



CEDMO

Second Annual Monitoring and Regulation Report

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Introduction

This is the second annual report provided by CEDMO. The report was created as part of CEDMO's activity focused on the regulation of disinformation. Within its activity, CEDMO assesses the current trends in the field of disinformation regulation, illegal content, and other related topics. The report focuses on topics that were not covered in last year's report such as the media law relevance for disinformation or the implementation process of the Digital Services Act in the Czech Republic, Poland, and Slovakia.

The report primarily focuses on the current state of regulations in all three countries and provides an overview of each of them. Each part of this report covers a different topic and provides a summary for each country.

Methodology

The Annual Report is based on the EDMO questionnaire and fills out topics that were not covered in the previous year's report.

The Czech and Polish part was written in October 2023. The Slovakian part in January 2023. Since parts of the report focus on the Digital Services Act adaptation into national law, some parts of the report may be outdated at the time of reading.

1. Overview of the Regulatory Activities in 2023

a) The Czech Republic

There were two main events in the regulatory landscape in 2023 in the Czech Republic. First, there was an attempt to create a law that would deal with content threatening national security. This law was colloquially referred to as "disinformation law" by the media. Second, in October 2023, the Ministry of Industry and Trade introduced its proposal for a law implementing the Digital Services Act. Both will be discussed below.

i. A proposal for a law concerning the spreading of content threatening national security.

At the beginning of 2023, the Czech Ministry of Interior introduced a proposal for new legislation that was supposed to combat harmful information that might threaten national security. The proposal gave the Ministry of Interior the power to restrict access to certain information society services in case the content would constitute a threat to national security.¹

However, the proposal was not positively received by the public. This was mostly because of concern that the law was too vague and might constitute an interference with the freedom of speech.

¹ Article 2 and 3 of the proposed law concerning the spreading of content threatening national security.

The proposal aimed only at online information that threatens national security and was not designed to tackle all types of disinformation. At this moment, it is unknown whether there are any further plans for proposing this law to the Parliament for approval. Therefore, at least for now, it seems that the idea of this specific law was abolished.

ii. The Implementation of the Digital Services Act

Currently, the main regulatory topic that partially tackles disinformation, but mostly tackles illegal online content in general, is the implementation of the Digital Services Act. The ministry responsible for the implementation is the Ministry of Industry and Trade.

One of the biggest decisions that the ministry must make is the designation of the Digital Services Coordinator. Based on conception documents, there were three options – to either create a new body, to choose an existing body, or to choose multiple bodies that would each cover a different competence area. In the end, the Czech Telecommunication Office was selected to become the Digital Services Coordinator. The DSA implementation will be part of the proposal for a law on the digital economy which was introduced at the beginning of October 2023. The proposal is still in its early stages, and it might take several more months until we have a final version of the act.

b) Slovakia

The main regulatory event in Slovakia is the beginning of the adoption Act on Measures to Increase the Security and Trustworthiness of Platforms in the Online Environment and the Amendment of Some Laws.² The responsible institution is the Ministry of Investment, Regional Development, and Informatization of the Slovak Republic (MIRRI). The draft law addresses three main areas:

- ▶ Expanding the definition of illegal content and tightening sanctions for its dissemination.
- ▶ Establishing a legal framework for state intervention against disinformation.
- ▶ Restricting anonymity in online discussions.

Regarding measures against disinformation and hoaxes, this concerns state authorities, providing them with a legal basis and the authority to take actions within their scope to counter disinformation. The proposed legislation establishes a national system to combat disinformation.

From the explanatory statement:

*“The **definition of disinformation** for the purposes of the proposed law is suggested to be based on **three conditions**. The first is **the nature of the information** - it must be information that is blatantly untrue, so the truthfulness of the information will be examined. The second condition is **the motive for which this information was created, spread, or presented** - this motive must quite evidently be an attempt to deceive the public or a certain group of individuals. For this purpose, the context of the creation and dissemination of information will be examined, as well as the related circumstances from which it must be evident that such an intention is associated with the informa-*

² Source: <https://www.slov-lex.sk/vyhľadavanie-legislativneho-procesu?text=LP%2F2023%2F129+&filter=1>

tion. The last condition is **the consequence**, the impact of the information - it must be information that has or may have the consequence of causing harm or damage or bringing benefit. This aspect will also be examined. Only with the cumulative fulfillment of all three groups of conditions (simplified, obvious falsehood, spread with the intention to deceive, and capable of, for example, endangering people's health) will it be considered disinformation.”

Based on the proposed law, the Office of the Government of the Slovak Republic will coordinate public authorities that are part of the national system in taking measures against disinformation.

i. The Implementation of the Digital Services Act

From the draft legislative plan of the Slovak government, it follows that the Digital Services Act will be implemented in 2024 through the amendment of the Act on Media Services (The draft law amending and supplementing Act No. 264/2022 Coll. on Media Services and amending certain laws (Media Services Act) in the wording of later regulations and amending certain laws).

The draft law aims to ensure the implementation of 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 (Digital Services Act).

The proposed legislation will regulate the jurisdiction of the independent national regulatory authority, the Council for Media Services, whose competence will be expanded with new responsibilities in the digital domain. The Council for Media Services will be established as the coordinator of digital services, and the draft law will also adjust the time scope of broadcasting advertising announcements and teleshopping by the public broadcaster.

The intention is that after the amendment of the law, the Council for Media Services would become the Digital Services Coordinator. General information about the adopted regulation at the EU level was available within the online media space.

ii. Disinformation as a Topic in 2023

Disinformation was a significant political topic in 2023. During this period, there were notable efforts by the state or government to address the issue. Multiple public calls were initiated from official sources to support campaigns aimed at combating disinformation. The government recognized the urgency of addressing the challenges posed by disinformation and took proactive measures to raise awareness and encourage public engagement in counteracting false information. These campaigns were part of a broader strategy to safeguard the integrity of information and promote a more informed and resilient society against the adverse effects of disinformation.

Example:

„HOAXY SA NA MŇA NELEPIA“³ was a preventive and educational campaign initiated by the Ministry of Interior of the Slovak Republic and the Police Force, with support from prominent Slovak personalities. The public actively participated in the campaign through stickers and badges.

³ Source: <https://www.minv.sk/?tlacove-spravy&sprava=policia-a-rezort-vnutra-odstartovali-masivnu-kampan-proti-dezinformaciam>

Slovakia had been a long-term target of various forms of disinformation aimed at creating tension in society, increasing distrust in state institutions, and polarizing communities.

The police intensified their efforts to combat disinformation, particularly following the outbreak of the pandemic, which saw a significant increase in the impact of false news. Manipulated information directly threatened the lives and health of all citizens of the country. The campaign aimed to raise awareness about the dangers of disinformation and encouraged public participation in countering its negative effects.

c) Poland

In 2023, the Polish government published a total of 25 reports within the „special state services“ section, in which it reported on disinformation activities undertaken against Poland.⁴ The topic of disinformation was also addressed within the framework of academic discourse.⁵ To prevent disinformation, the Polish Senate also passed a Resolution of Intention.⁶ The threats of disinformation and the possibilities of fact-checking are regularly announced by non-governmental organizations (NGOs) dedicated to such activities.

This being said, in 2023, there was no significant information campaign with considerable social impact that was clearly visible and noticeable in the public domain.

i. Amendment of Criminal Code

The most significant legislative change was the Act of August 17, 2023 (Journal of Laws 2023.1834), amending the Polish Criminal Code and some other acts. It increased criminal punishment for spying, introduced a register of „spies,“ and introduced other restrictions related to the protection of strategic locations (including a prohibition on taking photographs). The amendment is not explicitly dedicated to disinformation, but through its subject scope, it places pressure on intensifying the penalisation of activities that involve, among other things, disinformation operations.

Since its entry into force (23.9.2023 and part of the provisions on 1.10.2023), the maximum sanction for espionage activities is life imprisonment (Article 130 §2 of the Criminal Code). Such a punishment can be imposed from now on to someone who has provided foreign intelligence information that may cause damage to the Republic of Poland.

On the grounds of other laws, such as with pension supplies, the legislator has introduced a statutory withdrawal of the right to pension for soldiers who have been convicted of the crime mentioned above (Article 10 of the Law on Pension Supplies for Professional Soldiers and Their Families, Journal of Laws 2022.2528, Journal of Laws 2023.347, Journal of Laws 2023.658, Journal of Laws 2023.1429). An analogous provision has been made for uniformed services subordinate to the Ministry of the Interior.

⁴ Gov.pl, Secret Services, *Disinformation against Poland*, [Dezinformacja przeciwko Polsce - Służby specjalne - Portal Gov.pl \(www.gov.pl\)](https://www.gov.pl/web/gov.pl/dezinformacja-przeciwko-polsce-sluzby-specjalne)

⁵ For example: SWPS University, *How, what and why we need to educate about disinformation*, <https://swps.pl/my-uniwersytet/aktualnosci/wyklady-i-spotkania/33107-jak-czego-i-po-co-uczyc-o-dezinformacji-cykl-webinarow>.

⁶ Komisje senackie przyjęły uchwałę ws. Przeciwdziałania dezinformacji w Polsce [Senate committees adopted resolution on Prevention of disinformation in Poland], 31.03.2023, [Senat Rzeczypospolitej Polskiej / Aktualności / Inne / Komisje senackie przyjęły uchwałę ws. przeciwdziałania dezinformacji w Polsce](https://www.senat.gov.pl/aktualnosci/inne/komisje-senackie-przyjely-uchwale-ws-przeciwdzialania-dezinformacji-w-polsce).

As for the „spy registry,“ the Polish legislator decided to introduce provisions for which intelligence activities by the services of countries friendly to Poland will be allowed to be carried out on Polish territory after obtaining permission from the Internal Security Agency (Article 5 of the amending law).

In addition, as part of the same amendment, the Polish legislature introduced changes to the Law on Defense of the Homeland (Journal of Laws 2022.2305, Journal of Laws 2023.347, Journal of Laws 2023.641, Journal of Laws 2023.1615). From the fall of 2023, under penalty of arrest or a fine, it is prohibited to photograph objects that serve a sensitive function for state security and are labeled by a sign saying „no photography.“ However, the legislator did not specify which objects are at stake. According to the provision’s text after the amendment, it refers only to three categories of objects: those that are particularly important for the security or state defense, objects of the Ministry of National Defense that do not belong to the first category, and objects of critical infrastructure.

ii. Implementation of the Digital Services Act

In January 2024, the Polish Ministry of Digital Affairs opened a public consultation for the changes in national law concerning the Digital Services Act implementation. It is therefore currently unclear which authority will be appointed as a digital services coordinator.⁷

2. The Role of Media Law in the Fight against Disinformation

a) The Czech Republic

There are multiple media laws in the Czech Republic, e.g.:

- Act 231/2001 Coll., on the operation of radio and television broadcasting
- Act 132/2010 Coll., on on-demand audiovisual media services
- Act 40/1995 Coll., on the regulation of advertising
- Act No. 46/2000 Coll., the press law

There is no dedicated media law that would specifically tackle disinformation. However, there are certain rules the media must follow regarding their content. For example, publishers or broadcasters are generally obliged to provide objective and balanced information.⁸

One major issue is the application of the press law to online media. The applicable laws were created at times when online media was in its early stages and they were therefore omitted from the text of the law. As a result, the law focuses primarily on the printed media and the possibility of application to the online media as well is limited. In this regard, there is a recent ruling by a Czech Constitutional Court which states that the press law might apply to online media as well.⁹ This ruling opened the possibility of applying the law also to the online world in the future.

⁷ <https://panoptikon.org/rzad-zaczyna-prace-nad-wdrozeniem-aktu-o-uslugach-cyfrowych>

⁸ Article 31 of Act 231/2001 Coll., on the operation of radio and television broadcasting and Article 4a of Act No. 46/2000 Coll., the press law.

⁹ IV. ÚS 2257/18 from 23.6.2020

i. The Competent Authorities and Their Activity

Because of the fragmentation of the media law, there is more than one relevant competent authority, each of which has authority for a different addressee. **Council for Radio and Television Broadcasting** is a key institution for TV and radio broadcasting and oversees whether the broadcast is objective. The Council is also the relevant authority for the on-demand audiovisual media services. For the printed media, the competent authorities are the **Regional Authorities**.¹⁰

In the area of advertisement, there exist multiple competent authorities based on the advertisement's content. These authorities include: Council for Radio and Television Broadcasting, State Institute for Drug Control, Ministry of Health, or the Data Protection Authority. Additionally, it must be mentioned that a lot of media disputes (such as defamation) are resolved by means of private law (such as civil law action) and there is no public authority that has competence in the matter.

b) Slovakia

Media law regulation is partly encompassed in the Act No. 264/2022 Coll. on Media Services and amending certain laws. Here, disinformation is mentioned in one specific paragraph. More attention is paid to the untrue statements. According to Act No. 264/2022 Coll. on Media Services: § 110 point 3(g): The Council for Media Services can, among other things, *“initiate and conduct research and analytical activities in the media field for the purpose of monitoring and assessing the state of the media environment, particularly concerning the dissemination of hate speech, **disinformation**, content that may seriously disrupt the development of minors, cyberbullying, media literacy, commercial media communication, political propaganda, internal and external media pluralism, and the level of media freedom.”*

§ 212 point 1: *“If a **false or incomplete factual statement** affecting the honor, dignity, or privacy of an individual or the good reputation of a legal entity is published in the broadcast program, by which the person can be precisely identified, that person has the right to publish a statement. Upon the request of this person, the broadcaster is obliged to publish the statement.”*

i. Competent Authorities and Its Activities

The Council for Media Services is the primary media regulator. The role of the media regulator is to protect democratic values and ensure a fair and transparent environment for the media and public debate. The Council for Media Services' new competence under the Media Services Act to combat disinformation includes initiating and conducting research and analytical activities in the media field to monitor and assess the state of the media environment, including the dissemination of disinformation. In this context, the Council plans to publish analytical reports and to establish and develop cooperation with relevant government bodies and civil society organizations.¹¹

The European Regulators Group for Audiovisual Media Services (ERGA) working group on online misinformation is led by the Council for Media Services.

Representatives of the Council for Media Services also represent ERGA on the Permanent Working Group on the Code of Practice on Disinformation.

¹⁰ There are 14 regions in the Czech Republic and each of these regions have a dedicated authority.

¹¹ Source: <https://rpms.sk/en/node/609>

The Media regulator's scope of responsibilities includes, among other things:

- ▶ initiating and conducting research and analytical activities in the media field to monitor and evaluate the state of the media environment, particularly regarding the dissemination of hate speech, disinformation, content that could seriously disrupt the development of minors, cyberbullying, media literacy, commercial media communication, political propaganda, internal and external media pluralism, and the level of media freedom,
- ▶ collaborating with self-regulatory bodies in areas regulated by the Media Services Act,
- ▶ establishing co-regulatory mechanisms in areas regulated by the Media Services Act,
- ▶ initiating and implementing activities to promote media literacy,
- ▶ actively cooperating with supervisory partner authorities in member states and their associations and organizations.

As for disinformation, The Council for Media Services may initiate and conduct research and analytical activities in the media field to monitor and evaluate the state of the media environment, particularly regarding the dissemination of hate speech, disinformation, and content that could seriously disrupt the development of minors, cyberbullying, media literacy, commercial media communication, political propaganda, internal and external media pluralism, and the level of media freedom. In case of a Media Services Act violation, the Council for Media Services can impose a fine.

Another competent authority is the **Regulatory Authority for Electronic Communications and Postal Services**. The Regulatory Authority for Electronic Communications and Postal Services also serves as the supervisory authority ensuring compliance with obligations under the Media Services Act.

c) Poland

Polish media law is not uniform and it is fragmented into many different laws.¹² The most significant law is the Broadcasting Law (Journal of Laws 2022.1722).

An interpretation of Article 1, point 1, paragraph 1 of the Broadcasting Law is quite feasible. Namely, among the tasks of radio and television broadcasting in the broadest sense is „providing information.“ This may indicate that by locating this provision in a liberal-democratic context, there exists a presumption of their truthfulness and objectivity. Additionally, according to Article 21 of this law, public broadcasters are required, among other things, to offer programs characterized by pluralism, impartiality, balance, and independence.

Article 12 of the Press Law (Journal of Laws 2018.1914) can also be interpreted broadly. According to this provision, a journalist is obliged to be diligent and reliable in gathering and utilizing press materials. This is to be manifested primarily by verifying their accuracy.

¹² A catalog of the legal acts comprising the media law is available on the government website:
<https://www.gov.pl/web/krrit/polskie-prawo-medialne>.

i. Competent Authorities and Its Activities

The National Broadcasting Council is the key authority in the field of media law. According to the Article 213 of the Constitution, the National Broadcasting Council protects freedom of speech, the right to information, and the public interest in broadcasting. Its tasks are defined in the Broadcasting Law mentioned in the previous section.

Moreover, the Council is responsible for comprehensive policymaking related to radio and television issues on Polish territory. Among other things, it is responsible for creating media policies, considering the liberal-democratic system's axiology, implementation, and control over the media market in Poland.

The National Broadcasting Council has no assigned competencies and tasks directly relating to disinformation. Nevertheless, through the relevant application of the provisions of, for example, the Press Law, it can take action against media or journalists who violate the provisions already in force. For instance, it's empowered to impose fines on broadcasters for violations of the law. This is related to the fact that, according to the Broadcasting Law, it is forbidden to create a program contrary to the law, the Polish *raison d'état*, promoting attitudes inconsistent with morality and the social good (Article 18 p. 1). These are undefined concepts. In particular, the issue of producing content contrary to the Polish *raison d'état* may have the potential for broad (and even too broad) interpretation in the context of countering disinformation.

The National Broadcasting Council is taking several activities to ensure, from the formal side, the proper implementation of the media's mission. It is a co-signatory of a declaration on cooperation and mutual support called the „Anti-Disinformation Warsaw Declaration“.¹³ It was signed by representatives of regulatory authorities from Lithuania, Latvia, Poland, Romania and Ukraine at a joint meeting held in Warsaw on October 4, 2023. The declaration's signatories announced that within the framework of their statutory powers, they will initiate and implement program activities to educate and protect citizens from disinformation.

In addition to the declaration, the Council has already undertaken several educational and informational activities on the threats posed by the phenomenon of disinformation. Among other things, it took under its patronage the „Fake hunter challenge - information warfare“ contest. The task of the contest participants was to search for fake news about the war in Ukraine.¹⁴

3. Online Platforms and Disinformation Regulation

a) The Czech Republic

There is no specific law that directly regulates disinformation on online platforms. This being said, there are many laws that affect online platforms and their content. For example, the law no. 480/2004 Coll. implemented the provision of the E-commerce directive that deals with illegal online

¹³ Declaration on Anti-Disinformation - „Anti-Disinformation Warsaw Declaration“, 04.10.2023, <https://www.gov.pl/web/krrit/deklaracja-w-sprawie-zwalczania-dezinformacji>.

¹⁴ KRRiT patron of #FakeHunter Challenge - Information Warfare, 09.11.2022, <https://www.gov.pl/web/krrit/krrit-patronem-konkursu-fakehunter-challenge---wojna-informacyjna>.

content and the liability of information service providers. Similarly, the provision of the Czech Civil Code may apply when it comes to defamation spread through online platforms or similar civil torts.

The first available remedy is contacting the online platform which assesses the content against their own rules. In case the disinformation content on the online platform fulfills anything that is considered illegal in the Czech Republic, there may be another remedy. For example, in the case of defamation, one might seek civil law remedy in court. In case the content would fulfill the crime of spreading an alarming message, then one may contact the police or the state prosecutor.

There are also cases when the Czech Telecommunication Office may block certain harmful content. In relation to disinformation, the Czech Telecommunication Office is blocking certain Russian propaganda websites based on Council regulations from 2022 and 2023.

As of now, the online platform regulation is going to go through changes because of the Digital Services Act. A new adaptation legislation is awaited.

b) Slovakia

In 2023, the interdepartmental commenting process marked LP/2023/129 commenced for the Act on Measures to Increase the Security and Trustworthiness of Platforms in the Online Environment and the Amendment of Some Laws.

The preparation of a draft law was underway. The draft law introduces legal definitions of:

- ▶ Disinformation: for the purposes of this law, is understood as information that is blatantly untrue, created, presented, and disseminated with the intention to deceive the public or a specific group of individuals and has or may have the consequence of causing harm, damage, or securing benefits.
- ▶ Disinformation activity: involves the creation, presentation, or dissemination of disinformation.

Partial legal regulation is included in the Media Services Act (Act No. 264/2022 Coll. on Media Services and amending certain laws). The Council for Media Services is a competent control body. For the violation of obligations under the Media Services Act, the Council for Media Services imposes the following sanctions:

- ▶ a warning for the violation of the law,
- ▶ publication of an announcement about the violation of the law,
- ▶ suspension of broadcasting or provision of a program or its part,
- ▶ a fine,
- ▶ revocation of authorization for a serious breach of obligation.

The Regulatory Authority for Electronic Communications and Postal Services can also impose fines in specific cases of the Media Services Act violation. The possibility of seeking a remedy also includes filing a Request for Examination.

c) Poland

At the moment in Poland, apart from EU legislation, which operates directly without the need for transposition, there are no specific legal regulations addressing online platforms. The legislature has focused in the past year on strengthening criminal sanctions for the most severe crimes and (presumably) an attempt to expand the interpretation of existing provisions to cover disinformation activities. Even the preparations of the institutional infrastructure for the effective operationalisation of the DSA have been postponed until the period after the parliamentary elections.

This means that there is currently no legal regulation in Poland directly addressing the phenomenon of online disinformation, and even more so, banning it. At the moment, the main burden of conceptual work falls on non-governmental organisations, which are trying to develop ideas and indicate the trends for necessary improvements. One such organisation, for example, is the New Technology Law Association.¹⁵

4. Journalistic Self-regulation

a) The Czech Republic

There are multiple self-regulatory bodies in the Czech Republic, e.g.:

- Association of Television Organisations (Asociace televizních organizací)
- Association for Internet Development in the Czech Republic (Sdružení pro internetový rozvoj v České republice)
- Association of Regional Television (Asociace krajských televizí)

Each of these organizations has its own ethical code. There is also a Code of Ethics created by the NGO “Journalistic Syndicate” (Syndikát novinářů České republiky) that emphasizes the role of objective and truthful information. The Code is available here (in Czech only): <https://www.syndikat-novinaru.cz/o-nas/etika/eticky-kodex/>

Moreover, there exist a few self-regulation projects that tackle disinformation. A Czech online news media iRozhlas has a project called “Ověřovna!” that focuses on the verification of information.¹⁶

i. Self-Regulation Focused on Social Media and Advertisement

Association for Internet Development has an English online version of their Code of Ethics for Advertising and Marketing Communication that may be found here: https://www.spir.cz/wp-content/uploads/2023/08/Etický_kodex_reklamní_a_mktg_komunikace_cistopis_EN_final.pdf

The initiative “Férový influencer” (Fair influencer) created a Influencer Ethical Code that focuses on how to be transparent about advertisement.¹⁷

¹⁵ Official website of the association: <http://spnt.com.pl/>.

¹⁶ <https://www.irozhlas.cz/zpravy-tag/overovna>

¹⁷ <https://ferovyinfluencer.cz/kodex>

b) Slovakia

The Association for the Protection of Journalistic Ethics¹⁸ deals with the issue of disinformation in the Ethical Code of Journalists.

Art 3, point 3 of the Ethical Code of Journalists states that “A journalist or media outlet does not publish any information that they know to be untrue. Truthful information is derived from facts and their objective interpretation, taking into account the genuine context of the described event, without distorting the objective reality and withholding (omitting) parts of existing facts and connections.”

Subsequently, based on findings and violations of the relevant articles of the Code, the executive body of The Association for the Protection of Journalistic Ethics, which is the Print-Digital Council of the Slovak Republic (PDC), can make a decision.

i. Self-Regulation Focused on Social Media and Advertisement

Self-regulation entities are approved by the Council of Media Services.¹⁹ Advertising Council²⁰ is an independent advertising self-regulatory organization in Slovakia. The main objective of the Advertising Council is to enforce and promote honest, decent and truthful advertising in Slovakia. The Advertising Council associates entities that are actively involved in the advertising industry – advertisers, advertising agencies, media and other associations and unions that voluntarily accept the aim and statutes of the Advertising Council.

c) Poland

Due to the ongoing dispute over the rule of law in Poland, it is difficult to speak of a unified front of journalistic cooperation or their separation from the widely understood political domain. The allegations of spreading fake news in the journalist community are an extension of the Polish political dispute. The journalist community is divided, and the attitude of particularly those who work in the public media can raise serious doubts about their objectivity. Additionally, the state-controlled petroleum concern Orlen owns a conglomerate of local publishing companies concentrated in the Polska Press group. Therefore, at the moment, in Poland, we cannot speak of any unified approach to the issue of disinformation in the journalism environment.

Even taking into account the objections from the previous point. The journalism community is taking steps to educate itself about disinformation. An example of such an attempt at self-regulation, or rather self-education, is the „Guide for Journalists: <<stop disinformation>>“ published by the Reporters Foundation and the already mentioned Panoptykon Foundation.²¹ The issue of disinformation and the dependence of journalists, whether on state authorities or yielding to the influence of capital, is part of the discourse and disputes in this community.

¹⁸ Source: <https://www.aonesr.sk/english/>

¹⁹ Source: <https://rpms.sk/en/node/81>

²⁰ Source: <https://rpr.sk/en/>

²¹ D. Głowacka, A. Obem, M. Szumańska, Stop Dezinformacji. Przewodnik dla Dziennikarzy i redakcji [Stop Disinformation. A Guide for Journalists and Editors], https://fundacjareporterow.org/wp-content/uploads/2019/11/panoptykon_stop_dezinformacji_przewodnik_do-druku.pdf.

i. Self-Regulation Focused on Social Media and Advertisement

Currently, there are no publicly noticeable initiatives to counter this phenomenon in the area of new media and advertising.

5. Miscellaneous Topic not Covered in the Previous Report

a) The Czech Republic

i. The Key Institution in the Fight against Disinformation

There are no significant governmental institutions in the fight against disinformation. The only exception is the Centre for Hybrid Threats under the Ministry of Interior.

ii. NGOs Involved in the Disinformation Agenda

There is a host of NGO activities that focus on fact-checking and exposing disinformation such as Manipulatori²², Čeští elfové²³, or Demagog.²⁴ It shall be noted that some of the NGOs were actually sued in the past for releasing untruthful information (i.e. that what they marked as disinformation was not actually disinformation).

iii. Criminal Law Cases

In the past year, there have been a few criminal proceedings with people who spread disinformation. These cases were tried as crimes of spreading alarming messages or terrorism support and propaganda. These cases included:

- A person who urged their followers online to use all means necessary to block the legislation procedure of a pandemic law.²⁵
- A person who spread videos on social media with claims such as that NATO will occupy the Czech Republic or that everyone who refused the vaccine will be shot²⁶
- A person who claimed in a Facebook video that the Czech Republic will attack Russia with a nuclear power²⁷

It is also possible that there have been many other cases when the conduct was treated as a misdemeanor or that were dismissed. In April 2023, the police president stated there are 73 ongoing police investigations that deal with disinformation.²⁸

²² <https://manipulatori.cz>

²³ <https://cesti-elfove.cz>

²⁴ <https://demagog.cz>

²⁵ https://www.idnes.cz/zpravy/domaci/tomas-cermak-soud-odvolani-terorismus.A230719_090135_domaci_prch

²⁶ <https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-priznivci-peterkove-vylomili-dvere-do-jednaci-sine-soud-jednani-prerusil-231774>

²⁷ <https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-soud-potrestal-vrabela-za-sireni-poplasne-zpravy-230065>

²⁸ <https://www.novinky.cz/clanek/internet-a-pc-bezpecnost-kvuli-dezinformacim-zahajila-policie-73-trestnich-stihani-40429772>

b) Slovakia

i. NGOs Involved in the Disinformation Agenda

Currently, there are several non-governmental organizations (NGOs) in Slovakia dedicated to combating disinformation and making a valuable contribution to information integrity. These organizations actively monitor the media, analyze content, and identify cases of disinformation with the aim of raising public awareness about the challenges associated with information manipulation. For example:

- **Adapt Institute**

The Adapt Institute is a non-governmental, non-partisan, non-profit, analytical think-tank that works on defense and security policy, with a specific focus on strategic adaptations and changes in the security environment. The Adapt Institute aims to strengthen the Slovak security community through education, expert network development and stimulating expert dialogue at national and international level, and to improve public debate and give space to young experts.

- **Slovak Security Policy Institute**

The Slovak Security Policy Institute is an independent non-governmental organization that interconnects security and defense policy experts from governmental, non-governmental, private and academic institutions. It focuses on research and analysis of security challenges, and has an ambition to raise public awareness on these issues.

- **VIA IURIS**

Authentic civil society, as one of the cornerstones of freedom and democracy, is jeopardized by non-systemic legislative proposals, populist statements of politicians and disinformation campaigns led by conspiracy media. VIA IURIS role is to defeat myths about NGOs, critically analyse civil society and protect the legislative environment so that Slovak citizens also in the future have right to freely express, associate and actively participate and control the administration of public affairs.

- **Pontis Foundation**

The mission of the Pontis Foundation is to create strong, meaningful connections and bring about positive change in our areas of focus, which are social innovation, philanthropy and responsible entrepreneurship.

ii. Criminal and Civil Law Cases

In Slovakia, the right to the protection of personality, especially life and health, civil honor, and human dignity, as well as privacy, name, and expressions of personal nature, is regulated by the Civil Code. In recent years, several well-known legal proceedings related to the protection of personality have been conducted.

Examples:

- The reference number: 5Co/95/2022²⁹
- The reference number: 9Co/14/2022³⁰

In both cases, these were public figures (Members of the National Council of the Slovak Republic) who disseminated false information and, based on court decisions (simultaneously confirmed by appellate courts), were obliged to remove the disseminated information from their public profiles, among other things.

The criminal law is rarely used in fight against disinformation. The only available recent example is a judgment of the Specialized Criminal Court

- **No 2T/31/2019** (confirmed by the Supreme Court of the SR, judgment No 2To/4/2020)

In general, the court in this proceeding found that the author, through the articles, disparaged the Jewish community, essentially attempting to evoke negative thoughts and attitudes towards this community in society.

c) Poland

i. The Key Institution in the Fight against Disinformation

There is no centralized system for supervising disinformation operations. Tasks in this regard are still divided between other constitutional bodies and state institutions within the framework of their competencies. The Government Plenipotentiary coordinates the Security of the Republic of Poland Information Area, which was discussed in last year's report. In this regard, there has been no significant change over the past 12 months.

An important role in implementing educational policy on the problem of disinformation, especially using e-tools, is played by NASK. It is a state-owned research institute supervised by the Ministry of Digitization. Its critical task is to guarantee cyber security. In addition, it conducts research activities on cyber security innovations. Its functions (Article 4) and tasks (Chapter 6) are defined in the Law on the National Cyber Security System (Journal of Laws 2023.913).

ii. NGOs Involved in the Disinformation Agenda

NGOs are active in raising awareness about disinformation. In fact, unlike state bodies, which act rather schematically, and the fight against disinformation has been put on a specific form of the ritual agenda, the NGO sector is still trying to remind people of this problem. An example of such an organisation could be the Panoptykon Foundation, which is trying to follow up through all possible channels of communication to prepare the infrastructure for the DSA operation in Poland.

²⁹ <https://otvorenesudy.sk/decrees/4748492?h=&l=sk>

³⁰ Source: <https://otvorenesudy.sk/decrees/4537205?h=&l=sk>

iii. Criminal Law Cases

At the moment, there is a lack of criminal cases in the media sphere. Nevertheless, it should be emphasized that the amendment to the Criminal Code, already discussed in this report, makes a de facto equation of disinformation with the operational activities of foreign intelligence. As a result, we may expect a trial in the future (if such allegations arise) with a solid social and educational impact. The issue of disinformation is likely to be reduced to a tool that the special services consider to increase the effectiveness of their operational efforts.

Conclusion

The 2023 CEDMO report covered areas not covered in the previous report, in particular the implementation of the Digital Services Act and media law. The main findings of the report are that the three observed countries have different approaches to both disinformation and the implementation of the DSA. For example, both the Czech Republic and Slovakia are already in the process of DSA adaptation with a chosen authority while in Poland, the whole process is in the mere beginning with only discussion about who this authority should be. This being said, none of the countries has adopted a law implementing the relevant parts of the DSA yet and, as a result, none of them has appointed a digital services coordinator.

Slovakia had the most significant regulatory activity to combat disinformation in 2023, while Poland did not take any regulatory steps in this regard. The Czech Republic initially introduced a legislative proposal, but it was withdrawn due to public backlash. The regulatory landscape therefore varies considerably. We may therefore expect that the differences will be even greater in the foreseeable future, especially if the new Slovakian legislation passes.

