



ERGA Statement on draft Guidelines for Providers of Very Large Online Platforms and Very Large Online Search Engines on the Mitigation of Systemic Risks for Electoral Processes

As a group of regulatory authorities with extensive experience in overseeing electoral rules and laws, the European Regulators Group for Audiovisual Media Services (ERGA) welcomes the Commission’s proposal to launch the guidelines for very large online platforms and very large online search engines (hereinafter, also VLOPSEs) on the mitigation of systemic risks for electoral processes.

ERGA acknowledges the importance of mitigating systemic risks posed by VLOPSEs for electoral processes in the European Union and believes that the [guidelines drafted by the European Commission](#) pursuant to Article 35 of the Regulation (EU) 2022/2065 (Digital Services Act, DSA), serve as an important step towards harmonised best practices and industry standards that may positively contribute to safer electoral processes across the Union.

This statement aims to provide feedback on the published guidelines based on ERGA’s position and work on various matters.

Scope of guidelines

ERGA recognises the necessity for tailored and effective mitigation measures to address the specific systemic risks identified by providers of VLOPSEs. These measures must be reasonable, proportionate, and continuously evaluated to adapt to evolving threats to civic discourse and electoral processes.

The identification of systemic risks related to electoral processes, as outlined in the guidelines, requires a comprehensive understanding of the different local contexts and specificities. Thanks to their extensive experience with media regulation, enforcement of elections-related laws and the Code of Practice on Disinformation, **ERGA members are best indicated to provide this fundamental national context and expertise** not only to the European Commission but also to providers of VLOPSEs. Furthermore, ERGA considers the cooperation between the Digital Service Coordinators (DSCs), European Commission,

VLOPSEs and ERGA members crucial in the early detection of risks. It would therefore be beneficial to clarify ERGA's as well as media regulators' role in the proposed guidelines.

Elections-specific risk mitigation measures

Media literacy initiatives play a pivotal role in empowering users to navigate the digital landscape with critical thinking skills. The revised Audiovisual Media Services Directive (AVMSD), as well as national transpositions, already foresee media literacy measures for video-sharing platforms (VSPs). ERGA welcomes the guidelines' stance, encouraging platforms to develop collaboration with local actors at the Member State level, whose experiences are of crucial importance in the development of targeted and effective media literacy campaigns. Such initiatives should equip users with the ability to distinguish between fact and false information, including content produced by generative AI technologies. In line with its tasks outlined in the AVMSD, ERGA is a forum of exchange on media literacy activities. To this aim, ERGA recommends reflecting on key principles of media literacy set out in its Media Literacy Report¹ and stands ready to support building a collaborative network of media literacy actors. Additionally, measures to counter the dissemination of false information, including fact-checking labels and prompts for users to evaluate content accuracy, are vital components in empowering users ahead of elections.

Moreover, ERGA welcomes the focus put by the guidelines on the importance of **transparency and accountability in political advertising**: providers of VLOPSEs are urged to implement clear labelling of political advertisements and maintain publicly available repositories of political ads. Political advertising must be clearly recognisable by the users, and platforms shall work on establishing a user-friendly interface that contains transparent information about political advertising, targeting, and related policies in all EU languages.

ERGA advocates for **continuous evaluation and review of mitigation measures**, guided by rigorous analysis and collaboration with independent regulatory authorities, researchers, and civil society organisations. However, as stated by the DSA, all risk mitigation measures, including their review, must uphold fundamental rights, such as freedom of expression and information.

ERGA supports the Commission's call for VLOPSEs to **publish public versions of post-election review documents**, fostering transparency and soliciting feedback for further refinement of risk mitigation strategies. By leveraging insights from post-election reporting and collaborating with stakeholders, VLOPSEs can enhance their resilience against electoral manipulation and disinformation, safeguarding the integrity of democratic processes in the digital age.

Generative AI

The emergence of AI capable of generating synthetic content poses significant new risks to electoral processes, including the creation and dissemination of misleading information and the manipulation of public opinion. Considering these challenges, ERGA agrees with the guidelines on the importance of implementing robust mitigation measures tailored to address the risks associated with generative AI. ERGA endorses the recommendations outlined in the guidelines, urging providers to distinguish generative AI

¹ <https://erga-online.eu/wp-content/uploads/2021/12/ERGA-AG3-2021-Report-on-Media-Literacy.pdf>

content through watermarking and metadata, thereby enabling users to differentiate between authentic and synthetic material.

Additionally, ERGA supports the adoption of performance metrics to evaluate the safety and factual accuracy of generative AI systems since they are often used to create deceptive and misleading content, and also illegal content. Continuous monitoring and refinement of these systems are essential to mitigate risks effectively and uphold electoral integrity.

Furthermore, ERGA underscores the importance of conducting fundamental rights assessments when developing policies to address harmful generative AI content. Balancing the need to combat false information with respect for free political expression and freedom of speech while leaving room for satire is crucial in safeguarding democratic principles.

Cooperation with national authorities, independent experts, and civil society organisations

ERGA underlines the pivotal role of collaboration with national authorities, specifically media regulators, independent experts, and civil society organisations, in safeguarding the integrity of electoral processes in the digital age and supports the Commission's recommendation for providers to define specific periods for heightened vigilance and resource allocation.

The recommendations outlined in the guidelines **underscore the necessity for VLOPSEs to establish channels of communication with responsible national authorities and local stakeholders**. By fostering dialogue and information exchange, VLOPSEs can gain invaluable insights into specific contexts and nuances of local electoral governance structures and laws, facilitating the design and implementation of risk mitigation measures and fight against illegal content.

The establishment of multi-stakeholder forums, such as the Working Group on Elections within the Permanent Taskforce of the Code of Practice on Disinformation and the European Digital Media Observatory (EDMO) Taskforce on Elections, are concrete examples of the collaborative approach necessary to navigate the complexities of electoral processes. ERGA therefore encourages the holding of a high-level multi-stakeholder meeting under the aegis of the Commission to launch such multi-stakeholder forums specifically dedicated to preparing for the 2024 European elections.

ERGA recognises the outsized impact caused by viral content that can potentially influence voters or otherwise manipulate public opinion during crucial days preceding the election day. For this, ERGA advocates for platforms to establish incident response mechanisms to swiftly address emerging threats during electoral periods. The mechanisms must allow for a timely response, which can only be achieved by facilitating communication between national authorities and VLOPSEs.

Specific EU elections related guidance

Given the absence of a predetermined campaigning period for European Parliament elections, the guidelines encourage providers of VLOPSEs to adapt their risk mitigation measures accordingly, considering the varying start times of election campaigns in different Member States.

Providers must recognise the cross-border and European dimension of these elections, ensuring appropriate allocation of resources to address potential threats. ERGA supports the Commission's recommendation for providers to establish contact with Union-level authorities and EU-wide networks of national experts, including ERGA, to facilitate rapid response and deployment of risk mitigation measures.

To that end, ERGA encourages signatories of the Code of Practice on Disinformation to fully engage in efforts related to European Parliament elections, including effective participation in rapid response systems and feedback mechanisms within the Code.

In conclusion, ERGA agrees on the critical importance of proactive and collaborative efforts to mitigate risks associated with elections, particularly in the context of rapidly evolving technologies and cross-border challenges. ERGA supports the Commission's stance, according to which **only by leveraging the expertise of regulatory authorities, engaging with relevant stakeholders, and implementing robust risk mitigation measures the integrity of democratic processes may be safeguarded, and public trust in the electoral system may be upheld.**

ERGA remains committed to supporting the Commission in fostering transparency and accountability in the face of emerging threats to elections while stressing the paramount importance of upholding fundamental rights, including freedom of expression and trustworthy information.