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An Comhchoiste um Ghnóthaí an Aontais Eorpaigh
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Joint Committee on EU Affairs
Report on EU Elections, Voting Rights and Disinformation
May 2024

Membership

The following Deputies and Senators are Members of the Joint Committee on European Union Affairs of the 33rd Dáil Éireann and the 26th Seanad Éireann.



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Cathaoirleach's Foreword

The primary objective of the Committee in this series of meetings was to address how EU Elections, people's right to vote and to participate in European Politics, and the spread of false information are connected in today's more digital landscape.

As Cathaoirleach of the Committee, I would like to thank Members for their commitment in bringing forward this Report.

On behalf of the Committee, I would like to express my sincere gratitude to every stakeholder that came before the Committee to give evidence.

These discussions with stakeholders were critical to the development of this Report.

From the series of Committee meetings, the shared commitment of all stakeholders to the need to combat the abundance of disinformation and misinformation, specifically around the election process was evident.

A handwritten signature in black ink, appearing to be 'C. Brophy'.

Colm Brophy T.D.
Cathaoirleach.

29 May 2024

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1. Recommendations & Observations

Following the series of meetings and key discussions with stakeholders, the Committee has made the following recommendations and observations:

1. There is a need to better inform people on their voting rights and to promote public awareness of electoral and democratic processes. The Committee recommends that Coimisiún na Togchain put together multilingual voter information, literature, and media around the democratic rights of legal residents in Ireland.
2. The Committee recommends a pan-European approach to the management of misinformation and disinformation, by making use of the Coimisiún na Togchain's ability to contract individuals who work outside of the organisation with European experience and electoral event expertise.
3. The Committee would also recommend looking at Finland as an example of a highly regarded European model in terms of media literacy. The Finnish model gives a state body, in coordination with the Ministry for Education and Culture, responsibility for enhancing its citizen's media literacy from early childhood.
4. There needs to be increased transparency on the commitments made by the Very Large Online Platforms (VLOPs) around the actions they are taking and the guidelines they currently have agreed with Coimisiún na Meán.
5. These VLOPs need to ensure increased transparency on social media around direct marketing, data mining and targeted and sponsored marketing.
6. The Committee strongly recommends a review of all locations currently registered as polling stations and urges the use of only fully accessible buildings. The democratic system should be always fully accessible and non-discriminatory.
7. The Committee recommends increasing the availability of postal voting to accommodate more people in the electoral process.

8. The Committee also recommends that more consideration be given to proxy voting to accommodate citizens in specific circumstances, and to ensure equality and accessibility for all in the electoral process.
9. The Committee reiterated the importance of maintaining and updating the electoral register to ensure that individuals are included in all elections that they are eligible to participate in. In particular, it must be ensured that all who register to vote, or who update personal details on the register, by the deadline are fully included.
10. The Committee recommends enhanced enforcement powers for Coimisiún na Togchain and a speedy resolution to the application of the regulations for Parts 4 and 5 of the Electoral Reform Act 2022.

2. Introduction

In its role, the Joint Committee on European Union Affairs (“the Committee”) examines and monitors the strategic direction, policies and programmes pursued by the institutions of the European Union (EU) for people in their daily lives and for the longer-term future of Ireland and the EU. As part of its Work Programme, the Committee undertakes engagement with EU institutions and other national parliaments.

The Committee agreed at its meeting of Wednesday, 28 February 2024 to include in its Work Programme¹, a series of meetings aimed at informing the debate on how best to educate EU Citizens in Ireland on their democratic rights and combat disinformation and misinformation, specifically around the election process.

2.1. Stakeholders

The Committee held 3 days of hearings between February and March 2024 where it engaged with various stakeholder groups with experience in media literacy, disinformation, and electoral regulations.

Table 1 below provides details of these meetings with stakeholders.

Table 1 - Joint Committee Hearings - Stakeholders / Witnesses

21 February 2024	
An Coimisiún Toghcháin/ The Electoral Commission	<ul style="list-style-type: none"> • Mr. Art O’Leary, Chief Executive • Mr. Tim Carey, Head of Electoral Operations • Mr. Brian Dawson, Head of Communications & Public Engagement.

¹ [2024-02-28_work-programme-2024_en.pdf \(oireachtas.ie\)](#)

28 February 2024	
Dublin City University Institute of Future Media, Democracy, and Society (FuJo) & Media Literacy Ireland (MLI)	<ul style="list-style-type: none"> • Dr. Eileen Culloty, Deputy Director of FuJo & Co-Chair of MLI Steering Group
European Movement Ireland (EMI)	<ul style="list-style-type: none"> • Ms Noelle O'Connell, CEO • Ms Lorna Hayes, deputy CEO • Mr. Rory Harte, Head of Strategy

20 March 2024	
Coimisiún na Meán	<ul style="list-style-type: none"> • Mr. Jeremy Godfrey, Executive Chairperson • Ms Anne Marie Pollock, Director of Policy • Ms Stephanie Comey, Director of Media Literacy

2.2. Transcripts

The transcripts of the meetings of 21 February², 28 February³ and 20 March 2024⁴ are available online on the Committee's webpage.

2.3. Presentations

The presentations and opening statements made to the Committee for the meetings of 21 February, 28 February and 20 March 2024 are available online on the Committee's webpage⁵.

² Houses of the Oireachtas, *Joint Committee on European Union Affairs*, Debate, 21 February 2024. [Link](#) to debate.

³ Houses of the Oireachtas, *Joint Committee on European Union Affairs*, Debate, 28 February 2024. [Link](#) to debate

⁴ Houses of the Oireachtas, *Joint Committee on European Union Affairs*, Debate, 20 March 2024. [Link](#) to debate

⁵ Houses of the Oireachtas, *Joint Committee on European Union Affairs*, Webpage. [Link](#) to webpage.

3. Voting rights in EU Elections⁶

Across the European Union, direct elections to the European Parliament are held every 5 years. The next elections for the European Parliament in Ireland will be held this year on Friday 7 June 2024. On the same date, across Ireland, local elections will also be held. Both elections have differing voting rights.

3.1. Voting Rights Overview

Voting Rights in European Elections

The following can vote in the European elections in Ireland:

- Every Irish citizen aged 18 and over who is living in Ireland.
- EU Member State citizen who is living in Ireland
- Be listed on the Register of Electors

A voter cannot vote in the European election in more than one constituency or country. When registering with the Register of Electors an EU citizen must complete a statutory declaration form which is sent to their Member State.

As a result of Brexit, a British person living in Ireland does not have a right to vote in the European elections - this in no way affects the reciprocal voting arrangements between Ireland and the UK.

Voting Rights in Local Elections

The following can vote in the Local elections in Ireland:

- Be over 18 years of age.
- Live in the local electoral area
- Be listed on the Register of Electors

A voter does not need to be an Irish citizen to vote in a local election, however, they must be ordinarily resident in the State to register on the Register of Electors.

⁶ [Voting in a European election \(citizensinformation.ie\)](https://citizensinformation.ie)

Voting Rights in General Elections

The following can vote in the general elections in Ireland:

- Only Irish and British citizens who are resident in the State can vote in an Irish general election.
- Be over 18 years of age.
- Be listed on the Register of Electors

Voting Rights in Presidential Elections

To vote in a presidential election, you must be:

- An Irish citizen
- Aged 18 or over.
- Ordinarily resident in Ireland* and
- Registered to vote.

* There are special arrangements for Irish officials on duty abroad (and their spouses or civil partners) who may register on the [Postal Voters List](#).

4. Media Literacy & Disinformation

Media literacy refers to the ability to access, analyse and create media content in various forms, including digital, print, and visual media. Media literacy allows people to better engage with media and to discern credible information from misinformation or disinformation. This allows people to make more informed decisions at a time when there is an abundance of information available throughout the various media streams.

There is an increase of both misinformation and disinformation reported and relayed through online platforms, media outlets and other streams of modern media. Misinformation refers to false or inaccurate information shared without the intention to deceive. Whereas disinformation is intentionally created to the aim to deceive, or influence people.

Both pose significant challenges to media literacy and to the democratic process, particularly during an election.

Audrey Azoulay, Director-General of UNESCO recently raised concern about the intensification of disinformation and hate speech online, which constitutes "a major threat to stability and social cohesion". According to Commission VP Věra Jourová, there is "a wave of cheaply produced disinformation campaigns pushing Kremlin and Chinese narratives and amplified by social media headed for the EU".

There is an increase in the use of social media bots⁷, to propagate disinformation to skew online perceptions or further criminal activity, which could affect local government election offices. Potential examples include the spreading of inaccurate electoral information, such as fake election results, polling locations, or election dates, and the use of social media bots to post negative information.

["To fight false information during election campaigns, we need to treat every day like it is 1 April, to question headlines, and to ask ourselves: who is telling me this? How do I know it is true?"](#)

Details on how UNESCO plans to combat this threat can be found in the recently published [UNESCO Action Plan](#).

In the context of the upcoming European elections, the European Council has underlined that the European Union and its Member States are determined to closely monitor and contain any risks stemming from disinformation, including through artificial intelligence, as well as foreign information manipulation and interference in electoral processes. The European Council has further invited the EU institutions and national authorities to cooperate on such matters.⁸

A recent note from Commissioner Jourová, warned that disinformation is expected to accelerate in the 20 days before the June election. The Commission has identified specific "narratives" that are being pushed in dedicated campaigns to undermine public trust in legacy media and election processes, the note says. The note also warned that bad actors are also seeking to undermine the EU's support for Ukraine.

⁷ [Election Security Spotlight – Bots \(cisecurity.org\)](#)

⁸ [European Council conclusions on Ukraine, the Middle East and Türkiye, 17 April 2024 - Consilium \(europa.eu\)](#)

4.1 Media Literacy Education

The goal of academia and civil society groups is to encourage informed participation in the democratic process and to empower citizens to engage in a constructive manner, by providing information.

The healthy provision of information is not biased, it is coordinated through both ‘prebunking’ and ‘debunking’ misinformation and disinformation.

“There are a few traditional approaches to take. One of them is debunking. That is where a person reads something online and I rock up and tell the person he or she is wrong. There is also prebunking, however. Prebunking is the idea of having that information out there in the first place in order that those who might come across false information later are better informed. Prebunking works a little better than debunking.”

The most important step in combatting misinformation and disinformation is to ensure that the correct information is the most easily accessible information regardless of its perceived leanings.

One of the major issues in identifying and monitoring disinformation is identifying where people get their information from. As addressed by Dr. Eileen Culloty (DCU) at the meeting on Wednesday, 28 March, people engaged in academia on European Union affairs may not be familiar with the fitness influencer that decides to put their own political opinions online for their followers to engage with.

This is one of the major challenges with the idea of misinformation and disinformation monitoring and highlights the importance of educating citizens to enable them to engage online in a more informed manner.

Dr. Culloty highlighted Finland as a model for how education can create a society described as ‘highly resistant to information manipulation’, both foreign information manipulation and interference (FIMI) and domestic information manipulation. The Finnish model gives a state body responsibility for enhancing its citizen’s media literacy from childhood, in coordination with the Ministry for Education and Culture.

In a new era of generative AI, issues of FIMI are only set to intensify. Last year, the European Digital Media Observatory⁹, of which DCU is a member, conducted a review of elections in ten different countries and found that suggestions of voter fraud or unfair practices were widespread. Speaking at a conference organized by the European Digital Media Observatory on Tuesday, 14 May Commission VP Věra Jourová stressed that “data shows that people who read fact-checked disinformation have a tendency not to send it further.” However, data from TikTok suggests that only 29 percent of users on that platform stopped sharing a post when they saw an “unverified content” label.

It is the role of those in academia like Dr. Culloty and of bodies like European Movement Ireland (EMI) to engage with a wide network of experts on the topic and to assist in the education of Irish citizens in this area.

In 2024, EMI conducted its EM Ireland EU Poll 2024¹⁰ on public sentiment regarding the EU and Ireland’s broader European relationships and found that while 84% of people polled agreed that Ireland should remain in the EU, only 49% felt that the EU was going in the right direction. These figures are down further from those quoted from the 2023 poll by Ms Noelle O’Connell of EMI at the meeting on 28 February 2024, where support for remaining in the EU was 88% and agreement on the direction of the EU was at 58%. This is somewhat reflected in the fact that Ireland currently has a lower voter turnout than the EU average in European Elections.

One of the biggest goals, in increasing media literacy and in educating Irish society against FIMI and domestic information manipulation, is to encourage more interaction with the democratic system and to strengthen the engagement between citizens and their parliament.

4.2 Disinformation Legislation Overview

The key pieces of legislation which could help combat disinformation during election periods in Ireland are:

⁹ [European Digital Media Observatory \(EDMO\) | Shaping Europe’s digital future \(europa.eu\)](#)

¹⁰ [European Movement Ireland | Ireland and the EU Poll](#)

The EU Digital Services Act

The EU Digital Services Act (DSA) places an obligation on very large online platforms (VLOPs) and very large online search engines, (VLOSEs) to assess a number of risks that activity on their platforms can pose, and to take steps to mitigate those risks. This specifically includes risks to electoral integrity and civic discourse.

VLOPs are platforms with more than 45 million average monthly users in the EU. They include major social media platforms such as Facebook, Instagram, LinkedIn, TikTok, X and YouTube – all of which have their EU headquarters in Ireland.

The European Commission is responsible for enforcing the risk assessment and mitigation obligations and Coimisiún na Meán is the digital services co-ordinator, DSC, for Ireland. This means they work with the European Commission in respect of its task in this regard.

The European Commission has recently published guidelines¹¹ about the mitigation measures that these services are recommended to take regarding electoral integrity, such as to:

- Reinforce their internal processes, including by setting up internal teams with adequate resources, using available analysis and information on local context-specific risks and on the use of their services by users to search and obtain information before, during and after elections, to improve their mitigation measures.
- Implement elections-specific risk mitigation measures tailored to each individual electoral period and local context. Among the mitigation measures included in the guidelines VLOPs and Search Engines should promote official information on electoral processes, implement media literacy initiatives, and adapt their recommender systems to empower users and reduce the monetisation and virality of content that threatens the integrity of electoral processes. Moreover, political advertising should be clearly labelled as such, in anticipation of the [new regulation on the transparency and targeting of political advertising](#).
- Adopt specific mitigation measures linked to generative AI: VLOPs and Search Engines whose services could be used to create and/or disseminate generative AI

¹¹ [Guidelines for providers of VLOPs and VLOSEs on the mitigation of systemic risks for electoral processes | Shaping Europe's digital future \(europa.eu\)](#)

content should assess and mitigate specific risks linked to AI, for example by clearly labelling content generated by AI (such as deepfakes), adapting their terms and conditions accordingly and enforcing them adequately.

- Cooperate with EU level and national authorities, independent experts, and civil society organisations to foster an efficient exchange of information before, during and after the election and facilitate the use of adequate mitigation measures, including in the areas of Foreign Information Manipulation and Interference (FIMI), disinformation and cybersecurity.
- Adopt specific measures, including an incident response mechanism, during an electoral period to reduce the impact of incidents that could have a significant effect on the election outcome or turnout.
- Assess the effectiveness of the measures through post-election reviews. VLOPs and Search Engines should publish a non-confidential version of such post-election review documents, providing opportunity for public feedback on the risk mitigation measures put in place.

[The Electoral Reform Act 2022](#)

The Electoral Reform Act 2022 relates to the regulation of political advertising online and online misinformation and disinformation during election campaign periods.

The Act currently provides for a mechanism for members of the public to report disinformation, misinformation and manipulative or inauthentic behaviour¹²:

160. The Commission may provide a direct reporting facility on its website to allow members of the public to report—

(a) suspected instances of disinformation during an electoral period or election campaign period,

(b) suspected instances of misinformation at any time, or

(c) suspected manipulative or inauthentic behaviour, including the undisclosed use of bots, during an electoral period or election campaign period.

¹² [Electoral Reform Act 2022, Section 160 \(irishstatutebook.ie\)](#)

** Part 4 and Part 5 of the Act are not yet in effect, requiring a commencement order under section 1(5) of the Act.*

Online Safety and Media Regulation Act 2022

The Act provides for an Online Safety Commissioner, as part of the wider Coimisiún na Meán, to hold designated online services to account through binding online safety codes. These codes set out obligations in relation to how these services tackle, at a systemic level, the availability of defined categories of harmful online content.

In the context of this legislation, harmful online content includes a range of offence-specific harmful online content, that being online content which is linked to one or more of 42 existing criminal offences in Irish law. This includes online content by which someone distributes or publishes a threatening or offensive communication about another person or sends a threatening or grossly offensive communication to another person, contrary to the relevant offences from the Harassment, Harmful Communications and Related Offences Act 2020¹³, or Coco's Law.

The Act also includes non-offence specific categories of harmful online content in relation to:

- Serious cyber-bullying material.
- Material likely to encourage or promote eating disorders, self-harm, or suicide; *and*,
- Material which makes available knowledge of the means of self-harm or suicide.

At European level, the following legal instruments contain measures to promote media plurality, safeguard public service media and procedures for fact checkers and researchers:

- the Audiovisual Media Services Directive ([AVMSD](#)),
- the European Digital Services Package - which includes the Digital Services Act (DSA) and the Digital Markets Act ([DMA](#)),
- the General Data Protection Regulation ([GDPR](#)), *and*
- the proposed European Media Freedom Act ([EMFA](#)).

¹³ [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](#)

4.3 Disinformation Oversight

The European Commission

The European Commission is responsible for enforcing the risk assessment and mitigation obligations of VLOPs and VLOSEs to assess a number of risks that activity on their platforms can pose, and to take steps to mitigate those risks.

This specifically includes risks to electoral integrity and civic discourse.

The guidelines under the DSA are expectations from the European Commission as to how the big platforms will deliver on their obligation to mitigate the risks to electoral integrity and civic discourse. The enforcement of that obligation is one for the European Commission. It is its exclusive competence, and it applies not just to the platforms in Ireland. It also applies to Snapchat, the European headquarters of which is in the Netherlands and to Telegram, the European headquarters of which is in Belgium.

Fines enforced by the Commission upon VLOPs or VLOSEs for breach of the DSA can amount to up to 6% of turnover. The European Commission has initiated formal proceedings against X for possible breaches of the DSA. Coimisiún na Meán will aid the European Commission in this investigation.

Coimisiún na Meán - The regulator of broadcasting and online media in Ireland.

Coimisiún na Meán was established in March 2023 and took on the functions and staff of the Broadcasting Authority of Ireland. Their role is to supervise how platforms and media companies comply with their reporting obligations at a systemic level. These obligations include, but are not limited to, acting on reports of illegal content, and diligently enforcing their own rules about what they do or do not allow on their own services.

Broadcasting and on-demand regulation and media development are governed by the relevant sections of the Broadcasting Act 2009. Coimisiún na Meán's online safety framework has three main components, namely the EU terrorist content online regulation, the EU Digital Services Act, and the online safety code, which they are developing following a public consultation process.

Coimisiún na Meán's core functions are:

- combating online misinformation and disinformation,
- promoting media literacy, *and*
- promoting the provision of impartial, fair, and objective information through broadcast news and current affairs and support for local journalism.

They do not act as a content moderator and do not resolve disputes about whether particular items of content are illegal or represent misinformation. Coimisiún na Meán does not consider complaints about individuals.

Coimisiún na Meán also assists in the collaboration between VLOPs, VLOSEs, Coimisiún na Togchain – The Electoral Commission, and researchers, and academics, as well as with fact checkers in the industry;

“to protect the integrity of the electoral process from disinformation and manipulation and to support the exercise of liberty of expression and robust political debate.”

Coimisiún na Meán has served on the national counter disinformation strategy (NCDS) working group since 2023, supported by the Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media. The development of a national counter disinformation strategy was a key recommendation of the Future of Media Commission. In the context of the upcoming European elections, they have a key role in regulating broadcasters, ensuring that online platforms live up to their obligations and in promoting media literacy for the public.

The Committee raised concerns about the effectiveness of the provision of guidelines to VLOPs, given the enforcement structures are not in place. The Committee also noted that the commission has the power to issue compliance notices, however, Mr. Jeremy Godfrey of Coimisiún na Meán indicated that it is a very new piece of legislation for them, so he could not yet answer the question about exactly what the internal process would be on the timeframes on that.

The Committee also highlighted the complication of flagging misinformation without censorship in a political sphere, while ensuring a diverse media landscape, where people's right and agency to make free choices in elections is protected.

Coimisiún na Togchain – The Electoral Commission

During the meeting with the Joint Committee on 21 February 2024, Mr. Art O’Leary, Chief Executive of Coimisiún na Togchain, described Coimisiún na Meán as the “biggest player”¹⁴ in misinformation and disinformation prevention in Ireland. The role of Coimisiún na Togchain is more specifically targeted at the prevention of misinformation and disinformation in the democratic process.

Like Coimisiún na Meán, Coimisiún na Togchain is there to provide accurate information and to report on the process, rather than to try to police it.

Under Part 5 of [The Electoral Reform Act 2022](#), when enacted, Coimisiún na Togchain would have enforcement powers as outlined below. The Minister for Housing, Local Government and Heritage stated in recent correspondence to the Joint Committee¹⁵ that his department is engaging with Coimisiún na Togchain, the technology sector and other stakeholders in relation to the implementation of Part 5 of the Act in advance of the application of the regulations later this year.

Under the Act, any person found guilty of using undisclosed bots to mislead or influence election or referendum shall be liable¹⁶ –

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

During the meeting on 21 February, Mr. O’Leary suggested, however, that the Government and the EU Commission would need to align further for these powers to be utilised and that there was no intention to act upon this around the European or local Elections, but that there were discussions to implement these powers in advance of the next general election.

¹⁴ [transcript of the meeting on 21 February 2024](#)

¹⁵ [See Appendix 2](#)

¹⁶ [Electoral Reform Act 2022, Section 167 \(irishstatutebook.ie\)](#)

Mr. O'Leary stated that Coimisiún na Togchain are satisfied with the engagements that they have had with the various VLOPs to date and that their guidelines for misinformation and disinformation have been directly communicated with him through these conversations.

The most straight forward way for Coimisiún na Togchain to make an impact on this issue, is to clarify information presented directly around the electoral process and not to lose focus on individuals posting generic falsities online. For example, where false information is given around alleged fraud or criminality in a polling station, rather than a false narrative about a particular party.

Members raised issues around accessibility for all at polling stations and called for a detailed review of locations used. The Committee also highlighted difficulties with the legibility of increasingly confusing ballot papers, both key issues in making sure that citizens feel fully included in the democratic process.

National Counter Disinformation Strategy Working Group¹⁷

Ireland's Future of Media Commission's (FoMC) report, published July 2022, made 50 recommendations, including the development of a National Counter Disinformation Strategy to coordinate national efforts to counter organised, inauthentic campaigns of manipulation of internet users in Ireland and ensure transparency about content moderation policies that impact people in Ireland.

The FoMC report also recommended that the strategy be developed in consultation with relevant Departments and agencies, the Irish European Digital Media Observatory Hub, industry stakeholders, news organisations, civil society organisations and Irish fact checkers and disinformation researchers.

The National Counter Disinformation Strategy Working Group was established in February 2023. It is independently chaired and comprises representatives from Government Departments, public bodies, industry, academia, and civil society.

¹⁷ [gov - National Counter Disinformation Strategy Working Group \(www.gov.ie\)](http://www.gov.ie)

The development of a National Counter Disinformation Strategy is a key recommendation from the Future of Media Commission (FoMC) which called for a more coordinated and strategic approach to combat the damaging impact of disinformation on Irish society and democracy.

The new strategy will be informed by Ireland's existing media literacy initiatives, domestic legislation such as the Online Safety and Media Regulation Act and European regulatory measures including the Digital Services Act.

Appendix 1: Committee Terms of Reference

Establishment of Select Committee on European Union Affairs, Motion, [23 July 2020](#)

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|---|--|
| <p>(1) Go gceapfar Roghchoiste, dá ngairfear an Roghchoiste um Ghnóthaí Eorpacha, ar a mbeidh 9 gcomhalta de Dháil Éireann, chun breithníú a dhéanamh ar cibé nithe a éiríonn—</p> <p>(a) as ballraíocht na hÉireann san Aontas Eorpach, agus</p> <p>(b) as Éirinn do chloí leis an gConradh ar an Aontas Eorpach agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh,</p> <p>a roghnóidh sé agus nach bhfuil tarchurtha chuig aon Choiste eile.</p> | <p>(1) That a Select Committee, which shall be called the Select Committee on European Union Affairs, consisting of 9 members of Dáil Éireann, be appointed to consider such matters arising from—</p> <p>(a) Ireland’s membership of the European Union, and</p> <p>(b) Ireland’s adherence to the Treaty on European Union and the Treaty on the Functioning of the European Union,</p> <p>as it may select and which are not referred to any other Committee.</p> |
| <p>(2) Gan dochar do ghinearáltacht mhír (1), breithneoidh an Roghchoiste—</p> <p>(a) cibé Billí a bpléann an Roinn Gnóthaí Eachtracha agus an Roinn Cosanta leis an dlí reachtach ina leith,</p> <p>(b) cibé tograí a bheidh in aon tairiscint, lena n-áirítear aon tairiscint de réir bhrí Bhuan-Ordú 220, agus</p> <p>(c) cibé nithe eile,</p> <p>a tharchuirfidh an Dáil chuige.</p> | <p>(2) Without prejudice to the generality of paragraph (1), the Select Committee shall consider such—</p> <p>(a) Bills the statute law in respect of which is dealt with by the Department of Foreign Affairs and the Department of Defence,</p> <p>(b) proposals contained in any motion, including any motion within the meaning of Standing Order 220, and</p> <p>(c) other matters,</p> <p>as shall be referred to it by the Dáil.</p> |
| <p>(3) Beidh an tAire Gnóthaí Eachtracha (nó comhalta den Rialtas nó Aire Stáit a ainmneofar chun gníomhú ina áit nó ina háit chun na críche sin), ina chomhalta nó ina comhalta <i>ex officio</i> den Roghchoiste chun na nithe atá leagtha amach i mír (2)(a) agus (b) a bhreithníú agus beidh sé nó sí i dteideal vótáil in imeachtaí an Roghchoiste.</p> | <p>(3) The Minister for Foreign Affairs (or a member of the Government or Minister of State nominated to act in his or her stead for that purpose) shall be an <i>ex officio</i> member of the Select Committee for the purpose of consideration of the matters outlined at paragraph (2)(a) and (b) and shall be entitled to vote in Select Committee proceedings.</p> |

- | | |
|---|--|
| <p>(4) Beidh ag an Roghchoiste na cumhachtaí a mhínítear i mBuan-Ordú 96, seachas míreanna (6) go (10).</p> | <p>(4) The Select Committee shall have the powers defined in Standing Order 96, other than paragraphs (6) to (10).</p> |
| <p>(5) Déanfar an Roghchoiste a chomhcheangal le Roghchoiste arna cheapadh ag Seanad Éireann chun bheith ina Chomhchoiste um Ghnóthaí Eorpacha, agus, gan dochar do ghinearáltacht mhír (1), déanfaidh an Roghchoiste an méid seo a leanas a bhreithniú—</p> <p>(a) doiciméid phleanála straitéiseacha an Choimisiúin Eorpaigh lena n-áirítear Clár Oibre an Choimisiúin,</p> <p>(b) forbairtí beartais tras-earnála ag leibhéal an Aontais Eorpaigh,</p> <p>(c) nithe a liostaítear lena mbreithniú ar an gclár gnó i gcomhair cruinnithe de Chomhairle (Airí) Gnóthaí Ginearálta an Aontais Eorpaigh agus toradh cruinnithe den sórt sin.</p> <p>(d) cibé rialacháin faoi Achtanna na gComhphobal Eorpach, 1972 go 2009 agus ionstraimí eile arna ndéanamh faoi reacht agus is gá de dhroim na n-oibleagáidí a ghabhann le ballraíocht san Aontas Eorpach a roghnóidh an Coiste,</p> <p>(e) fógraí arna dtarchur ag an Dáil faoi Bhuan-Ordú 134(1)(a),</p> <p>(f) fógraí i dtaobh tograí chun na Conarthaí a fuarthas ón gComhairle Eorpach de bhun Airteagal 48.2 den Chonradh ar an Aontas Eorpach a leasú,</p> <p>(g) fógraí i dtaobh iarratais ar bhallraíocht san Aontas Eorpach a fuarthas ón gComhairle Eorpach de bhun Airteagal 49 den Chonradh ar an Aontas Eorpach, agus</p> | <p>(5) The Select Committee shall be joined with a Select Committee appointed by Seanad Éireann, to form the Joint Committee on European Union Affairs, which, without prejudice to the generality of paragraph (1), shall consider—</p> <p>(a) the European Commission’s strategic planning documents including the Commission Work Programme,</p> <p>(b) cross-sectoral policy developments at European Union level,</p> <p>(c) matters listed for consideration on the agenda for meetings of the General Affairs Council (of Ministers) of the European Union and the outcome of such meetings,</p> <p>(d) such regulations under the European Communities Acts 1972 to 2009 and other instruments made under statute and necessitated by the obligations of membership of the European Union as the Committee may select,</p> <p>(e) notifications referred by the Dáil under Standing Order 134(1)(a),</p> <p>(f) notifications of proposals for the amendment of the Treaties received from the European Council pursuant to Article 48.2 of the Treaty on European Union,</p> <p>(g) notifications of applications for membership of the European Union received from the European Council pursuant to Article 49 of the Treaty on European Union, and</p> |

- (h) cibé nithe eile a tharchuirfidh an Dáil chuige ó am go ham.
- (h) such other matters as may be referred to it by the Dáil from time to time.
- (6) Tabharfaidh an Comhchoiste tuarascáil do dhá Theach an Oireachtais ar oibriú Acht an Aontais Eorpaigh (Grinnscrúdú), 2002.
- (6) The Joint Committee shall report to both Houses of the Oireachtas on the operation of the European Union (Scrutiny) Act 2002.
- (7) Beidh ag an gComhchoiste na cumhachtaí a mhínítear i mBuan-Ordú 96, 133 agus 135 agus beidh aige an chumhacht chun moltaí a chur faoi bhráid an Aire Gnóthaí Eachtracha (nó faoi bhráid Aire Stáit) i dtaobh nithe a bhaineann leis an Aontas Eorpach.
- (7) The Joint Committee shall have the powers defined in Standing Order 96, 133 and 135 and shall have the power to make recommendations to the Minister for Foreign Affairs (or Minister of State) on European Union matters.
- (8) Féadfaidh na daoine seo a leanas freastal ar chruinnithe den Chomhchoiste agus páirt a ghlacadh in imeachtaí gan ceart vótála a bheith acu ná ceart tairiscintí a dhéanamh ná leasuithe a thairiscint:
- (8) The following may attend meetings of the Joint Committee and take part in proceedings without having a right to vote or to move motions and amendments:
- (a) Comhaltaí de Pharlaimint na hEorpa arna dtoghadh ó thoghcheantair in Éirinn,
- (a) Members of the European Parliament elected from constituencies in Ireland,
- (b) Comhaltaí de thoscaireacht na hÉireann chuig Tionól Parlaiminteach Chomhairle na hEorpa, agus
- (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
- (c) ar chuireadh a fháil ón gCoiste, Comhaltaí eile de Pharlaimint na hEorpa.
- (c) at the invitation of the Committee, other Members of the European Parliament.
- (9) Déanfaidh an Comhchoiste ionadaíocht do dhá Theach an Oireachtais ag Comhdháil na gCoistí um Ghnóthaí Comhphobail agus Eorpacha de chuid Parlaimintí an Aontais Eorpaigh (COSAC) agus tabharfaidh sé tuarascáil ar an gcéanna do dhá Theach an Oireachtais.
- (9) The Joint Committee shall represent both Houses of the Oireachtas at the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) and shall report to both Houses of the Oireachtas thereon.
- (10) Beidh Cathaoirleach Roghchoiste na Dála ina Chathaoirleach nó ina Cathaoirleach ar an gComhchoiste freisin.
- (10) The Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.

Appendix 2: Correspondence from the Minister

**An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht**
Department of Housing,
Local Government and Heritage



25th April 2024.

Mr. Colm Brophy, TD,
Cathaoirleach,
Joint Committee on European Union Affairs,
Leinster House,
Dublin 2,
D02 XR20.

Re: I 502 – Parts 4 & 5 of the Electoral Reform Act 2022

Dear Colm,

I am writing in connection with your request on behalf of the Joint Committee on European Union Affairs for an update on the commencement of Parts 4 and 5 of the Electoral Reform Act 2022.

At the outset, you may wish to note that the provisions in Parts 4 and 5 of the Electoral Reform Act 2022 were formally notified in draft form to the European Commission in accordance with the notification requirements of Article 5 of *Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services*.

The notification procedure, which is known as the Technical Regulation Information System (or TRIS) enables the European Commission and Member States to examine draft legislation before it enters into force in order to identify and prevent the creation of barriers to trade in the internal market before they materialise.

Under the TRIS, the European Commission delivered a detailed opinion to Ireland on 5 July 2022. In its detailed opinion, the Commission raised concerns that a number of provisions in Part 4 were incompatible with Articles 14 and 15 of *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market* (i.e. the e-Commerce Directive). While a detailed opinion did not issue in respect of Part 5, similar observations in respect of the e-Commerce Directive were made by the Commission on 31 August 2022.



Separately, my Department engaged extensively over the course of 2023 on the *Proposal for a Regulation of the European Parliament and of the Council on the transparency and targeting of political advertising* as that proposal progressed through the inter-institutional negotiations. In this context, *Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising* was recently adopted by the European institutions and will apply throughout the European Union on and from 10 October 2025.

Given the significant overlap that exists between Part 4 and Regulation (EU) 2024/900, it will now be necessary for Part 4 to be brought into alignment and harmonised with the requirements of the aforesaid Regulation. Further consideration is now being given to the necessary adjustments that will need to be made to Part 4 of the Electoral Reform Act 2022 in advance of the application of Regulation (EU) 2024/900 next year.

In light of these developments, I am also examining Part 5 of the Electoral Reform Act 2022 and the amendments that may be needed to commence its provisions as soon as practicable in 2024. In this regard, my Department is engaging with An Coimisiún Toghcháin, the technology sector and other stakeholders in relation to the implementation of Part 5 of the Act.

Notwithstanding Parts 4 and 5 of the Electoral Reform Act 2022, it is important to note that the EU regulatory landscape on online content has significantly changed since the Electoral Reform Act 2022 was passed. In this regard, *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC* (known as the Digital Services Act or DSA) entered into full force across the European Union on 17 February 2024.

The provisions of the DSA are directly applicable across all of the Member States and impose a range of obligations on the providers of digital services. It is aimed at ensuring a safe, predictable and trustworthy online environment to ensure that intermediary service providers and online platforms carry out proper content moderation.

In addition to the obligations related to content moderation, the DSA has introduced significant obligations on online platforms which offer advertising on their interfaces.



Furthermore, the DSA requires Very Large Online Platforms and Very Large Online Search Engines to identify, analyse, and mitigate with effective measures risks related to the electoral processes and civic discourse, while ensuring protection of freedom of expression.

The European Commission will enforce the DSA together with national authorities (i.e. Coimisiún na Meán in Ireland), who will supervise the compliance of the platforms established in their territory. The European Commission is primarily responsible for the monitoring and enforcement of the additional obligations applying to Very Large Online Platforms and Very Large Online Search Engines, such as the measures to mitigate systemic risks.

In addition to the DSA, the strengthened *Code of Practice on Disinformation* was agreed and introduced in 2022. The Code is signed by a broad range of actors (43 in total), such as online platforms, players from the advertising ecosystem, fact-checkers, civil society, research, and other organisations, joining to fight disinformation by subscribing to commitments and measures relevant to their mission.

The strengthened Code of Practice contains 44 commitments and 128 specific measures. In broad terms, the strengthened Code of Practice aims, among other matters, to –

- ensure that the purveyors of disinformation do not benefit from advertising revenues,
- provide for transparency in political advertising,
- protect the integrity of online services against manipulative behaviour,
- empower users, fact-checkers and researchers on matters relating to online content,
- establish a Transparency Centre, accessible to all citizens, to provide for an easy overview of the implementation of the Code's measures, and
- establish a task-force, chaired by the European Commission, to review and adapt the Code's commitments in view of technological, societal, market and legislative developments.



The Code of Practice comes with a strong monitoring framework, including Service Level Indicators to measure the Code's implementation throughout the EU and at the Member State level. By the beginning of 2023, signatories were required provide to the European Commission the first baseline reports on their implementation of the Code. Subsequently, Very Large Online Platforms, as defined in the DSA, will report every six-months while other Signatories will report on a yearly basis.

Reports under the Code of Practice on Disinformation may be viewed in the Code's Transparency Centre at <https://disinfocode.eu/reports-archive/?years=2024>.

In the interim period as we bring forward amendments to facilitate the commencement of Parts 4 and 5 of the Electoral Reform Act 2022, the Government wants to ensure that the tools available to the State to tackle the range of inauthentic behaviours we are witnessing across the world in respect of electoral matters are as robust as possible. With that in mind, I have recently requested the support of An Coimisiún Toghcháin to lead the development of a new framework which would include a set of principles for the technology sector and the State to work by to safeguard our democracy over the coming period.

In this context, it is envisaged that the proposed framework will have regard to existing legislative, regulatory and code of practice measures at national and international levels. I have also arranged a roundtable with the technology sector on the proposed new framework which will take place shortly. Ultimately, the aim of this event will be to achieve consensus on a shared approach to tackling malign and damaging disinformation and ensure political advertising transparency in the context of Ireland's electoral and democratic processes.

I trust the foregoing clarifies the position.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Darragh O'Brien', is written over a light blue circular stamp. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Darragh O'Brien, TD,
Minister for Housing, Local Government and Heritage**

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