

**Recommendation no. 2019-03 of 15 May 2019 of the Conseil supérieur de l'audiovisuel  
to online platform operators in the context of the duty to cooperate to fight the  
dissemination of false information**

The Conseil Supérieur de l'Audiovisuel,

Having regard to the Consumer Code, in particular Article L. 111-7;

Having regard to Act no. 86-1067 of 30 September 1986 on freedom of communication, in particular Article 17-2;

Having regard to Act no. 2004-575 of 21 June 2004 on confidence in the digital economy;

Having regard to Act no. 2018-1202 of 22 December 2018 on the fight against the manipulation of information;

Having regard to Decree no. 2019-297 of 10 April 2019 on the information obligations of online platform operators promoting information content relating to general interest debates;

Having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled "Tackling Online Disinformation: a European Approach" of 26 April 2018;

Having regard to the code of practice on disinformation of 26 September 2018;

Having regard to the joint communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions entitled "the European Union Action Plan against Disinformation" of 5 December 2018;

After having deliberated,

The Act of 22 December 2018 on the fight against the manipulation of information provides for a set of measures intended to fight the dissemination of false information during and outside of election periods.

Section III of this text introduces a duty of cooperation to fight the dissemination of false information incumbent upon the online platform operators referred to in the first paragraph of Article L. 163-1 of the Electoral Code. The online platform operators concerned are those defined in Article L. 111-7 of the Consumer Code whose activity exceeds five million unique visitors per month, per platform, calculated on the basis of the last calendar year.

Article 11 of the Act of 22 December 2018 requires in particular that these operators take measures to fight the dissemination of false information that is likely to disturb public order or to alter the sincerity of one of the elections referred to in the first paragraph of Article 33-1-1 of the Act of 30 September 1986. The elections concerned by these provisions are elections of the President of the Republic, general elections of Members of the National Assembly, elections of senators, elections of representatives to the European Parliament and referendums. In this respect, abovementioned Article 11 provides that the measures thus taken, and the means used by online platform operators, shall be made public.

Pursuant to Article 12 of the same Act, the Conseil supérieur de l'audiovisuel may issue recommendations to these online platform operators with a view to improving the fight against the dissemination of false information that is likely to disturb public order or to affect the sincerity of the election.

In particular, this recommendation shall take account of the European Union initiatives relating to the fight against the dissemination of disinformation:

- the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled "Tackling Online Disinformation: a European Approach" of 26 April 2018;
- the code of practice on disinformation of 26 September 2018;
- the joint communication setting out the European Union Action Plan against Disinformation of 5 December 2018.

This text is part of a rationale to render platform operators accountable, with a view to building a relationship of trust between them, public authorities and civil society. It is intended to be improved and amended based on how issues relating to information manipulation develop, and on any comments and suggestions that may be made by its recipients, as well as by all stakeholders in the fight against the dissemination of false information.

The CSA, the guarantor of the exercise of freedom of audio-visual communication by any electronic means of communication, recommends that online platform operators implement the following measures and deploy all necessary technical and human resources to meet the objectives set by law.

### **1. Implementation of an accessible and visible reporting mechanism**

Pursuant to the Act of 22 December 2018, online platform operators are required to put in place an easily-accessible and visible mechanism enabling users to report false information that is likely to disturb public order or affect the sincerity of the election, particularly when such information arises from content promoted on behalf of a third party.

The CSA considers that this mechanism's ease of access and proper visibility is ensured, in particular, when concerned online platform operators:

- a) use a clear title to refer to the mechanism, for example by clearly displaying the indication “report content”;
- b) place the mechanism in the immediate vicinity of the content or of the account likely to be reported.

Concerned online platform operators may also contribute towards improving the mechanism’s ease of access and visibility by:

- c) providing a reporting tool that is identical across all variants of their service, regardless of the means of access to the service offered (website, application, etc.) and regardless of the type of content reported (video, comment, account, etc.);
- d) promoting exchanges between the recipients of this recommendation in order to harmonise their respective reporting mechanisms;
- e) ensuring that the mechanism is as user-friendly as possible by providing a simple and logical reporting process. Thus, the user should be able to complete the reporting procedure by following three hyperlinks at the most; all reasons for reporting (hateful content, false information, etc.) should appear in one single dialogue box and this box should be the same for a given service, regardless of the means of access;
- f) enabling users to monitor the processing of their reports in order to follow their progress and by informing them without undue delay on the actions taken as regards the content reported.

## **2. Transparency of algorithms**

Users must be able to use their critical judgment abilities in an informed manner as regards the content that is presented to them via online platforms. They must be able to access information that allows them to learn about and understand the principles of how the algorithms governing the organisation, selection and sequencing of such content work.

To this end, the CSA encourages operators to guarantee each user:

- a) the traceability of their data exploited for the purposes of recommending and ranking content, whether such data is provided knowingly or collected by the online platform operator;
- b) clear, sufficiently detailed and easily accessible information on the criteria having led to the sequencing of content offered to the user and the classification of such criteria based on their weight in the algorithm;
- c) clear and detailed information on his/her ability, if any, to change settings in order to personalise how content is referenced and recommended;
- d) clear and sufficiently detailed information on the main changes made to referencing and recommendation algorithms, and their consequences;
- e) an accessible communication tool allowing for real-time communication between the user and the operator and offering the user the ability to obtain personalised and detailed information on how algorithms work.

### **3. Promotion of content from press companies and news agencies and from audio-visual communication services**

The CSA recommends that online platform operators:

- a) identify the sources of content coming from press companies and news agencies and audio-visual communication services by using clearly visible indicators. Online platform operators are encouraged to take account of certification processes, and particularly those carried out by press companies and news agencies and audio-visual communication services;
- b) deploy technological means aiming to highlight information from these sources and particularly “fact-checking” content in search engine results, newsfeeds and other dissemination channels using automated classification techniques.

### **4. Combatting accounts disseminating false information on a massive scale**

In order to combat the acceleration and increase in the dissemination of false information by some stakeholders, the CSA encourages online platform operators to set up:

- a) appropriate procedures allowing for the detection of accounts disseminating false information on a massive scale;
- b) proportionate procedures intended to hinder the actions of these accounts (warnings, deletion, quarantine, restriction of user rights or of the scope of the content disseminated, etc.), in compliance with the freedom of expression and communication;
- c) public monitoring mechanisms and statistic techniques to identify and handle such accounts (number of accounts reported by users or identified by the online platform operator, and among these, type of response given);
- d) an easily accessible information area providing users with clear and detailed information on practices that are likely to result in action being taken by the operator (creation of abnormal numbers of accounts, sharing of content at abnormal rates, use of false, stolen or misleading information, etc.).

### **5. Information of users on the nature, origin and modalities for dissemination of content, and the identity of individuals providing remuneration in return for the promotion of information content**

As part of the implementation of appropriate mechanisms informing users on the nature, origin and modalities for dissemination of content, the CSA recommends that online platform operators ensure that they:

- a) clearly distinguish between sponsored content and other content and promote the development of tools allowing users to identify which criteria resulted in the platform suggesting such content to them;
- b) call for users to be vigilant as regards content having been reported;
- c) clearly identify and visibly display the origin of the content disseminated;
- d) specify the methods for dissemination of content by stating, where possible, the conditions under which content is published - such as the existence of financial

compensation, the extent of the dissemination (number of views, type of target population, etc.) - and whether such content has been generated automatically.

Furthermore, the CSA recommends that platforms implement measures to inform users on the identity of the natural person or company name, the registered office and the object of the legal persons remunerating them in return for promoting information content relating to a general interest debate. In its opinion of 19 April 2018, the French *Conseil d'État* (Council of State) referred to European Court of Human Rights case law which states that all issues affecting the public to such an extent that it can legitimately have an interest in them, which attract its attention or are of significant concern to it, particularly due to the fact that they concern citizen's well-being or the life of the community, are issues of general interest.

## **6. Promote media and information literacy**

In addition to the above measures, the CSA also invites online platform operators referred to in the Act to help their users to identify which sources of information are reliable and which are not. Operators are encouraged to raise users' awareness on the influence of their own content. They must contribute towards developing users' critical thinking, particularly in younger individuals.

Online platform operators are encouraged to develop suitable tools to analyse the reliability of information sources, such as video modules and guides.

Furthermore, the CSA recommends that online platform operators support projects and establish partnerships that contribute towards media literacy, information literacy and education on digital tools. Users must be educated on the controlled use of digital platforms and helped to understand the issues - and notably the democratic issues - that these platforms raise. With this in mind, the CSA encourages the development of partnerships between online platform operators and stakeholders in the field of media and information literacy, in accordance with Article 15 of the Act of 22 December 2018.

The CSA encourages online platform operators to support independent initiatives taken by journalists and researchers which aim to better understand and quantify the phenomenon of disinformation, particularly by providing them with access to their data in compliance with data protection rules, and whilst respecting the impartiality of their work.

Online platform operators are also invited to relay awareness campaigns that may be sent to them by stakeholders in the field of media and information literacy and that they consider relevant for their users.

## **7. Information to be provided to the Conseil supérieur de l'audiovisuel**

### **a) Annual declaration of online platform operators**

This declaration must be sent to the CSA at the latest on 31 March of the year following the calendar year in question.

In this declaration, each operator informs the CSA of the methods of implementation of each of the measures taken pursuant to Article 11 of the Act of 22 December 2018, as clarified by this recommendation. It shall include the difficulties encountered in the implementation of the measures suggested in this recommendation.

The CSA shall ensure that online platform operators meet their obligation of taking the measures set out in Article 11 of the Act of 22 December 2018. It shall publish a periodic report on their implementation and their effectiveness. To do so, it may collect from such operators any information necessary for the drafting of this report, under the conditions set out in Article 19 of the Act of 30 September 1986.

Pursuant to this same provision, the CSA also reserves the ability of requesting any information should it observe a manipulation of information or an attempt to manipulate information likely to disturb public order or to affect the sincerity of an election. Moreover, it invites platform operators to demonstrate the greatest possible transparency towards their users should such an incident occur.

To perform this mission, the CSA shall take into account the plurality of platform models and the appropriateness of the means put in place on each of said platforms as regards the magnitude and the impact of the information manipulation phenomenon.

b) Designation of a point of contact

Pursuant to Article 13 of the Act of 22 December 2018, each operator is required to designate a legal representative to act as a contact person for the French territory for the application of the provisions set out under Section III of the Act.

The CSA invites each operator to provide it with the identity of said representative.

Done in Paris, on 15 May 2019

For the Conseil supérieur de l'audiovisuel  
*The President,*  
R.-O. MAISTRE