



Framework Contract JUST/2020/PR/03/0001
for Evaluation, Impact Assessment and
Related Policy Support Services in the Justice
and Consumers Policy Areas (Lot 1)

**Study to support the preparation of an
EU instrument to help increase the
resilience of our democracy in the EU
and address the threats of interference
in elections through greater
transparency in political advertising,
and other measures**

**Request for Specific Services:
JUST/2020/RCIT/FW/RIGH/0103**

**Case Study Report – EU 2019 Parliamentary election
(with a focus on France and Latvia)**

16 April 2019

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1 Introduction

The present case study looks at an EU-level legislative election: the European Parliament (EP) elections that took place in May 2019.

In the years leading up to the elections, in light of several past scandals¹, there had been increasing attention put on the disruptive influence of disinformation on elections. The most common forms of disinformation in elections include the dissemination of false news in order to discredit opponents or to influence the voting process, as well as the falsification or manipulation of polling data, and the use of fake election monitoring and observation. Therefore, this case study explores the use of disinformation during the 2019 EP elections and, more specifically, the frameworks in place in two Member States (MS) of the European Union (EU) to regulate political advertising.

The study team selected France and Latvia to be the focus of this analysis as the legislative and non-legislative measures in place to monitor and regulate political advertising and combat disinformation are very different in these countries. France has in place a strong regulatory framework to frame political advertising and combat disinformation supported by other non-legislative initiatives, whereas Latvia relies mostly on non-legislative measures.

In particular, this case study seeks to:

- understand the experiences of these two very different Member States with the European Parliament campaign.
- understand the impact of the EU Code of Practice on disinformation including social media platforms' monitoring and reporting of their efforts to combat disinformation.

This case study will explore the framework and context in which the election took place. This includes legislative measures aimed towards regulating online advertisement and the steps taken by both the EU, France and Latvia to combat disinformation and foreign interference.

¹ Including the Brexit referendum and the U.S. presidential elections in 2016

2 Methodology

The present case study is one of six conducted to support the description of the baseline and inform the policy options. The case study was developed between 26 March and 16 April 2021 and was based on the findings of previous study tasks including the literature review, legal mapping and interviews with stakeholders. In particular, this case study was based on the following sources:

- Country report and summary of findings of the legal mapping which presents relevant legislation and practices, as well as self-regulatory/co-regulatory instruments, guidelines and professional guidelines/codes that exist in France and Latvia to date.
- Findings and bibliography from the literature review conducted during the study's inception and interim phases.
- Additional quantitative and qualitative data collected through desk research. Additional details on the sources consulted can be found in Annex I.

The inclusion and triangulation of information coming from multiple sources ensured that the case study included different perspectives and points of view. Moreover, to ensure consistency of the approach and issues addressed in all case studies, we defined a table of contents containing a common set of research questions that each case study seek to answer (Table 1).

Table 1: Table of contents for the case study report

#	Section	Issues / questions addressed
1	Introduction	Objectives and scope of the case study
2	Methodology	Methodological approach and sources of data
3	Background and context	Key aspects of the election / political campaign under examination
4	Regulatory framework	Legal and political background of the campaign Legislative and non-legislative measures put in place to regulate political advertising and combat disinformation
5	The campaign and existing data	Key actors in the campaign, roles and interactions Existing data about online and offline advertisement and media coverage within this campaign
6	Measures to address disinformation and to regulate political advertisement	Evidence of disinformation during the campaign Enforcement of legislative measures by responsible authorities Effectiveness of legislative and non-legislative measures to regulate political advertisement and combat disinformation
7	Conclusion	
8	Annexes	

3 Background and context

The 2019 EP elections took place in May 2019 across all 28 Member States, with each country applying its own electoral rules and traditions.

The elections took place in a complex socio-political context. At the time, the Brexit negotiations were ongoing. Additionally, the European Commissioner for Justice had warned against a high risk of interference and manipulation of the European elections. Indeed, the Cambridge Analytica scandal had sent "shock waves through our democratic systems" according to the Commissioner, and there was a risk of Russian interference. Several recent elections (and generally public affairs) had been marked by Russian interference in the field of information (this was both the case in France in the 2017 presidential election and in Latvia due to the high presence of Russian medias – cases are further explored in the following section). Furthermore, the results of the latest Eurobarometer survey on democracy of 2018² showed a growing mistrust in political marketing. Additionally, social medias were foreseen to play a great role in the political campaigns of the election, making it more difficult to control false information and interferences.

This all led the EU to draft a package of measures ('the electoral package') aimed at addressing these challenges, helping to ensure free and fair elections. The package promoted improved transparency in political campaigning by providing increased clarity on the application of data protection requirements in the electoral context. The electoral package recommended involving electoral authorities, data protection authorities, authorities in charge of cybersecurity, and media regulators in the national networks in charge of the elections.

Box 1. Composition of the EU Electoral Package 2019³

- Securing free and fair European elections
- Commission Recommendation on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament
- Commission guidance on the application of Union data protection law in the electoral context
- Amendment of Regulation 1141/2014 regarding the protection of personal data in the context of elections to the European Parliament

In December 2018, the EU institutions also published an Action Plan against Disinformation⁴, which recommended the establishment of a Rapid Alert System. And, in April 2018, the EC published The Code of Practice on Disinformation⁵ as part of its digital strategy to set a wide range of commitments, from transparency in political advertising to the closure of fake accounts and demonetisation of purveyors of disinformation. However, these actions were to be enforced on a voluntary basis, by

² Eurobarometer (2018) Democracy on the move. Available at: <https://www.europarl.europa.eu/at-your-service/fr/be-heard/eurobarometer/eurobarometer-2018-democracy-on-the-move>

³ European Commission 2019 Electoral Package. Available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights_en#electionsnetwork

⁴ Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: Action Plan against Disinformation, 5.12.2018 JOIN(2018) 36 final. Available at: https://eeas.europa.eu/sites/eeas/files/action_plan_against_disinformation.pdf

⁵ EC (2021), Code of Practice on Disinformation, available at: <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation>

asking platforms to take self-regulatory standards to fight disinformation. Online platforms that signed up to the EU's Code of Practice were asked to provide monthly reports on their efforts to combat disinformation across the EU in the period leading up to the elections. The EU Directive on security of network and information systems⁶ also provided a framework for MS to exchange best practices and coordinate their efforts to secure the election infrastructure. Therefore, the EU had taken a number of measures ahead of the elections to address potential challenges with disinformation.

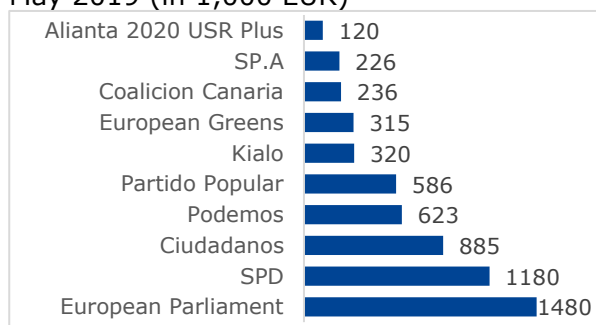
Overview of the election campaigns in the EU

In its 2019 report, the European Elections Monitoring Center (EEMC)⁷ reviewed materials produced by 300 European political parties. It concluded that the election saw the diffusion of the newer communication tools such as social networks. The use of social networks outclassed the use of posters, newspaper or Tv commercials which were more frequently used in previous elections. Nevertheless, these traditional media tools were still successfully used in the campaigns. For instance, Tv commercials played an important role in political communication in countries where it was allowed to do so.

As an illustration of the rise of social media, Facebook data on political ads posted between March and May 2019 in the MS shows that EU institutions and the political parties across Europe spent 3.9 million EUR for a total of 6,686 ads aimed at mobilising voters. The EP spending on promoted Facebook posts was quite significant (3.3 million EUR in the three months leading up to the elections⁸).

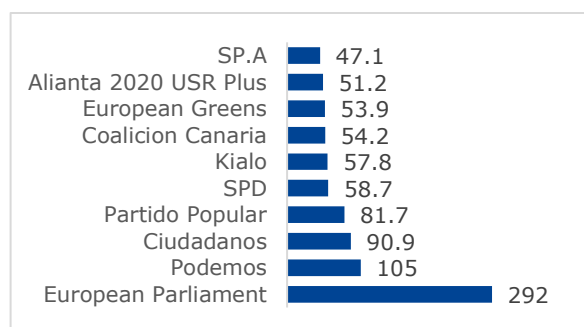
The EP also invested in advertising through an official video "Choose your Future", which cumulated 34 million views. The

Figure 1: Online advertising spend by political groups with the highest number of ad impressions in the EU from February to May 2019 (in 1,000 EUR)



Source: Statista

Figure 2: Online advertising by political groups in the EU from February to May 2019, by number of ad impressions (in millions)



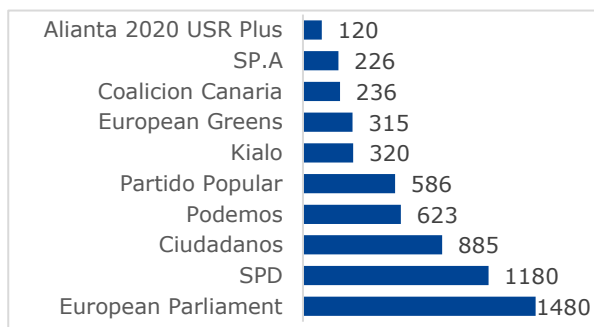
and **Error! Reference source not found.** below further illustrate the amount of financial resources that were put into online advertising by political groups and the number of ad impressions obtained.

⁶ EC (2021) NIS Directive. available at: <https://ec.europa.eu/digital-single-market/en/network-and-information-security-nis-directive>

⁷ European Elections Monitoring Centre (2019) 2019 European Elections Campaign, images, topics, media in the 28 member states. International research project lead by University Roma Tre Funded by the European Parliament. Available at: www.electionsmonitoringcenter.eu/editors

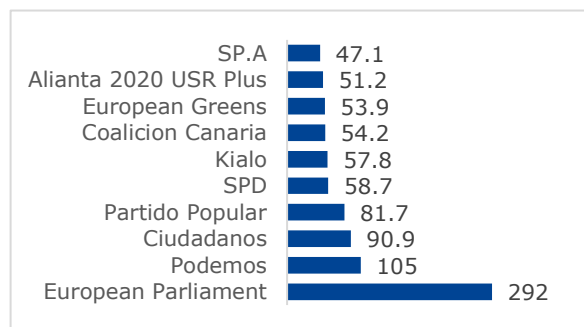
⁸ Orinaldo Gjergji, Lorenzo Ferrari (2019) EU institutions and parties paid millions on Facebook ads, VOXEurope [online]. Available at: <https://voxeurope.eu/en/eu-institutions-and-parties-paid-millions-on-facebook-ads/>

Figure 1: Online advertising spend by political groups with the highest number of ad impressions in the EU from February to May 2019 (in 1,000 EUR)



Source: Statista

Figure 2: Online advertising by political groups in the EU from February to May 2019, by number of ad impressions (in millions)



Twitter was also a popular campaign stage where politicians, journalists and voters from around the continent engaged in conversation and controversies around the elections. During the elections, this social media proved its potential as a tool for political campaigning.

Overall, political communication on the European elections took place both in traditional media and online. It is interesting to note that despite this being an EU wide election, the national electoral campaigns presented a low degree of internationalisation with few European campaigns or contents developed at a supranational level⁹ (Box 2). Spending by European political parties was negligible compared to that of the EP and national parties. There was a prevalence of domestic themes in political communication over European ones.

Box 2: Examples of multinational political campaigns in the 2019 European Parliament elections

The 2019 elections saw two notable examples of multinational political campaigns conducted by two new pan-European parties: Volt Europa and DiEM-25. Volt and DiEM25 both spent a relatively large amount on social media ads.

VOLT Europa¹⁰

The Pan-European party Volt was founded in 2017 and won a seat in the EU Parliament for its German co-founder, Damian Boeselager. The party polled highest in Germany with 248,824 votes, by far its best showing in the eight EU countries it contested the elections. The more than one thousand social media posts targeted at the German electorate (far more posts than any other party or country in Europe) likely helped Volt to get a candidate elected in the country. It polled only 1.9% of the votes in the Netherlands (105,923 votes), 1.1% in Sweden (41,959) and 0.14% votes in Spain (32,291 votes).

⁹ European Elections Monitoring Center (2019) 2019 European Elections Campaign, images, topics, media in the 28 member states. International research project lead by University Roma Tre Funded by the European Parliament. Available at: www.electionsmonitoringcenter.eu/editors

¹⁰ Martin Banks (2019) Pan-European party Volt wins first seat in EU Parliament, Parliament Magazine. Available at : <https://www.theparliamentmagazine.eu/news/article/paneuropean-party-volt-wins-first-seat-in-eu-parliament>

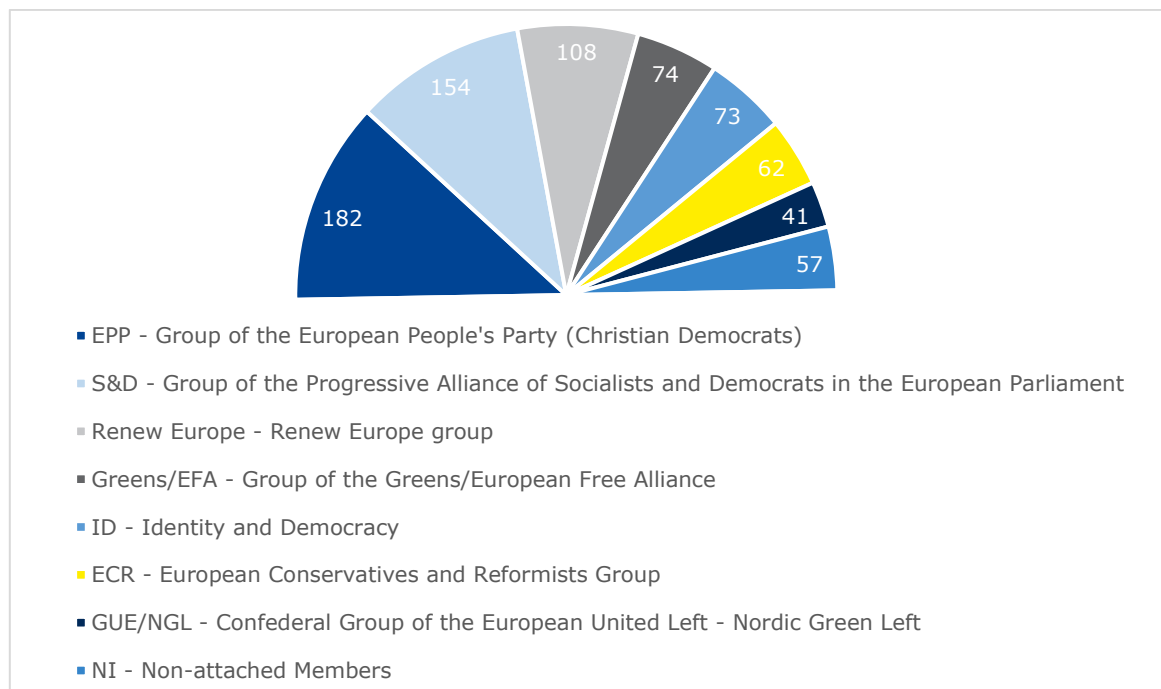
DIEM 25¹¹

Democracy in Europe Movement 2025 (DiEM25) was launched in 2016 by the former Greek Finance Minister Yanis Varoufakis. It sought to construct a pro-European transnational left political project in the aftermath of the European debt crisis. It looks to establish a transnational strategy to European politics. In the 2019 European elections, none of its national wings managed to elect a candidate to the European Parliament. In Denmark, it scored 3.4%, in France 3.27%, in Greece 2,98%, in Portugal 1.8%, in Poland 1.2% and in Germany 0.3%.

During the campaign stage, DiEM25 used traditional as well as non-traditional campaigning tools (e.g. in Germany, 72.000 flyers, 25.000 business cards and 3.030 election posters were printed and distributed during the campaign). Furthermore, campaign actions were undertaken in the cities where DiEM25 was able to organise election campaign groups (Berlin, Hamburg, Freiburg, Goettingen, Hamburg, Munich and Cologne). These are the cities in which DiEM25s electoral wing also obtained its best results. In a number of campaign actions, different logos and messages sometimes caused confusion on the voters.

The elections resulted in the appointment of 751 Members of the European Parliament (MEPs) which represent more than 512 million people from the 28 Member States. The most represented political groups were the European People's Party (182 seats) and the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament (154 seats).

Figure 3: Repartition of the political groups of the European Parliament after 2019 elections (751 seats)



Source: Europa (2019) European Parliament 2019-2024.

¹¹ Jasper Finkeldey (2019) Building a pan-European movement party: DiEM25 at the 2019 European elections, Ephemera. Available at: <http://www.ephemerajournal.org/contribution/building-pan-european-movement-party-diem25-2019-european-elections> and Benjamin Moffitt, Benjamin De Cleen, Panos Panayotu and Yannis Stavrakakis (2019) The Democracy in Europe Movement (DiEM25) and the limitations of transnational populism. Democratic Audit Available at: <https://www.democraticaudit.com/2019/07/03/the-democracy-in-europe-movement-diem25-and-the-limitations-of-transnational-populism/>

4 Regulatory frameworks

In this section we present an overview of relevant legislation, practices, and standards relevant to political advertising in France and in Latvia, which are the focus of this case study.

4.1 Regulatory framework in France

Box 3: Laws relevant to political advertising in France

Legislation:

- Constitution of 4 October 1958
- Electoral Code, in particular Chapter V relates to Propaganda (Articles L47 A à L52-3)
- Organic Law and ordinary Law of 22 December 2018 on countering information manipulation
- Ordinary law and organic law of 25 April 2016 modernising the rules applicable to elections and the presidential election
- Law No. 2011-412 of 14 April 2011 simplifying provisions of the electoral code and relating to the financial transparency of political life
- Law No. 88-227 of 11 March 1988 on financial transparency in political life
- Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls
- Law No 86-1067 of 30 September 1986 on freedom of communication
- Law of 29 July 1881 on freedom of the press

Regulations:

- Resolution No. 2011-1 of 4 January 2011 on the principle of political pluralism in radio and television services during election periods of the CSA
- Resolution No 2009-60 of 21 July 2009 on the principle of political pluralism in radio and television Services of the CSA
- Recommendation No 2019-03 of May 15, 2019 of the CSA to online platform operators as part of the duty of cooperation in the fight against the dissemination of false information

Media freedom, including political advertising, is controlled by French law during election periods in order to guarantee the pluralist expression of opinions and the fair participation of political parties and groups in the democratic life of the nation¹². The dissemination of information of political nature and of electoral propaganda during elections period or referendum in France is mainly governed by the provisions of the Electoral Code¹³.

The Electoral Code refers to the term of “electoral propaganda” and provides for rules applicable to “propaganda”¹⁴. Moreover, it is possible to say that the Electoral Code provides a definition for “online political advertising” when it refers to “any message having the character of electoral propaganda disseminated by any means of communication to the public by electronic means”. Paid political advertising is prohibited under Article L48-1 of the Electoral Code.

In addition, the main legislations applicable to “electoral propaganda” include laws on freedom of the press, freedom of communication, financial transparency in political life, and on the simplification of provisions of the Electoral Code and on financial

¹² Article 4 Constitution of 4 October 1958.

¹³ Electoral Code, in particular Chapter V relates to Propaganda (Articles L47 A à L52-3)

¹⁴ Chapter V (Article L47 to Article L52-3)

transparency in political life (see Box 3: **Laws relevant to political advertising in France**). For what concerns self and co-regulation of political advertising in France, regulations exist in the field of broadcasting media.

Political parties are also required to keep yearly account in relation to election campaigns and must reveal the identity of donors. Reports are overseen by the National Commission for Campaign Accounts and Political Funding, which was created by the Law of 15 January 1990 relating to the limitation of electoral expenses and the clarification of the financing of political activities. Its role is to control the campaign accounts of candidates for all types of elections and to verify the parties' compliance with their accounting and financial obligations. France prohibits corporations, unions, and other collectives, most notably foreign governments, from making donations to political parties. But the law does not prohibit parties from taking out loans with foreign banks.

Specific law on false information during elections period

During the three months prior to an election and until the date of the ballot, the Electoral Code imposes¹⁵ on online platform operators transparency obligations relating to the promotion of information content linked to a debate of general interest. Article L. 112 of the Electoral Code punishes the violation of these obligations with a one-year prison sentence and a fine of 75,000 EUR.

Over this same period, Article L163-2 of the Electoral Code provides for the application of interim measures for the cessation of the dissemination of false information on communication services to the public online, when they are likely to undermine the integrity of elections.

Disinformation and online political advertising have been important issues discussed in France, in light of the unprecedented capacity of the Internet and social networks to diffuse information. As highlighted in a 2018 press release of the Ministry of European and foreign affairs¹⁶, in recent years these phenomena have particularly manifested through electoral interferences. For instance, prior to the 2019 EP election, the 2017 presidential election in France was the scene of foreign interferences in the electoral process¹⁷.

As a result, President E. Macron announced plans for a new law to combat disinformation, specifically during election campaigns. Building on the 1881 Law, the Law of 22 December 2018¹⁸ was enacted to fight the manipulation of information in the digital age and to impede the spread of disinformation. This Law introduced new provisions in the Electoral Code, which are applicable to legislative, senatorial, presidential, and European elections¹⁹ as well as referendums. Title III, Article 11¹ Requires that "online platforms take measures to fight the dissemination of false information that is likely to disturb public order or to alter the sincerity of certain elections' by establishing a mechanism that enables users to report it.

¹⁵ Article L. 163-1 of

¹⁶ Joint report by the CAPS/IRSEM – Information Manipulation: A Challenge for Our Democracies (4 September 2018). Available at: <https://www.diplomatie.gouv.fr/en/french-foreign-policy/manipulation-of-information/article/joint-report-by-the-caps-irsem-information-manipulation-a-challenge-for-our>

¹⁷ Jean-Baptiste Jeangène Vilmer, The Macron Leaks: A Post-Mortem Analysis, CSIS Europe Program, Washington D.C., Fall 2018

¹⁸ It must be noted the Constitutional Court has declared in its decisions n° 2018-773 DC and n° 2018-774 DC of 20 December 2018, that the 2018 Law on manipulation of information was constitutional.

¹⁹ Three months prior to an election.

This law also granted the Higher Audiovisual Council (CSA), new administrative and executive powers. The CSA can now revoke the broadcasting rights of media outlets operating under the control or influence of a foreign state and disseminating false information on French territory. It also enables electoral candidates to get a ruling on information published about them which they deem to be false so it can be taken down. Moreover, The CSA will regularly report on the effectiveness of measures enacted by platforms. The CSA has thus been given a major role in the fight against false information on the Internet. Pursuant to Article 12 of the law, the CSA adopted recommendations²⁰ to online platform operators, which are expected to:

- Set up an accessible and visible reporting system;
- Ensure the transparency of algorithms;
- Promoting content from companies and press agencies and services audio-visual communication;
- Fight against accounts that massively propagate false information;
- Inform users about the nature, origin, methods of distribution of content and the identity of the persons paying remuneration in return for the promotion of information content;
- Promote media and information education;
- Transmit information to the CSA.

This general overview of the legal framework in place around political advertising and disinformation in the electoral context shows that France has a strong regulatory framework in place. Going hand in hand with this, non-legislative measures and civil initiatives exist, which we address in the following section.

Non-legislative measures

There are a multitude of non-legislative measures and civil society initiatives in France to inform citizens and limit disinformation. Additionally, the French media environment is quite robust due to a long tradition of serious journalism. Although there is a large use of social media for information, the population also refers to mainstream media sources (sometimes through their social media accounts). Tabloid-style outlets and “alternative” websites have limited popularity. Finally, there is a strong emphasis on media literacy including developing rationality and critical thinking, starting with the French school system.²¹ In the context of the elections, associations had called for the mobilization of forms of collective intelligence to identify relevant online sources of information²². The below table gives a sample of initiatives in place that played a role in the elections:

²⁰ Recommendation no. 2019-03 of 15 May 2019 of the CSA

²¹ J.-B. Jeangène Vilmer, A. Escorcía, M. Guillaume, J. Herrera, ‘Information Manipulation: A Challenge for Our Democracies’, Ministry for Europe and Foreign Affairs and the Ministry for the Armed Forces, 2018, p.111

²² Romain Badouard (2018) Parole d'expert: Les fake news menacent-elles le débat public ?, Vie Publique. Available at: <https://www.vie-publique.fr/parole-dexpert/268468-les-fake-news-menacent-elles-le-debat-public>

EU/Governmental Initiatives	
Décodeurs de l'Europe ²³	The Décodeurs de l'Europe was launched by the Representation of the European Commission in France at the end of 2016, with the aim to provide answers to questions, preconceived ideas or myths about Europe, by explaining in a simple, accessible, verifiable way and with a touch of humor what the European Union is, and what it does.
Foundations/Research centres	
Fondation Descartes ²⁴	The aim of the Foundation is to serve the public interest by promoting the need for sincere information and to fight against all forms of disinformation and information manipulation.
Civil initiatives against disinformation	
Civic_Fab Association ²⁵	<p>This association undertakes several initiatives including:</p> <ul style="list-style-type: none"> • 'What the fake'²⁶ a civil initiative that fights against hate speech, extremism and online manipulation. The initiative produces and disseminates campaigns to combat the extremist discourses and manipulation processes that proliferate on the internet. • 'Sens critique' is a citizens' initiative led by the Civic Fab association and Karim Amellal. It primarily targets 13-24-year olds in vulnerable situations. It aims to encourage critical thinking and raise awareness of the dangers of violent / extremist speeches through an approach centred on creativity and commitment, the objective of which is the achievement of a creative project.
Acrimed (Action-Critique-Médias) ²⁷	Acrimed is a media observatory association born in 1996. It seeks to pool professional knowledge, theoretical knowledge and activist knowledge in the service of independent, radical and uncompromising criticism. It brings together journalists and media employees, researchers and academics, social movement actors and "users" of the media.
Fact checking services in French media which debunk disinformation	
Fact-checking service of the French AFP ²⁸	After joining partnerships to debunk fake news and disinformation during elections in France, Brazil and Nigeria, the AFP joined a verification project with 18 other factchecking outlets in the run-up to the European parliamentary elections of 2019 ²⁹ .
Fact checking tools in Le Monde	<ul style="list-style-type: none"> • Les Décodeurs³⁰ is a fact checking section on the French media 'Le Monde'. • The Decodex³¹ is an online research tool where you can enter an address (URL) of a web page or the name of a site to find out if the source of the information (i.e. the one disseminating it) is reliable or not.
Check News ³²	Fact checking section on the French media 'Liberation'.

4.2 Regulatory framework in Latvia

Box 4: Laws on political advertising in Latvia

- Pre-election Campaign Law³³
- Law on Financing of Political Organisations (Parties)³⁴
- Elections to the European Parliament Law³⁵
- Municipal Council Election Law³⁶
- Saeima Election Law³⁷
- Electronic Mass Media Law³⁸
- Personal Data Processing Law³⁹

³³ Latvian Pre-election Campaign Law, Latvijas Vēstnesis, 199, 19.12.2012. 2012/199.2. Available at: <https://likumi.lv/ta/en/id/253543-pre-election-campaign-law>

The main consolidated act on campaigning in Latvia is the Pre-Election Campaign Law. Other important provisions can be found in the Law on Financing of Political Organisations (Parties), the laws on elections and Electronic Mass Media Law, which covers operations of TV, radio and other media. GDPR has been implemented via Personal Data Protection Law. These acts are interlinked via the definitions of “political party”, “elections”, “campaigning” etc.

The definition of ‘online political advertising’ can be deduced from Art. 18.1, Pre-election Campaign Law: ‘A campaigner or a person authorized shall enter into an agreement regarding the placement of pre-election campaign materials on the Internet concluded directly and indirectly only with the advertising service provider’.

The parties have to report on their expenses related to pre-election campaigning. There is a threshold for using the money of “unrelated persons” (natural persons who are not related to political assemblies)⁴⁰, who can only spend up to 15 minimum monthly salaries on political advertising. This declaration must cover all of the income and expenses during the pre-election campaign, particularly placing advertisements in printed and online media, on the TV, radio and outdoors, as well as indirect expenses – postal services, paying salaries, renting premises etc.

The Ministry of Culture is in charge of media policy and aims to ensure that the “audience has access to independent and credible information and is highly media literate”⁴¹. In 2016, the Ministry adopted the Latvian National Media Policy Guidelines⁴² and associated Implementation Plan in November 2016. These Guidelines focus on the following aspects:

- diversity of media environment,

²⁴ Link to website: <https://www.fondationdescartes.org/>

²⁵ Link to website: <https://civic-fab.fr/>

²⁶ Link to website: <https://what-the-fake.com/>

²⁷ Link to website: <https://www.acrimed.org/>

²⁸ Link to website: <https://factcheckeu.info/fr/>

²⁹ AFP (2019) AFP joins FactcheckEU, a new collaborative project to fight disinformation ahead of the European elections. 20.03.2019. Available at: <https://www.afp.com/sites/default/files/afpcommuniqu201903/pdf/prafpfactcheckeueng.pdf>

³⁰ Link to website: <https://www.lemonde.fr/les-decodeurs/>

³¹ Link to website: <https://www.lemonde.fr/verification/>

³² Link to website: https://www.liberation.fr/checknews/2019/04/21/un-candidat-de-lrem-aux-europeennes-est-il-sous-le-coup-d-une-enquete-de-police_1722634

³³ Latvian Pre-election Campaign Law, Latvijas Vēstnesis, 199, 19.12.2012. 2012/199.2. Available at: <https://likumi.lv/ta/en/id/253543-pre-election-campaign-law>

³⁴ Law on Financing of Political Organisations, Latvijas Vēstnesis, 114, 02.08.1995.; Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 17, 07.09.1995. Available at: <https://likumi.lv/ta/en/id/36189-law-on-financing-of-political-organisations-parties>

³⁵ Election to the European Parliament Law, Latvijas Vēstnesis, 22, 11.02.2004.; Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 5, 11.03.2004. Available at: <https://likumi.lv/ta/en/en/id/84185-elections-to-the-european-parliament-law>

³⁶ Law on the Election of Local Government Councils, 17 June 2020, Latvijas Vēstnesis, 10, 25.01.1994.; Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 3, 10.02.1994. Available at: <https://likumi.lv/ta/id/57839-pasvaldibas-domes-velesanu-likums>

³⁷ Saeimas Election Law, Latvijas Vēstnesis, 86, 06.06.1995.; Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 13, 06.07.1995. Available at: <https://likumi.lv/ta/id/35261-saeimas-velesanu-likums>

³⁸ Electronic Mass Media Law, Latvijas Vēstnesis, 118, 28.07.2010. <https://likumi.lv/ta/en/en/id/214039>

³⁹ Personal Data Processing Law, Latvijas Vēstnesis, 132, 04.07.2018. 2018/132.1. Available at: <https://likumi.lv/ta/en/en/id/300099-personal-data-processing-law>

⁴⁰ Art. 5.2 of the Pre-election Campaign Law

⁴¹ Ministry of Culture of the Republic of Latvia (2020) Media Policy. Available at: <https://www.km.gov.lv/en/media-policy>

⁴² Ministry of Culture of the Republic of Latvia (2020) Media Policy. Available at: <https://www.km.gov.lv/en/media-policy>

- quality and accountability of the media environment,
- education and training of media professionals,
- development of media literacy, and
- resilience of the media environment.

The media policy division of the Ministry also has a working group on information threats which operates in partnership with other Ministries, intelligence services and representatives of Parliament. One of the key milestones in Latvia in 2019 was the establishment of the Latvian Media Ethics Council, which is a self-regulatory, collegial mechanism for monitoring Latvian media ethics consisting of media companies and professional members of the Latvian Civic Alliance.

It is important to note that Latvia is a Baltic state with a Russian-speaking minority (37% of the population). Hence, Latvia has often been a target of Russian propaganda disinformation in the years leading to the elections as highlighted in the 2019 report of the Constitution Protection Bureau of Latvia (SAB)⁴³. In terms of influence, Russian television is considered to be “the greatest threat to Baltic States because it allows Russian-speakers to live in an information cocoon”⁴⁴. Therefore, Latvia’s socio-political context is central to understanding possible interferences in political processes, including false information.

As a result, the Latvian authorities have relied on a policy of fines and broadcast suspensions targeting biased reporting. For instance, refusing to register a local branch of the Russian state news agency Rossiya Segodnya in 2015 for its coverage of the Ukraine conflict⁴⁵. However, these are temporary measures which have no structural effect.

In a mediatised criminal case, Latvia’s State Police had performed the first arrest in Latvia of a person for publishing fake news in 2018. The Interior Affairs Ministry claimed that the State Police should not be monitoring internet content and that this task should be undertaken by other institutions. Hence, in 2018, the Latvian Ministry was considering establishing an institution that would monitor fake news⁴⁶.

The Corruption Prevention and Combating Bureau, the National Electronic Mass Media Council and, during the elections, the State Police and the Municipal Police, oversee the election campaign.

Pursuant to Art. 24.4 of the Electronic Mass Media Act, “media shall ensure that facts and events are fairly, objectively, with due accuracy and impartiality reflected in broadcasts, promoting exchange of opinions, and comply with the generally accepted principles of journalism and ethics. Commentary and opinions shall be separated from news and the name of the author of the opinion or commentary shall be indicated. Facts shall be reflected in informative documentary and news broadcasts in a way not to intentionally mislead the audience”. Art. 50 of the Electronic Mass Media Act provides an opportunity to a person on whom false information has been distributed, to appeal for deleting such information from an electronic platform. Furthermore, the National

⁴³ Constitution protection bureau of the Republic of Latvia (2019) Annual Report. Available at: https://www.sab.gov.lv/files/Public_report_2019.pdf

⁴⁴ Todd C. Helmus et al., Russian Social Media Influence: Understanding Russian Propaganda in Eastern Europe, RAND Corporation, 2018, p. 66-67.

⁴⁵ Delfi news website (2015) Latvia refused to register a representative office of Russia Segonya. Available at: <https://rus.delfi.lv/biznes/bnews/v-latvii-otkazalis-registrirovat-predstavitelstvo-russia-segonya.d?id=46391849&all=true>

⁴⁶ Baltic News Network (2018) Latvian ministry may consider forming institution to monitor fake news. Available at: <https://bnn-news.com/latvian-ministry-may-consider-forming-institution-to-monitor-fake-news-190038>

Electronic Mass Media Council can prohibit the distribution by the electronic mass medium service if the latter endangers national defence, public safety etc. (Art. 21-3).

In addition to this, in the last years Latvian authorities have taken actions to further prevent the spread of fake news and improve media literacy⁴⁷. In 2017, the Ministry of Culture launched a funding programme to support investigative journalism, debunking, and media literacy. Other measures included surveys and research into media literacy, support for media literacy activities for schoolchildren, and communication campaigns targeting disinformation. In addition, the Education and Foreign Affairs Ministries host media literacy workshops and support organisations that offer such training, for example the Baltic Centre for Media Excellence. The below table presents these actions in more depth.

Governmental Initiatives	
Communication campaign "Media are not comedians" against the dissemination of disinformation ⁴⁸	Launched by State Chancellery in cooperation with Ministry of Culture and Ministry of Interior, the campaign is targeted mainly at youngsters and seniors who according to research, tend to be less critical towards information published in the media, including social media. The campaign calls to think critically before sharing disinformation and to write to others if they share false content.
Baltic Centre for Media Excellence ⁴⁹	Media literacy is an important part of the BCME focus on promoting critical thinking and a wide range of projects have been created together with our partners. The initiatives that BCME has realised range from bringing journalists to schools since 2017 as part of the media literacy project Pilna Doma (Full Thought) to creating the virtual adventure game Noziegums tīklā (Network Crime), where critical thinking skills and the ability to tell facts from fakes are essential to solving the mystery. BCME has created the virtual adventure game Tīri fakti (Pure facts) aimed at introducing key media literacy topics and issues to a wider audience of young media users as well as other multimedia project initiatives in the field of media literacy.

4.3 Comparative overview of the political advertising rules in France and Latvia

The below table presents an overview of the rules in place in Latvia and in France when it comes to political advertising during election campaigns. It appears that rules in France are much stricter (e.g. prohibition of paid political advertising) than in Latvia, although there are strict obligations that must be met by political parties in both countries.

✓	Allowed (under conditions set out in the national laws)
✗	Prohibited
✖	No specific rules

⁴⁷Olga Robinson, Alistair Coleman and Shayan Sardarizadeh (2019) Report of anti-disinformation initiatives. BBC Monitoring's Disinformation Team. Available at: <https://demtech.oii.ox.ac.uk/wp-content/uploads/sites/93/2019/08/A-Report-of-Anti-Disinformation-Initiatives.pdf>

⁴⁸ Media & Learning (2019) Media literacy in Latvia: the Ministry of Culture's 6 strands. Available at: <https://media-and-learning.eu/type/featured-articles/media-literacy-in-latvia-the-ministry-of-cultures-6-strands/>

⁴⁹ Link to website: <https://bcme.eu/en/>

Table 2. political advertising rules in France and Latvia

	France	Latvia
Definition of Pre-election	✓ <i>Begins 6 months prior to an election and until the date of the ballot when it is acquired.</i>	✓ <i>Period from the 120th day before the elections to the election day.</i>
Definition of campaigning period	✓ <i>Begins on the second Monday before polling day and ends the day before polling day at midnight.</i>	✗
Paid political advertising	✗	✓ <i>Under the conditions of disclosure of the agreement between the campaigner and the business owner</i>
Tv ads	✓ <i>Only on public television</i>	✓ <i>Only on public television</i>
Radio ads	✓ <i>Only on public radio</i>	✓ <i>Only on public radio</i>
Posters	✓ <i>Yes, public space</i>	✓ <i>Yes, commercial space</i>
Press ads	✗ <i>only allowed to solicit donations</i>	✓
Online media ads & paid referencing of websites	✗	✗
Rules on silence periods	✓	✓

5 The campaigns and existing data

5.1 Overview of the national political campaigns and results in France

The 2019 EP election was the first election in France after the 2017 presidential election and many parties started campaigning relatively early. The election took place in the context of a social protest known as the 'Yellow vests' movement. This French grassroots movement started as a protest against rising fuel prices and the high cost of living but quickly became a general France-wide populist movement for economic justice. Surveys suggested a rather high level of popular support for this protest and the two lists that claimed to represent protesting citizens. However, each performed very low in the election (0.54% and 0.01%). Nevertheless, this movement captured public attention during the election period and led to probably less coverage of the EP elections. In effect, some political parties tried to rally yellow vests and get the support of the participants of the movement early in their campaigns (both Le Pen and far-left leader Jean-Luc Mélenchon) with little success.

A record number of 34 lists were approved for the EP election, with 79 candidates per list, which makes an impressive total of 2,686 candidates. The European election took place on Sunday 26 May 26 in France. A total of 74 French MEPs were elected (this rose to 79 after Brexit). The turnout was of 50.12%, an increase from the 2014 election (42.43%). The 79 seats were distributed as follows:

- 23 seats for 'Prenez le pouvoir', list supported by Marine Le Pen (23.33% of the votes cast)
- 23 seats for 'Renaissance', supported by La Republique en Marche (22.42%)
- 13 seats for 'Europe Ecologie', (13.48%)
- 8 seats Union of the right and the center (8.48%)
- 6 seats for 'La France Insoumise', (6.31%)
- 6 seats 'Envie d'Europe écologique et sociale' (6.19%)

The figure below presents the repartition per EP political groups of elected French MEPs.

Figure 4: Seats by political group elected in France (74 seats)



Source: Europa (2019) European Parliament 2019-2024

5.1.1 Offline and online political advertising in France

The politics of list making constituted the main source of media treatment of the campaign up to May 2019. Many parties decided to run alone for those elections:

- the center-right party (Union des Démocrates et Indépendants)
- the greens (Europe Écologie les verts),
- the socialists associated a new group of intellectuals (Place Publique),
- the socialist candidate to the last presidential election Benoît Hamon within Génération.s (Gs),
- the communists,
- the Trotskyists, and
- La France insoumise (LFI), led by Jean-Luc Mélenchon.

The chronicle of the difficulties of those parties to agree on the lists occupied most of the press articles. Tellingly, those papers were more focused on the state of the left and its future at the domestic level than on the European views of those parties.

For electing the head of the list, nearly all parties followed the strategy used by E. Macron in 2017, which was selecting young candidates and/or non-professional politicians. This was for instance the case of Renaissance list which appointed Jordan Bardella and 'La France Insoumise' which selected Manon Aubry or the Republican's leading candidate, François-Xavier Bellamy. However, five lists used their 2017 presidential candidates: Nathalie Arthaud (Lutte Ouvrière), François Asselineau (Union Populaire Républicaine), Nicolas Dupont-Aignan (DLF), Benoît Hamon (Gs) and Yannick Jadot (EÉLV).

Although the list of the presidential political party was led by Nathalie Loiseau, the campaign was marked by the implication of Emmanuel Macron, in particular in the last weeks preceding the poll. He responded to the Front National on several occasions and, unprecedented for a President of the Republic, appeared alone on a poster of his party.

Offline advertising

It should be noted that all paid political advertising is prohibited 6 months before the election. During the official two weeks of campaigning leading to the election, all lists were legally allowed to put posters on billboards in front of each polling station. However, this is at their own expense, leading to some lists with limited funding not having printed theirs.

The lists also benefited from promotional spots broadcasted on public television and radio channels. In 2019, each party had at least 3 spots, 2 of which were a minute and a half long. Parties with a significant number of elected representatives or a significant share of the vote in past elections had additional time (e.g. 56 minutes for the Renaissance list, led by 'La République en Marche', part of E. Macron). There was also a national televised political debate on the French public channel, during which the time allocated to each speaker was strictly monitored.

Table 3: offline campaign materials used per main political parties

Political Party	Poster & advertising	Press	TV Commercials	Number of seats
Europe Ecologie Les Verts (EELV)	1		1	12
Parti Socialiste (PS)	1		1	5
Rassemblement National (RN)	1		1	22
La République en Marche(LREM)	1		1	21
Debout la France (DLF)	1		1	0
Les Républicains (LR)	1		1	8
La France Insoumise LFI)	1		1	6

Source: EEMC 2019 report

As shown in the figure above, all the main parties release a poster campaign and made use of their Tv commercial time.

Online advertising

In the research paper of the EEMC, the Facebook accounts of the 7 main parties that obtained the largest share of votes (83.7% of expressed ballots) were examined. The activity of their Facebook accounts was the following:

- the activities of the LFI and LR were stable and low (between 10-15 posts in average per week),
- the DLF and PS were slightly more active (respectively 25 and 45 posts per week),
- the LREM, RN and EELV accounts made a rather late entry in actively campaigning.

Table 4: Number of social contents on Facebook per main political parties

Political Party	Number of posts produced	Number of seats
Europe Ecologie Les Verts	221	12
Parti Socialiste	186	5
Rassemblement National	164	22
La République en Marche	146	21
Debout la France	99	0
Les Républicains	55	8
La France Insoumise	45	6

Source: EEMC 2019 report

Spending on political campaigns

In France, candidates for the European election in May 2019 declared 38.83 million EUR in revenue and 37.61 million EUR in expenditure.⁵⁰ The National Campaign Accounts Commission approved the accounts of all major lists. However, it pointed out the quality of reporting of certain amounts. The six expenditure items most affected were: communication advice, salaried staff recruited specifically for the campaign, printed propaganda, audiovisual production, transport, public meetings. Thus, expenditures related to communication/advertising-related activities were the ones with the most issues reported.

⁵⁰ Vie Publique (2020) Élections européennes 2019: des comptes de campagne globalement approuvés. Available at: <https://www.vie-publique.fr/en-bref/274851-examen-des-comptes-de-campagne-pour-les-elections-europeennes-de-2019>

5.2 Overview of the national political campaigns and results in Latvia

The elections were held on 25 May 2019 to elect eight members for the European Parliament. They took place in a complex political context with a high volatility of the electorate⁵¹ linked to the arrival of new parties just seven months before in the general election. It saw three newcomer parties win almost half of the parliamentary seats. Additionally, political scandals surrounding corruption and financial irregularities (leading to the ousting of Riga's mayor) and upcoming presidential elections were at the centre of attention. A total of 16 lists of candidates from political parties and alliances of political parties were registered for the elections to the European Parliament. The lists included a total of 246 candidates.

The turnout in Latvia was of 33.53%, similar to 2014 (30.24%). The elected parties were⁵²:

- 2 seats for Jaunā Vienotība (26,24% of votes),
- 2 seats for Saskaņa (17,45%),
- 2 seats for the Nacionālā apvienība (16,4%)
- 1 seat for Attīstībai/Par! (12,42%),
- 1 seat for the Latvijas Krievu savienība (6,24%).

The chart below presents the repartition of the 8 Latvian EP seats according to the parliamentary political groups.

Figure 5: Seats by political group elected in Latvia (8 seats)



Source : Europa (2019) European Parliament 2019-2024.

5.2.1 Offline and online political advertising in Latvia

The intensity of the EP election campaign in Latvia was considered moderately active, and the highest intensity was observed during the last two weeks.

The 2019 European election campaigns in Latvia were very personalised with the character of candidates being a key campaigning element. The EP elections typically attract high profile candidates because of the high salaries of MEPs, compared to national mandates. The most influential parties in the election tend to be the ones that have ties to the EU because they are part of an EU political party and have seats in the EP already.

⁵¹ Licia Cianetti and Ryo Nakai (2019) European Parliament elections preview: Latvia, LSE Blog. Available at: <https://blogs.lse.ac.uk/euoppblog/2019/05/02/european-parliament-elections-preview-latvia/>

⁵² CVK (2019) Elections to the European Parliament 2019. Available at: <https://www.cvk.lv/en/elections/ep-elections/elections-to-the-european-parliament-2019>

A strong candidate in the 2019 election was the Jaunā Vienotība (JV) party which belongs to the European People's Party (EPP). Its campaign was the most active of all parties running for the elections (see table below). Its communication centred around the high-profile of the two candidates that led the list: Valdis Dombrovskis (Latvia's prime minister from 2009-2014 and a Vice-President of the European Commission from 2014-2019) and Sandra Kalniete (a former foreign minister and European Commissioner who was a MEP since 2009). JV played on the extensive experience of its candidates with its programme stating that "JV's European team is energetic, competent and experienced". The campaign also made use of the following slogan "Personalities. Experience. Influence".

The Attīstībai/Par!(AP) party was the first to launch its campaign, aiming to grasp media attention from an early start. This party had way less political experience and played on its newness and inventiveness and the idea that it would bring a breath of fresh air to the EP. The list was led by Ivars Ijabs, a professor of political science at the University of Latvia and ran with the slogan "if you have Ijabs you have ideas!". Parties with little experience, such as the Jaunā konservatīvā partija'(JKP) and the Progressive party (PRO) also played on this idea of creativity and newness. For instance, the PRO put a disability rights activist (Gunta Anča) at the top of its candidate list to emphasize its progressive and innovative approach to EU politics.

Latvia's Social Democratic Party (SDPS) was at the centre of a political scandal with its original candidate, Vjačeslavs Dombrovskis, having to step down because of allegations of corruption. Nils Ušakovs, and former deputy mayor Andris Ameriks, were announced as the two lead candidates but both were also connected to the corruption scandal. As a result, the campaign featured pictures of the Party of European Socialists' (PES) Spitzenkandidat Frans Timmermans rather than their own candidates. Furthermore N. Ušakovs also avoided participating in televised debates in the run-up to the poll.

The election also included a pro-Russia party, the Latvian Russian Union (LKS), whose three leading candidates all had European Parliament experience and was led by Tatjana Ždanoka, who served as a MEP from 2004–2018.

Offline advertising

The pre-election campaign lasted four months with the use of printed press, radio, social media, outdoor advertising, and television. Compared to JV, the main parties made less use of campaign materials (there was also a large pre-election campaign for two other parties, Jaunā konservatīvā partija and Zaļo un Zemnieku savienība, but they both failed to get any votes).

There is a tradition in the national newspapers to draft profiles of the political parties and include interviews with candidates. As the interviews are free, they allow parties to reach a large audience of newspapers' readers.

Table 5: offline campaign materials used in Latvia per political parties that received most votes

Political Party	Poster & Press advertising	Tv Commercials	Number of seats
Jaunā Vienotība (JV)	3	3	2
Zajo un Zemnieku savienibal	-	-	0
Nacionālā apvienība	2	-	2
Attīstībai/Par!	-	2	1
Jaunā konservatīva partija (JKP)	-	2	0
Kam pieder valsts	-	-	0
Saskaņa	1	-	2

Source: EEMC 2019 Report

Political paid advertising in the press was allowed during the election period but was used only by the JV party. This was the party with the most intense campaign. The case of the 'Saskaņa' party is an interesting one as it managed to double its number of mandates without a single active campaign.

Online advertising

In line with the movement happening across the EU, social media platforms have become a key element of political communication also in the Latvian campaigns. A 2017 study on media literacy in Latvia showed that online news media and social networking platforms play an increasing role in shaping Latvia's information environment⁵³. The table below provides an overview of Facebook use by the 7 parties that received more than 5% of votes in the two weeks leading to the elections.

Table 6: Political parties and their activity on Facebook (11 May – 25 May 2019)

	Party	Facebook page created (year)	Page followers (May 2019)	Posts	Engagement	avg engagement per post
1	New Unity (JV)	2010	2774	157	6501	41.4
2	Harmony (Saskaņa)	2009	5519	29	1148	39.5
3	National Alliance (NA)	2011	17087	58	3926	67.7
4	Development/For! (A/P)	2018	3563	91	4135	54.4
5	Green and Farmers Union (ZZS)	2017	1359	86	1573	18.3
6	New Conservative Party (JKP)	2014	16030	87	9177	105.5
7	KPV LV	2016	14231	23	950	41.3

Source: Mārtiņš Pričins (2020) *When Social Media Doesn't Determine All: The Topics and Narratives of Latvian Political Parties on Facebook During the 2019 European Parliament Elections Campaign*, Tripodos.

This shows that JV had an active campaign on Facebook which resulted in a high level of engagement. They created a specific hashtag which was visible on all their campaign material. The party communicated on topical issues using both the existing MEPs and the Prime Minister of the country Krišjānis Kariņš, who is also a former MEP. It must be noted that the new conservatives, the JPK party, had a high level of engagement, but this was due to a high number of users' negative reactions to the materials. JPK did not end up gaining a seat at the European parliament.

⁵³ Latvijas Fakti (2017) "Latvijas iedzīvotāju medijpratība". Available at: https://www.km.gov.lv/uploads/ckeditor/files/mediju_politika/petijumi/Medijpratiba_petijuma%20rezultati_Latvijas%20Fakti_18_07_2017.pdf

6 Measures to address disinformation and regulate political advertising

6.1 Evidence of disinformation during the campaign in the 2019 elections

Following the elections, the Commission published a study on interferences and disinformation in the 2019 elections⁵⁴. According to this report all the countries of the EU were affected to some extent. Disinformation was deemed 'continued and sustained' and aimed to influence voters and discourage participation. The countries most targeted tended to be those with the most MEPs. Therefore, it did not come as a surprise that Germany and France had been main targets. According to a survey carried out between November 2018 to March 2019⁵⁵, one in two European voters had potentially been the victim of a disinformation campaign⁵⁶.

It is difficult to pinpoint the exact instances when there was disinformation or interferences. These respond mainly to foreign forces and medias (e.g. Sputnik or RT) which in the last 5 years have worked towards developing long-term integration and normalisation of anti-EU narratives in the EU public sphere (e.g. by infiltrating national movement with false information which these movements take as their own and spread in their MS). As a result, Russian attempts to interfere in elections across Europe are becoming more difficult to spot as years go by and their disinformation strategies are perfected.

Nevertheless, false information being less easy to spot does not mean no manipulation is taking place. Indeed, it may be a sign that the long-standing foreign disinformation campaigns are succeeding at becoming mainstream.

The EP elections are for instance an example of how foreign media persistently attacked the EU and promoted Eurosceptic voices. For example, the Russian media Sputnik constantly featured updates on anti-EU parties and interviews with their candidates all throughout the campaign period. Moreover, in pro-Russian media politicians who supported the EU were victims of false information and accusations of corruption. In the weeks and months leading up to the European elections, misinformation increased, and content became available in multiple EU languages for greater dissemination.

Additionally, the EP elections were the ground of 'home-grown' disinformation motivated by Eurosceptic views that were gaining traction across certain segments of the European electorate. These did not appear to be orchestrated by foreign forces but were still promoted by their medias. Hence, domestic political groups and politicians seemed to use the same tactics used by Russia-backed groups, in efforts to sway discussion on social media. One campaign that was widespread across Europe emphasised an 'invasion of immigrants in the EU' to discredit the EU's policies.

⁵⁴ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee: Report on the 2019 elections to the European Parliament. Available at : https://ec.europa.eu/info/sites/info/files/com_2020_252_en_0.pdf

⁵⁵ Otavio Freire, president of the internet security company SafeGuard Cyber, which conducted a study

⁵⁶ Matt Apuzzo and Adam Satariano (2019) Russia Is Targeting Europe's Elections. So Are Far-Right Copycats. The New York Times. Available at: <https://www.nytimes.com/2019/05/12/world/europe/russian-propaganda-influence-campaign-european-elections-far-right.html>

Furthermore, there was the issue of online campaigns. While major social media companies had agreed to the non-binding standards of the EU in terms of tackling fake news, several Brussels officials deemed platforms such as Facebook and Twitter were not doing enough to stop the spread of disinformation and extremist content. In a 2019 study, the ISD⁵⁷ identified over 365 pages, accounts and groups on Facebook, over 1,350 accounts on Twitter and over 100 channels and videos on YouTube that promoted this type of content.

France

In France, the most striking example of foreign interference was in the 2017 presidential election when E. Macron's 'En Marche' campaign was hacked. As a result, France's preparedness for foreign interferences during electoral periods had been strengthened in the years leading to the 2019 EP elections. A month before the EP elections, E. Macron published a manifesto⁵⁸ for a European 'renaissance' in which he said: "We have to stand firm, proud and lucid, in the face of this manipulation". He made recommendations on improvements to European democracies and their electoral processes against cyberattacks and fake news.

Ahead of the EP elections in France, the "Yellow vest" movement was subject to a high number of fake news especially on Facebook⁵⁹. Fake news on this movement reached 100 million views at its peak. In December 2018, French authorities opened an investigation into possible Russian interference behind the protests following reports that social media accounts linked to Russia had targeted the movement. At the time, with the EP elections fast approaching there was great concern regarding how it may negatively impact them, especially as there were two official Yellow vest lists running for the EP elections.

Therefore, French political parties embarked on the campaign for the European elections keeping in mind the responsibility to deal with false information which had already started to invade social networks. Although there were concerns prior to the election on possible interference of foreign countries, France did not experience any major interferences (such as the ones in the 2017 election) probably due to the fact the government had taken steps to prevent it (see section on the regulatory framework). There were some attempts of Russian medias to influence public opinion, as explained below.

During the election, Russian medias such as RT and Sputnik (Sputnik published at least 32 articles on the 2019 elections⁶⁰) were very active in France and overtly showed support to right-populist parties. They created a steady stream of stories that right-populist parties could use in their campaigns and supporters could share. In these medias, parties that support the EU faced criticism and were targeted by false news (see Box 5: Example of false news in the 2019 French campaign) and in cases where their top candidates were well-known they were often subject to personal attacks.


⁵⁷ Institute for Strategic Dialogue (2019) 2019 EU Elections Information Operations Analysis: Interim Briefing Paper. Available at: <https://www.isdglobal.org/wp-content/uploads/2019/05/Disinfo-European-Elections-Interim-report-ISD-2-V2.pdf>

⁵⁸ Emmanuel Macron (2019) manifesto For European renewal. Available at: <https://www.elysee.fr/emmanuel-macron/2019/03/04/for-european-renewal.en>

⁵⁹ Marion Candau (2019) Les Gilets jaunes noyés sous les infox sur Facebook. EURACTIV.fr, Available at: <https://www.euractiv.fr/section/elections/news/les-gilets-jaunes-noyes-dans-les-infox-sur-facebook/>

⁶⁰ Dossier Elections européennes 2019 - Sputnik France. Available at: https://fr.sputniknews.com/trend/elections_europeennes_2019/

Box 5: Example of false news in the 2019 French campaign



On the 7th of May 2019, Sputnik published an article to try to discredit Nathalie Loiseau's (La Republique en Marche) campaign⁶¹.

The article said that 'To give a boost to her candidacy, [Nathalie Loiseau] – who appeared in 1984 on the list of a student association close to the far right – did not exclude a "Blitzkrieg", though a "positive" one.' This article generated some comments from readers (20) which generally agreed with the content.

This information was unpacked and disproved in an article of the EUvsDisinfo⁶², a project of the European External Action Services who explained how her words had been distorted. Nathalie Loiseau stated: "they wanted to make me an activist of the far right at the moment when I'm fighting the extreme right".

Furthermore, as mentioned previously, social media was the scene of disinformation campaigns and the spread of hateful content as well. For instance, in the elections, during which migration was a contentious topic in the political debates, far right movements put together a campaign to promote the concept of 'remigration' into the debate around the European election.

Box 6: Example of social media use to spread extremist content and sway opinions in the 2019 French campaign

In France, the term 'remigration'⁶³ was coupled with other hashtags such as #GiletsJaunes which greatly helped to boost its amplification on social media. In the course of two weeks during the election campaign, over 1,500 tweets in France contained the hashtag #remigration, potentially reaching over two million users.

Several media outlets and politicians highlighted that disinformation did not only come from external forces.⁶⁴ French politicians and their supporters also played a role in spreading false information and sometimes used it as a campaign tool for its shock value effect. This was reported to be a tool used mainly by extremist breakthroughs.

As a result, several political parties, including 'La Republique en Marche' or 'La France Insoumise'⁶⁵ put together fact checking teams in their respective campaigns. These teams were in charge of filling complaints to have the content of social medias removed when they targeted their members or by responding and correcting the content of the social media posts. The party 'Place Publique' also reported having to face online trolls spreading false information on their main candidate (as presented in Box 5). All these parties reported the difficulty of countering false news, because once it circulates on the Internet, it is almost impossible to completely remove it.

Latvia

⁶¹ Sputnik France (2019) Nathalie Loiseau n'exclut pas un «Blitzkrieg» pour donner un coup de fouet à sa campagne. Available at: <https://fr.sputniknews.com/france/201905071041026266-france-loiseau-campagne-europeennes-blitzkrieg/>

⁶² EUvsDisinformation (2019) Disinfo: Nathalie Loiseau promises a controversially sounding "blitzkrieg" to boost her candidacy. Available at: <https://euvsdisinfo.eu/report/nathalie-loiseau-promises-a-controversially-sounding-blitzkrieg-to-boost-his-candidacy>

⁶³ Remigration, or re-immigration, sometimes euphemized as "repatriation", is a far-right political concept referring to the forced or promoted return of non-white immigrants, often including their descendants, back to their supposed place of racial origin regardless of citizenship status.

⁶⁴ <https://www.france24.com/fr/20190404-elections-europeennes-partis-politiques-francais-contrer-fake-news>

⁶⁵ Reported by the manager of the digital campaign of La France Insoumise, Antoine Léaument.

Latvia was also the scene of false news and disinformation, but once again it was hard to pinpoint it due to the already very present Russian influence. Similarly, to the case of France, false information spread mainly through the major Russian media outlets as demonstrated in the box below. Medias and social media outlets, notably the ones linked to Russian media, highlighted their preferred candidates, and aimed to discredit opponents.

Below are two notable examples of false information spread during the EP elections in Latvia which aimed to keep citizens from voting by discrediting the importance of the election. There were several instances in which Russian media played on the idea that the EU supported neo-Nazi tendencies in Europe to sway Latvian citizens' opinion on the EU.

Box 7: Examples of false news in the 2019 Latvian campaigns

Here we take the examples of two news promoted in Russian media outlets:

- An article published by Sputnik on 2 April 2019 stated that: *Voting in the elections for the European Parliament means helping some politicians to settle down well in Brussels, but it does not bring any benefits to the Latvian people* ⁶⁶.
- An article published by Sputnik on 27 March 2019 stated that: *people are being given the message that it is necessary to vote, otherwise, if you keep silent, "Nazis will come". People should stay at home and not vote. They don't need to be frightened that fascists will get into power, they are already in power.*

6.2 Evidence of measures to address disinformation and regulate political advertising

Together with the Action Plan against Disinformation, the Commission's electoral package provided a toolkit for addressing the challenges posed by disinformation. It aimed to promote the monitoring and enforcement of rules related to online activities relevant to the electoral context and bringing together all the relevant entities in the Member States and in the EU institutions.

The EU institutions and the Member States worked intensively to deliver these initiatives in the run up to the elections. In addition, a number of research and monitoring initiatives emerged (such as the ones described in the previous section) to track, expose, and analyse election-related disinformation, as well as support the EU's efforts to mitigate the problem.

The main issue that arose with tackling disinformation were that digital campaigns play out in relatively opaque conditions where the precise connection between political parties and online content is often unclear. Actors can easily conceal their identities and the way content is targeted and amplified is not transparent.

The European elections showed deficiencies in both the regulatory and self-regulatory approaches, mainly with tech companies not being able to manage disinformation well. As a result, there is some evidence that points to the limited capacity (or will) of online networks to contribute to safeguarding the integrity of the elections.

⁶⁶ Sputnik Latvia (2019) Ereemeev: no need to scare us with "Nazis", in Latvia the fascists are already in power. Available at: <https://lv.sputniknews.ru/politics/20190318/11170501.html>

France

Political pluralism is an important principle of French democracy. To safeguard pluralism in media, the CSA⁶⁷ verifies that the voice of each political current is expressed in radio and television programmes equally during campaigns. The rules defined by the CSA during an election period generally apply during the six weeks preceding the election.

Box 8. Example of the application of the law on disinformation in the 2019 election campaign

During the 2019 EP election, the French government launched a campaign #Ouijevoté (#YesIvoted) to encourage voting. However, Twitter refused to publish sponsored tweets on the platform in line with the law on misinformation of 2018.

In the context of the 2019 EP elections in France, the CSA adopted six decisions regarding the organisation of the official campaign fixing the dates, number of emissions, duration of the interventions and order of passage on television of each political parties for their official campaign^{68 69}. The recommendation also specified that the interventions of European personalities should be covered by these rules when they translated into support for a list of candidates in France.

In accordance with these requirements⁷⁰, radio and television services transmitted to the CSA the speaking time records of the lists of candidates and their supporters during the campaigns. This was to ensure that the radio and television services⁷¹ respected the principle of fairness between the lists of candidates. All records are available on the CSA's website.

Ahead and during the election, efforts were also made by the government to inform citizens about the risk of disinformation and cyberattacks and offered workshops for campaign staff.

Following the election, in November 2019, the CSA published its report⁷² which assessed the treatment of the campaign in the audio and visual medias. Overall, the CSA's conclusions were positive with the view that audio-visual medias gave wide exposure to all political parties, while respecting the principle of fairness. In particular, it claimed that the represented political currents were given the opportunity to successfully compare their vision of Europe during the numerous public debates organised. It reported that these positive results were made possible through a continuous dialogue between the CSA and the editors. This allowed for timely interventions to remedy occasional imbalances noted in the distribution of speaking time. Few political parties signalled instances where they felt that they were getting differentiated treatments⁷³, which shows CSA recommendations were generally met by medias.

⁶⁷ CSA, Protéger le pluralisme politique. Available at: <https://www.csa.fr/web/index.php/Proteger/Garantie-des-droits-et-libertes/Proteger-le-pluralisme-politique>

⁶⁸ CSA, Protéger le pluralisme politique. Available at: <https://www.csa.fr/web/index.php/Proteger/Garantie-des-droits-et-libertes/Proteger-le-pluralisme-politique>

⁶⁹ the chains of radio and television exclusively accessible by internet and having as specific content the electoral propaganda of the candidates and their supporters were not affected by these provisions

⁷⁰ the deliberation of January 4, 2011 and the recommendation of March 27, 2019

⁷¹⁷¹ both generalist information and news channels

⁷²CSA (2019) Rapport sur les élections européennes des 25 et 26 mai 2019. Available at: <https://www.csa.fr/Informer/Collections-du-CSA/Rapports-au-gouvernement/Rapport-sur-les-elections-europeennes-des-25-et-26-mai-2019>

⁷³ Debout la France, des Patriotes, du Parti animaliste, d'Europe Démocratie Espéranto and 'Les oubliés de l'Europe'

Furthermore, online platform operators subject to the duty of cooperation⁷⁴ submitted their first declarations to the CSA regarding the means they had introduced during 2019 to combat the dissemination of false information. The subsequent 2020 report⁷⁵ looked at:

- mechanism in place for reporting false information likely to threaten public order or undermine the fairness of a ballot,
- transparency of algorithms,
- promotion of reliable content from press companies and news agencies and from audio-visual communication services,
- combating accounts disseminating false information on a massive scale,
- 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, and
- media and information literacy.

Eleven operators sent in declarations concerning, in total, sixteen services⁷⁶. The CSA commented positively on the high level of cooperation on the part of the operators.

However, although there was a notable quantity and quality of information declared by online platforms, the level of detail in the responses varies. In general, the CSA noted little information was provided regarding the resources deployed to combat the manipulation of information, and the intelligibility of algorithms to some extent. As a result, the lack of information hindered the CSA's capacity to assess the effectiveness of the measures that were introduced. The CSA therefore called for operators to provide more complete declarations in the future. The CSA found that, in general, operators had put in place some measures to respond to the challenge of combating the dissemination of false information, but that these measures required further development (**Error! Reference source not found.**).

Box 9: Example of recommendations made by the CSA to operators on how to improve their transparency in the future reporting

The CSA made the following recommendations regarding how operators should combat accounts disseminating false information on a massive scale:

- It requests operators, in future, to provide it with details of their procedures for detecting and processing accounts responsible for the large-scale propagation of false information.
- It would like to obtain information on advertising revenue, even where minimal, generated by accounts that are responsible, or potentially responsible, for the large-scale propagation of false information and that have not been detected and deactivated since their creation.
- In the interests of user awareness and transparency, the CSA encourages operators to develop user information on the measures for controlling such accounts.

The 2019 EP election was also the first test of the new 2018 Law. Unfortunately, this law to combat the manipulation of information was pointed out by several parliamentarians as ineffective⁷⁷. There was only one judgment, despite the number of

⁷⁴ under Title III of the Law of 22 December 2018 on combating the manipulation of information

⁷⁵ CSA (2020) Combating the dissemination of false information on online platforms - An evaluation of the application and effectiveness of the measures implemented by operators in 2019.

⁷⁶ Bing, Google, Yahoo Portal, Yahoo Search; Aufeminin, Dailymotion, Doctissimo, Facebook, Google, Instagram, Jeuxvideo.com, LinkedIn, Microsoft Ads, Snapchat, Twitter, Wikipedia, Yahoo Portal, YouTube.

⁷⁷ Jean-Luc MOUNIER (2019) Inefficace ou mal comprise, la loi contre les "fake news" toujours en question, france24.com. Available at : <https://www.france24.com/fr/20190619-france-loi-fake-news-efficacite-promulgation-lrem-macron-fausses-nouvelles-csa>

false news that were spread during the campaigns. Although French institutions played their part, they still had limited control on disinformation spread on online platforms.

Therefore, despite relatively strong leadership, significant challenges remained in France.

Latvia

Little evidence was found on the effectiveness of the legislative and non-legislative measures in Latvia to regulate political advertising and combat disinformation. Moreover, no information was found on the extent to which political advertising was monitored during the campaign period.

What can be said on the EP election in Latvia is that the socio-political context leading up to the elections predisposed it to possible Russian interference. Russian medias already had a strong hold in the mediatic Latvian sphere. Therefore, it was particularly difficult to limit their influence and most importantly to hinder false information being spread.

There is a regulatory framework on political advertising that aims for campaigns to be transparent, but no regulatory framework to hinder the spread of false information in medias and online networks. So far, measures taken have included direct actions against channels that spread disinformation, even at the risk of being accused of censorship. Moreover, ahead of the EP elections, the government worked with Facebook and Twitter to curtail fake news. Adding to this, with a view to increasing transparency of the election results, a mechanism was set up to count ballots by hand in addition to having them scanned electronically.⁷⁸

What is notable from the Latvian case is that rather than the regulatory route, the Latvian government has played on education and 'softer' measures which include efforts to raise awareness about disinformation and increase the resilience and media literacy of its potential consumers. Moreover, Latvia offered an application to Latvian and EU citizens which allowed them to monitor political party financing and report cases of potential abuse to the Anti-corruption Bureau.

⁷⁸Harry Nedelcu (2018) West should watch closely the Latvia elections. Available at: <https://www.euractiv.com/section/elections/opinion/west-should-watch-closely-the-latvia-elections/>

7 Conclusions

“We witnessed the most digital European election campaigns ever. This brings new opportunities of political engagement for the citizens and the candidates, but also pose some challenges for free and fair elections. We all need to work together to ensure that laws are respected also online and that voters are not subject to unlawful manipulation techniques and disinformation.”⁷⁹

Věra Jourová, EU Vice-President for Values and Transparency

The threat of interference and disinformation during the 2019 EP elections was substantial and multifaceted. A great amount of effort from EU institutions went into addressing this threat. Each country in Europe had its own vulnerabilities, as well as ways to address these.

Despite the efforts made in the EU to prepare for the election and limit disinformation and interference, there were instances of disinformation all across Europe. The EU reported that these mainly took the shape of isolated cyberattacks, data protection issues and other election-related complaints. The cases of France and Latvia provide examples of foreign interference, but also of false information being spread by local actors. The case study shows that these are strongly interlinked and generally feed on each other.

In conclusion:

- **Regulations on political advertising in traditional media appear generally well enforced.** Especially in France, the CSA closely controls campaigns in traditional media.
- **Misinformation and foreign interference during the EP elections took place mainly online.** Both in France and Latvia (but also at the EU level) there are yet no regulations for campaigning on digital platforms that can address this issue successfully.
- **The main challenge faced by both France and Latvia in their attempt to tackling disinformation during the EP election was that digital campaigns played out in relatively opaque conditions** where the precise connection between foreign actors/political parties and online content is often unclear. Actors can easily conceal their identities and the way content is targeted and amplified is not transparent. The EP elections also saw certain national political actors taking part in disinformation as a political tactic to undermine their opponents or sway public opinion in their favour.
- **Whereas France has taken steps towards putting in place a strong regulatory framework to hinder disinformation and promote transparency (i.e. 2018 Law), Latvia appears to use a rather non-regulatory approach** based on fines and suspensions of media outlets found

⁷⁹ EC (2019) Press release Commission reports on 2019 European elections: fostering European debates and securing free and fair elections. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1123

to generate false news, as well as investments in education for increased media literacy.

- **Both France and Latvia have taken an array of non-regulatory actions to limit disinformation and promote media literacy**, including:
 - **Supporting political parties.** For example, in France, the government provided parties with a list of vetted, independent cyber experts. It also gave them opportunities to raise issues with false information (i.e. report to the CSA or to the French court under the 2018 law). Additionally, political parties also played a role in informing against false information when faced with it.
 - **Encouraging media organisations to reinforce journalistic quality standards and practices to protect against disinformation.** Notable examples of fact-checking initiatives include ones in France. Well-established media outlets played a role in debunking false information and ensuring greater media literacy.
 - **Establishing cooperation with the private sector.** The example of France shows relatively constructive government collaboration with social media companies and technology platforms to address disinformation and improve the transparency of these actors, but with limited success as of the election of 2019. Latvia had built a more conflictual relationship with some media platforms in the years leading up to the election in an attempt to limit Russian interference, but this had not proven to have long term effects and Russian medias remain present in Latvia. Nevertheless, in the 2019 elections Latvia collaborated with social media platforms such as Facebook and Twitter to try and hinder false information being spread.
 - **Fostering societal resilience against disinformation.** Both France and Latvia promote civic literacy through, for instance, investments in secondary-education curricula or public broadcasting outlets.

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