little too late. In May 2017, the EU Commission President [asked](#) the new Digital Commissioner to assess the challenges online platforms create regarding the spread of fake news. One month later, the European Parliament [called](#) on the Commission to analyse whether and how legislation could deter their propagation.

In November 2017, **Commissioner Gabriel launched a [consultation](#)** (open until 23 February) to define fake news, evaluate the measures taken by platforms and reflect on future actions. The same day, **she announced the creation of an [expert group](#)** whose 39 members would advise the Commission on the scope of this phenomenon, define stakeholders’ responsibilities and formulate recommendations.

Yet, some Member States did not wait for the Commission to act. In **Germany**, a fake news law effective since January 2018 obliges sites and social media with more than 2 million members to remove illegal material and fake news within 24 hours after notification. They can be

fined up to €50 million if they do not. In **France**, a law to fight fake news during election times is being drafted and should impose transparency obligations on platforms regarding all sponsored content. In **Sweden**, a new authority to fight against disinformation will open. In **Italy**, a platform enables citizens to spot fake news and the police to investigate them, ahead of general elections in March.

To avoid fragmentation, the Commission intends to act quickly. It already announced a communication in May 2018, which will decide whether legislation is necessary based on the expert group’s report expected in March.

The Bulgarian programme: “United we stand strong”

Many ordeals are to be met by one of the youngest Eastern EU Member States taking over the six-month rotating presidency of the Council for the first time. Bulgaria will make no exception as its turn started on 1 January.

Hopefully the hurdles of a first experience will not prevent it to pursue four ambitious priorities:

- **Economic and social cohesion for the Future of the EU and of the Youth**
- **Security and Stability of Europe**
- **Digital Economy**
- **EU prospects and connectivity for Western Balkans**

This last objective will give a specific taste to the Bulgarian presidency. It intends to support a “**tangible European perspective**” for its neighbours in the perspective of a **future enlargement** for which the Commission might unveil its plan in coming weeks.

Building on its inspirational motto “United we stand strong”, the Bulgarian presidency advocates for a strong focus on guaranteeing solidarity and unity in the next **Mul-tiannual Financial Framework (MFF)**, especially regarding the **agricultural policy (CAP)** and the next regional funding programmes (**Cohesion policy**). But here, its ambitions will probably be limited to interesting debates, as the Commission is still drafting its legislative proposals which are to be published in May. However, it may still be able to make a difference in getting the much disputed proposal on



Posting of Workers through potentially turbulent triologue negotiations, and in reaching a general position in the Council on the Coordination of Social Security Systems.

Regarding **the EU’s security and stability**, ensuring a sustainable management of **migration** is an inescapable priority for a country that shares a 250 km border with Turkey. It has therefore pledged to complete the adoption of the directives for a Common European Asylum System. The presidency will also focus on combating crime and terrorism, work on the revision of the rules temporary reintroduction of border control at internal borders (while still in the process of joining the Schengen area itself) and lead negotiations on the proposal against money laundering.

On the **digital** side, the Bulgarian presidency will benefit from the good and swift job done by its Estonian predecessor on the ongoing telecom reform (Code) and it will try to deliver on the

very sensitive file of communications’ data protection (e-privacy). It will also promote a digital “connectivity agenda” in the Western Balkans.

Like every new rotating presidency, Bulgaria intends to take on an ambitious agenda, at a time when the EU enters the second phase of sensitive Brexit negotiations and prepares its multiannual budget post 2020. Yet, this presidency could also be, for the country, a springboard for its access to the Schengen area and even to the Eurozone.

EU public consultations*

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* For an exhaustive list : <http://ec.europa.eu/yourvoice/>

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