

**Priority question for written answer P-001044/2024
to the Commission**

Rule 138

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Subject: 'Misinformation' and 'disinformation' in the pandemic treaty

The Commission is negotiating an international agreement on 'pandemic preparedness and response' with WHO countries.

In the draft text as amended by the EU drafting suggestions¹ dated 27 February 2024, Article 18 on communication and public awareness relies on the concepts of 'misinformation' and 'disinformation'.

Signatory countries should act 'with the aim of countering' (Article 18(1)) and 'cooperate in preventing' (Article 18(4)) misinformation or disinformation, with the Commission suggesting an amendment to oblige countries 'to develop effective tools to identify and counteract misinformation and disinformation' (Article 18(4)).

However, neither the draft agreement nor international law provide a definition of 'misinformation' or 'disinformation'.

1. Can the Commission define these concepts and explain how they should be understood, in the Commission's view, taking into account the requirement to comply with the principle of legal certainty, which is an essential component of the rule of law principle and according to which the law must be certain, foreseeable and easy to understand?
2. In the Commission's view, do the proposed obligations under Articles 18(1) and 18(4) entail restricting citizens' fundamental right to freedom of expression, and if so, are these restrictions compatible with the applicable law, including the case law of the European Court of Human Rights?

Supporter²

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¹

<https://www.eeas.europa.eu/sites/default/files/documents/2024/EU%20drafting%20suggestions%20Refined%20text%20proposals.pdf>

² This question is supported by a Member other than the authors: Emmanouil Fragkos (ECR)