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**TECHNICAL  
STUDY**

# ***Fake News and Combating Environmental Misinformation***

Vinícius de Carvalho Amaral  
Legislative Consultant for Area XIV  
Science and Technology, Social Communication, Information Technology,  
Telecommunications, and Postal System

Augusto dos Santos Pereira  
Legislative Consultant for Area XI  
Environment and Environmental Law, Territorial Organization, Urban and Regional  
Development



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Vinícius Amaral, Augusto Pereira

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## EXECUTIVE SUMMARY

This study examines the phenomenon of misinformation—or *fake news*—at its intersection with the environment, seeking to understand how the circulation of false or distorted information affects environmental governance, risk management, and the protection of life in crisis contexts. The investigation was conducted based on an extensive analysis of specialized literature, the jurisprudence of higher courts, current legislation and legislation pending in the National Congress, as well as recent news reports on environmental misinformation and disasters.

Based on this foundation, the study is structured around four guiding questions:

- 1) What is *fake news*?
- 2) Does *fake news* pose a risk to the environment?
- 3) How does the Brazilian legal system deal with *fake news*?
- 4) What bills are currently pending in the Chamber of Deputies related to the problem of *fake news*?

The study concludes that there is room and a need for a specific regulatory response to protect environmental information, especially in conditions of public calamity recognized by the Union, in accordance with Law No. 12,608/2012.

**Keywords:** Misinformation, *Fake News*, Platform Regulation, Environment, Environmental Misinformation, Climate Crisis, Environmental Emergencies, Environmental Defense, Civil Liability, Artificial Intelligence (AI).

## SUMMARY

|                                                                                                                                            |           |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>1. INTRODUCTION.....</b>                                                                                                                | <b>5</b>  |
| <b>2. WHAT IS <i>FAKE NEWS</i>?.....</b>                                                                                                   | <b>6</b>  |
| <b>3. DOES <i>FAKE NEWS</i> POSE A RISK TO THE ENVIRONMENT? .....</b>                                                                      | <b>10</b> |
| <b>4. HOW DOES THE BRAZILIAN LEGAL SYSTEM DEAL WITH <i>FAKE NEWS</i>? .....</b>                                                            | <b>14</b> |
| 4.1 THE BRAZILIAN CIVIL RIGHTS FRAMEWORK FOR THE INTERNET<br>AND THE SUPREME COURT'S RULING ON THE CONSTITUTIONALITY OF<br>ARTICLE 19..... | 14        |
| 4.2 RESOLUTIONS OF THE SUPERIOR ELECTORAL COURT ON<br>MISINFORMATION .....                                                                 | 19        |
| <b>5. WHAT BILLS ARE CURRENTLY BEING PROCESSED IN THE CHAMBER<br/>OF DEPUTIES RELATED TO THE PROBLEM OF <i>FAKE NEWS</i>? .....</b>        | <b>23</b> |
| 5.1 <i>FAKE NEWS</i> (2630/2020) .....                                                                                                     | 23        |
| 5.2 <i>FAKE NEWS</i> AND THE ENVIRONMENT - BILL 2733/2024 AND BILL<br>2051/2024.....                                                       | 25        |
| 5.3 OTHER BILLS ON MISINFORMATION .....                                                                                                    | 27        |
| <b>6. FINAL CONSIDERATIONS .....</b>                                                                                                       | <b>34</b> |
| <b>REFERENCES.....</b>                                                                                                                     | <b>38</b> |

## 1. INTRODUCTION

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The rapid spread of misinformation—especially through digital platforms and social media—has become one of the most challenging phenomena for democratic governance, public policy-making, and the state's ability to respond to collective crises over the past decade. So-called *fake news* affects not only political debate, but also the management of social and environmental risks, interfering with public perception of threats, institutional trust, and the implementation of emergency measures. The convergence between misinformation and the environment, visible in recent episodes of disasters and campaigns of scientific denial, constitutes a new field of public vulnerability that requires an integrated response.

Based on this diagnosis, this study seeks to understand how the Brazilian legal system has reacted to the problem of misinformation and how such responses can contribute to the formation of a framework for the protection of sensitive information related to the environment and life. The work was developed based on an extensive analysis of specialized literature, the jurisprudence of higher courts, current and pending legislation, and recent news reports on environmental misinformation. Based on this approach, the aim is to provide input for parliamentary action and reflection on the balance between combating misinformation and guaranteeing freedom of expression.

To guide the investigation, the study is organized around four guiding questions, which structure the following chapters:

What is *fake news*? — We seek to understand the conceptual and communicational phenomenon of misinformation, based on national and international literature, highlighting its psychosocial, technological, and legal components.

Does *fake news* pose a risk to the environment? — This question analyzes how environmental disinformation manifests itself as an aggravating factor in vulnerability to the climate crisis and natural disasters, affecting public confidence and the effectiveness of civil defense policies.

How does the Brazilian legal system deal with *fake news*? — Recent case law from the Federal Supreme Court and the Superior Electoral Court is examined, observing how these courts have interpreted and defined the responsibility of digital platforms and the protection of information integrity.

What bills are currently being debated in the Chamber of Deputies related to the problem of *fake news*? — We map the legislative proposals currently underway that deal with disinformation, with special attention to those that recognize its impacts on the environment and situations of public calamity.

These four issues converge toward a common goal: to identify the contours of a possible regulatory framework for responsible environmental information, capable of protecting the collective right to truth, ensuring public transparency, and preserving, at the same time, freedom of expression as a foundation of democracy.

## 2. WHAT IS *FAKE NEWS*?

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In seeking to evaluate possible legislative solutions to the problem of *fake news*, especially regarding sensitive environmental issues, it is useful to establish a basic conceptual framework on the subject. In this sense, it is useful to look to the specialized literature for the answer to the question: what is *fake news*?

It is understood that the expression *fake news*, now in widespread use, refers to more than mere lies or rumors. It is a complex communication phenomenon that combines the intention to deceive, the appearance of truthfulness, and the logic of accelerated circulation mediated by digital network recommendation algorithms.

In general, *fake news* can be considered a very broad term, encompassing various manifestations of what Wardle and Derakhshan (2017)

call information disorders<sup>1</sup>. In a study for the Council of Europe<sup>2</sup>, these authors consider that there are three types of these disorders on the rise in the current context of a society highly influenced by the digital environment: *misinformation*<sup>3</sup> (false information without intent to cause harm), *disinformation* (information deliberately fabricated or distorted to cause public harm), and *malinformation* (true information used out of context to deceive or manipulate).

These three domains of systemic problems in modern communication suggest that the term *fake news*, although popular, may not be sufficiently accurate to designate the different manifestations of informational disorders, requiring other terms for the formation of legal concepts.

Despite this, it is undeniable that the term has become established in public debate as a generic name for fabricated narratives that use journalistic, professional, academic, and technical formats to simulate credibility.

In academia, the notion of *fake news* has been studied from different fields of research, with different approaches: the nature of false information, the role of the digital environment in its production and dissemination, the psychosocial and political context of its rise, etc.

In disciplines concerned with the transformation of the information environment, studies often emphasize the role of social networks and recommendation algorithms which, by prioritizing engagement and speed, have made the digital ecosystem conducive to the “viralization” of emotionally charged content, regardless of its veracity. Thus, for example, Bakir and McStay (2018) point out that the problem of *fake news* does not lie solely in the content, but in the communication architecture that rewards misinformation for generating attention and profit. In this context, falsehood is not an accidental deviation, but a structural externality of the business model of digital platforms.

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<sup>1</sup> Free translations of *information disorder*.

<sup>2</sup> The Council of Europe is a European intergovernmental organization dedicated to promoting human rights, democracy, and the rule of law.

<sup>3</sup> In free translation, misinformation, disinformation, and malinformation can be understood, respectively, as bad information, misinformation, and informational bad faith.

Studies focused on the psychosocial component of *fake news* commonly point out that its manifestations thrive in environments of affective polarization, where group identity outweighs evidence. The literature in cognitive psychology shows that confirmation bias and *the backfire effect*—the tendency to reinforce prior beliefs in the face of corrective information—can make simple fact-checking insufficient to combat the deleterious effects of disinformation campaigns (NYHAN; REIFLER, 2010).

Building on the idea of *the backfire effect*, Lewandowsky *et al* (2017) understand that the reinforcement of past positions in the face of corrective information is linked to what they call motivated rationalization. This rationalization corresponds to the way in which, when faced with information that challenges their beliefs, individuals activate psychological mechanisms of cognitive defense—questioning the source, reinterpreting the data, or disqualifying the messenger—in order to maintain consistency with their peer group. This is a particularly important psychological phenomenon in the context of identity construction through digital media, through the formation of group belonging, according to the logic of content recommendation algorithms.

Still in the field of social and political sciences, authors such as Latour (2018) and Habermas (2023) warn that the crisis of informational trust is also a crisis of democratic legitimacy: when truth is fragmented into algorithmic bubbles, public deliberation loses the common ground of shared facts. The proliferation of *fake news* erodes the public communicative space, replacing argument with emotion and reason with "virality." This degradation of the communicative space has direct implications for social cohesion, the formation of a political community in which democratic, non-hyperpolarized debate is possible, and, ultimately, for the formulation of consensus on public policies.

This complexity of the origin and scope of *fake news* has consequences for its articulation as a legal concept. For this reason, both the European Union, in adopting the Digital Services Act (EUROPEAN UNION, 2022), and international organizations such as UNESCO (2023), prefer the term "disinformation," precisely to emphasize malice—the intention to deceive—and to avoid the risk of inadvertent censorship.

In the Brazilian context, the debate follows this conceptual evolution. The Federal Supreme Court, in ruling on Article 19 of the Brazilian Civil Rights Framework for the Internet, recognized that disinformation is a systemic phenomenon that threatens democracy and fundamental rights. At the same time, the Superior Electoral Court incorporated the category of “disinformation” into its resolutions, broadening the concept to include “facts known to be untrue or seriously decontextualized” with the potential to affect the integrity of the electoral process. This institutional use shows that the Brazilian State already operates with a functional notion of *fake news*, in the form of disinformation, focused on contexts of public risk.

In Brazil, understanding what *fake news* is means understanding that misinformation is not an isolated moral deviation, but a structural phenomenon of networked digital societies. Overcoming it depends both on adequate regulation and on policies for education, transparency, and *accountability* of platforms. From a legislative point of view, the conceptual definition outlined here is the starting point for building regulatory instruments capable of protecting the public sphere, promoting information of social interest, and addressing the impacts of misinformation—especially when it compromises the environment and, consequently, the very sustainability of collective life.

It should therefore be noted that *fake news*:

1) corresponds to a broad, sometimes imprecise notion that encompasses different types of manifestations of modern information disorders and hyper-digitized communication;

2) has psychosocial components (confirmation bias), digital environment components (predominance of content recommendation algorithms that favor appealing information and cause *online* engagement), and legal (malice in the production and dissemination of notably untrue information, through the falsification of journalistic, professional, or technical credibility, or through the creation/fabrication/alteration of content);

3) can be better articulated legally based on specific concepts, such as disinformation.

### 3. DOES *FAKE NEWS* POSE A RISK TO THE ENVIRONMENT?

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This context of the predominance of algorithm-mediated mass communication on social networks, conducive to the spread of *fake news*, and the search for institutional, legislative, and judicial responses to neutralize its deleterious effects on democracy, may also be a time of challenges for environmental protection. Given this situation, it is important to ask: does *fake news* pose a risk to the environment?

To answer this question, we turned to specialized literature, reports from international organizations, and news stories dealing with the impacts of misinformation on addressing the climate crisis and managing environmental disasters. The goal is to understand how the proliferation of *fake news* and other forms of informational disorder affect social perceptions of environmental urgency, compromise public policy formulation, and reduce institutional capacity to respond to emergencies.

The literature review suggests that *environmental disinformation* has been recognized as one of the factors that most hinders climate action on a global scale. According to Farrell, McConnell, and Brulle (2019), organized disinformation campaigns on global warming, financed by industrial sectors and interest groups, have contributed in recent decades to creating a false scientific controversy, delaying mitigation and adaptation policies. This process, which the authors call "*manufacturing doubt*," fragments scientific consensus and undermines public confidence in environmental and academic institutions.

For its part, the Intergovernmental Panel on Climate Change (IPCC, 2022) recognizes that the circulation of false information about the causes and consequences of global warming compromises the perception of climate risk and, consequently, social mobilization to address it. The panel's Sixth Assessment Report (AR6) expressly mentions the influence of disinformation and data manipulation campaigns on political decisions, indicating that climate denialism is not just a discursive phenomenon, but a form of organized political resistance.

Synthesis studies and technical guidelines converge in pointing out that, in disaster contexts, misinformation amplifies risk, disrupts response, and erodes trust in official communications. A recent systematic review shows that rumors and falsehoods on social media increase public anxiety, divert resources, and reduce the effectiveness of emergency operations (HILBERTS, 2025). From a broad academic perspective, another literature review demonstrates that, although social media supports the dissemination of alerts, the speed and design of platforms favor the circulation of misinformation that interferes with risk management (MATHEW; SREEKUMAR; JOSE, 2022).

UNESCO (2023) has also begun to treat environmental misinformation as a threat to global ecological governance. In its *Guidelines for Regulating Digital Platforms*, the organization recommends that public policies to combat misinformation incorporate the environmental dimension, emphasizing that informational integrity is a condition for fulfilling international sustainability and climate commitments. The report suggests that governments and platforms should establish mechanisms for transparency, traceability, and verification of large-scale shared environmental data.

Finally, Somerville and Hassol (2011) point out that misinformation about climate change stems not only from economic interests, but also from cognitive and communicational limitations in translating scientific language for the lay public. Simplified and emotionally charged messages have greater reach than technical and cautious communications. This creates an environment in which misleading narratives compete to the advantage of evidence-based information, especially in situations of environmental crisis, when the public seeks quick answers and plausible explanations.

These studies converge in the finding that *fake news* and other forms of information disorder are not marginal phenomena, but structural factors of environmental vulnerability. They affect decision-making, governance, and public trust, exacerbating the effects of natural disasters and delaying institutional responses.

It should be noted that an important element in the dynamics of the spread of environmental and climate *fake news* is the speed of information propagation coupled with recommendation algorithms. In this scenario, fake news about climate change not only distorts scientific facts, but also fosters conspiracy theories and denialism, compromising the collective perception of environmental urgency, as shown in the Folha de São Paulo article "How does the climate agenda relate to *fake news* and conspiracy theories?" (MACHADO, Oct. 18, 2024).

At the same time, the role of artificial intelligence (AI) is growing both as a tool for combating misinformation and as a vector for amplifying it. Dora Kaufman (March 10, 2025), in a text entitled "*AI as an ally or enemy of nature*," highlights the duality of technology, which, on the one hand, can optimize environmental monitoring systems, predict extreme events, and reduce waste, but on the other hand, also enables the creation of increasingly realistic false content, known as *deep fakes*.

The challenge for environmental disaster management arising from the symbiosis between AI and misinformation is clearly revealed in recent episodes. During the floods that devastated Rio Grande do Sul in May 2024, manipulated images showing "hundreds of bodies" after the waters receded circulated widely, supposedly proving a scenario of catastrophe much greater than the reality. *Estadão Verifica* debunked the origin of the photos, pointing to unmistakable signs of AI generation (BELIC, May 9, 2024).

Still on the subject of the climate disasters in Rio Grande do Sul in 2024, *Estadão Verifica* created a special page dedicated to fact-checking information, with a view to containing *fake news*, which included false narratives about looting, manipulation of donations, and omission by authorities (REDAÇÃO ESTADÃO, May 7, 2024).

These distortions have concrete effects in disaster situations. A report in *Sumaúma* magazine (SORDI, June 13, 2024) showed that the spread of rumors during emergencies compromises the coordination of relief efforts and the delivery of donations. When misinformation overlaps with institutional

communication, the state loses its ability to respond and protect the population, and society begins to operate under a logic of panic and mistrust. In these contexts, combating misinformation becomes not only an ethical challenge, but a civil defense policy.

The repercussions of *fake news* in the case of the environmental disaster in Rio Grande do Sul in 2024 were so significant that an investigation was opened by the Federal Police, supervised by the Federal Supreme Court under the reporting of Minister Cármen Lúcia (MAIA; MENDES, May 13, 2024).

The reflections presented in this chapter allow us to understand that environmental misinformation is not a peripheral phenomenon, but a constituent element of contemporary vulnerability in the face of the climate crisis. The digital information ecosystem, driven by recommendation algorithms and engagement logic that prioritizes emotional impact over factual accuracy, creates conditions for false or distorted messages to become vectors of public insecurity and institutional discredit.

From a normative point of view, the risks arising from environmental misinformation pose new challenges for environmental law and public policy formulation. Informational integrity emerges as a legal asset to be protected, especially when the circulation of falsehoods compromises the effectiveness of civil defense, disaster prevention, and environmental protection actions.

Based on these findings, the following chapters will examine how the Brazilian State has sought institutional responses to this phenomenon—both in the judicial sphere, especially in the electoral and constitutional spheres, and in the legislative sphere, through proposals that aim to regulate the circulation of false information and reduce its impact on environmental management and disaster response. These experiences offer clues to possible paths for building a regulatory framework capable of addressing, in a balanced manner, the informational risks of the digital age.

## 4. HOW DOES THE BRAZILIAN LEGAL SYSTEM DEAL WITH *FAKE NEWS* ?

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So far, we have conceptualized the notion of *fake news*, especially in the sense of misinformation, with its social and technological underpinnings and its consequences for democracy. We have also considered its possible deleterious effects on environmental protection, especially with regard to disaster management in the face of the climate crisis. The following question should now be answered: how does the Brazilian legal system deal with *fake news*?

To answer this question, we examined the Brazilian Civil Rights Framework for the Internet (Law No. 12,965/2014), as well as decisions by higher courts, especially the Federal Supreme Court (STF) and the Superior Electoral Court (TSE).

This type of analysis can contribute to possible adaptations of the legislation in order to bring the protection of environmental information and data to the center of the legal framework on disinformation.

### 4.1 CIVIL RIGHTS FRAMEWORK FOR THE INTERNET AND STF RULING ON THE CONSTITUTIONALITY OF ITS ARTICLE 19

The Brazilian Civil Rights Framework for the Internet (Law No. 12,965/2014) establishes the principles, guarantees, rights, and duties for internet use in Brazil. Enacted on April 23, 2014, this law aims to regulate the online environment, seeking to balance freedom of expression with the need to protect other fundamental rights. Although the Civil Rights Framework does not explicitly address disinformation or *fake news*, its provisions influence the debate on the subject.

Its wording seeks to establish a digital environment that ensures freedom of expression and prevents prior censorship. This is reflected, for example, in the text of its Article 19, which determines that application providers, such as social networks and digital platforms, can only be held liable for third-party content if, after a specific court order, they fail to remove the content identified as infringing.

One of the central objectives of this article is to prevent digital platforms from acting as censors, preserving freedom of expression and the plurality of information. It also avoids the so-called "*chilling effect*," which occurs when platforms, fearing penalties if they do not remove certain content, act intensively, even removing legitimate content from the network, thereby compromising freedom of expression.

On the other hand, Article 19, by not providing for automatic or preventive mechanisms for removing misinformation, results in a lack of proactive responsibility on the part of providers to monitor and eliminate potentially false or decontextualized information. Thus, although it preserves freedom of expression and avoids censorship, this provision is criticized for creating a limitation, since the delay and the need for a court order can make it difficult to contain the spread of misinformation, especially in critical periods, such as elections or public health crises.

In this sense, the contemporary debate has mobilized experts, legislators, and civil society on the need to update or supplement the Civil Rights Framework for the Internet to address misinformation more effectively, without giving up fundamental human rights. On the one hand, there are proposals, such as the "*Fake News Bill*" (PL 2630/2020), which aim to impose greater responsibility on digital platforms and create monitoring and transparency mechanisms that can reduce the circulation of harmful content. On the other hand, there is a strong concern that more restrictive measures could compromise freedom of expression, free enterprise, and violate fundamental rights. There is also a fear that imposing indiscriminate content moderation will give disproportionate power to platforms, which could act as a court of truth, deciding what content can and cannot be published.

Thus, discussions revolve around a delicate balance: how to effectively combat misinformation without, however, turning regulation into a limiter of freedom of expression and free enterprise, and without giving disproportionate censorship power to digital platforms.

In this context, in June 2025, the Federal Supreme Court (STF) concluded its ruling on the constitutionality of Article 19 of the Brazilian Civil Rights Framework for the Internet and the possibility of holding digital platforms liable for user content. The court analyzed two specific cases and, considering the relevance of the issue, recognized its general repercussions. Thus, the decision now has binding effect for similar cases, and its effects have been modulated for prospective application, that is, only from the date of the judgment.

The first case, Extraordinary Appeal No. 1,037,396 (Theme 987), reported by Minister Dias Toffoli, originated in a lawsuit filed against Facebook. The dispute began after the creation and maintenance of a fake profile that misused the plaintiff's image to spread offensive comments. The company refused to remove the content even after private notification, arguing that the deletion would require a court order. In this case, it was argued whether the requirement of a prior court decision to hold the provider liable for damages would violate fundamental rights such as privacy, honor, and human dignity. The Federal Supreme Court, in ruling on the case, denied the extraordinary appeal, upholding the conviction and, consequently, the liability of the platform.

The second, Extraordinary Appeal No. 1,057,258 (Theme 533), reported by Minister Luiz Fux, involved a lawsuit against Google regarding the maintenance of an offensive community created on the now defunct Orkut, in which students defamed a teacher. The controversy concerned the civil liability of the provider for not removing offensive content generated by third parties. The Court, in analyzing the case, upheld the extraordinary appeal, overturning the conviction of the provider. The STF dismissed liability on the grounds that, at the time of the events, there was no legal requirement for prior supervision (monitoring). However, the general thesis established in the judgment (valid prospectively) now provides that if offensive content has already been recognized by a court decision, social network providers must remove identical replications upon judicial or extrajudicial notification, without the need for a new court decision for each post.

By a vote of 8 to 3, the Court declared the partial and progressive unconstitutionality of Article 19 of the Brazilian Civil Rights Framework for the

Internet, on the grounds that the general rule, which conditions the civil liability of internet application providers on a specific court order to remove illegal content from third parties, constituted a state of partial omission. This omission stemmed from the fact that the original model did not provide sufficient protection for highly relevant constitutional legal rights, such as the protection of fundamental rights and democracy.

Thus, the STF, by adopting a constitutional and evolutionary interpretation of the article, established theses that broaden the cases of liability of digital platforms, even without the need for a prior court order.

The main guidelines established by the STF include:

- a) Duty of Care and Systemic Failure in Serious Crimes:** The provider is liable when it fails to immediately remove content that constitutes serious crimes listed in an exhaustive list (such as anti-democratic acts, crimes of terrorism, child pornography, hate crimes against women or LGBTQIA+, and incitement to suicide). Liability in this regard is conditional on the existence of systemic failure, i.e., failure to take appropriate preventive or removal measures in accordance with the state of the art.
- b) Presumption of Liability:** There is a presumption of liability in cases of illegal content conveyed by paid advertisements and boosts or by artificial distribution networks (*bots* or robots). In such cases, liability may occur regardless of notification, and the provider is only exempt if it proves that it acted diligently and within a reasonable time to make the content unavailable.
- c) Regime of Art. 21 for Crimes, Illegal Acts, and Inauthentic Accounts:** The STF's thesis expanded the application of Article 21, which replaces the strict requirement of a court order in Article 19 with the possibility of liability after notification or knowledge of the illegality. With the new interpretation, the regime of Article 21 becomes the general rule for "crimes or illegal acts" and "inauthentic" (false) accounts.

- d) Maintenance of Article 19:** Article 19 remains applicable, requiring a prior court order for liability in cases of crimes against honor (slander, libel, and defamation), although in such cases removal by extrajudicial notification is possible. Article 19 is also maintained for email providers, closed video or voice meeting applications, and instant messaging services (private interpersonal communications).
- e) Replication of Illegal Content:** In the case of successive replications of the offensive act already recognized by a court decision, providers must remove identical content upon judicial or extrajudicial notification, without the need for a new decision for each post.

The Constitutional Court emphasized that there will be no strict liability in the application of the stated thesis, maintaining liability of a subjective nature. Finally, the effects of the decision were modulated for prospective application, preserving legal certainty, and the Court appealed to the National Congress to enact legislation capable of remedying the deficiencies of the current regime.

With this decision, the STF redefined the balance between freedom of expression and the accountability of internet application providers. The original model of Article 19 of the Brazilian Civil Rights Framework for the Internet, which conditioned accountability on a court order, sought to protect freedom of expression and prevent private censorship. The new regime resulting from the partial and progressive unconstitutionality of Article 19 now combines the requirement for a specific court order only in certain cases (such as crimes against honor, emails, and private instant messaging communications) with duties of proactive removal and enhanced diligence in situations of manifest illegality and high potential for harm.

Although this change seeks greater agility in containing harmful content and creates faster mechanisms for removing serious illegal content, experts and companies warn of the risks of excessive moderation and the inhibitory effect on freedom of expression if platforms begin to act excessively cautiously to avoid legal sanctions. Companies such as Meta and Google have expressed concern about the risks to innovation and legal certainty. The president of the STF,

Minister Luís Roberto Barroso, argued that the court preserved freedom of expression "to the greatest extent possible."

On the other hand, the decision was seen as necessary, as the previous model of Article 19 had become insufficient to protect fundamental rights and constituted an obstacle in situations requiring rapid responses, especially in the face of the massive spread of misinformation and attacks on democracy.

The Court also appealed to the National Congress to draft legislation capable of remedying the deficiencies of the current regime, establishing that the new accountability regime will remain in force as a provisional criterion until the Legislature issues specific regulations on the subject.

It should be noted that numerous bills currently before Congress seek precisely to remodel Article 19 of the Brazilian Civil Rights Framework for the Internet, reflecting the multiplicity of views on how to balance freedom of expression, the protection of fundamental rights, and the need to curb misinformation in the Brazilian digital environment.

## **4.2 RESOLUTIONS OF THE SUPERIOR ELECTORAL COURT ON MISINFORMATION**

The 2018 electoral process in Brazil was marked by a political scenario of intense polarization and debate, and took place under the new rules established by Law No. 13,488/2017, which amended the Election Law (Law No. 9,504/1997) to introduce specific rules for electoral advertising on the internet. Among its innovations, the law now requires that paid content published on digital platforms be clearly identified as promoted, linked to the candidate's official website, and prohibits the publication of electoral propaganda by anonymous profiles.

However, the new legislation proved insufficient in the face of the complexity of disinformation, evidenced during the 2018 election, marked by intense polarization and strategic use of false content to influence public debate.

Given this context, the Superior Electoral Court (TSE) set out to update its regulatory framework. Resolution No. 23,610, enacted on December 18, 2019, represented an initial milestone in this effort, consolidating guidelines for electoral

propaganda, establishing parameters on free airtime, illegal conduct, and use of the internet, with an emphasis on transparency and balance between freedom of expression and the integrity of the democratic process.

Its original text already included an article addressing misinformation in electoral advertising, requiring parties and candidates to verify the accuracy of all content used in campaigns, including third-party materials, before disseminating them, ensuring a minimum level of reliability in the information. Following the example of the Brazilian Civil Rights Framework for the Internet, the resolution established that digital platforms will only be held liable if they fail to remove irregularly promoted material after a specific order from the Electoral Court. In addition, mass distribution or paid promotion of content was regulated, allowing it only for parties and candidates, provided that it is identified as "Election Advertising" and contracted with providers based in Brazil.

In December 2021, the TSE enacted Resolution No. 23,671/2021, which amended Resolution No. 23,610/2019 to update the rules for the 2022 elections. The new resolution introduces changes to combat misinformation and strengthen the protection of personal data in the electoral context. The main change related to misinformation was the prohibition of "the dissemination or sharing of **facts known to be untrue or seriously decontextualized** that affect the integrity of the electoral process, including the processes of voting, counting, and tallying votes."

With the repetition of the scenario of political polarization and the proliferation of disinformation on social media related to the 2022 elections, shortly after the election, the TSE published Resolution No. 23,714/2022, which deals exclusively with combating disinformation. This resolution establishes that, after a collegiate decision determining the removal of misinformation content, the Presidency of the TSE may extend this decision to identical republished content. It also prohibits the payment of any type of advertising in the 48 hours prior to and 24 hours after the elections. In addition, the rule allows for the temporary suspension of profiles, accounts, or channels that systematically produce misinformation, including prohibiting offenders from creating new profiles.

However, the TSE's resolution to combat misinformation was the subject of a Direct Action of Unconstitutionality (ADI 7261) filed by the Attorney General's Office (PGR) in 2022. The PGR argued that the rule invaded the legislative competence of the Union, violated freedom of expression, and limited the actions of the Public Prosecutor's Office. The Federal Supreme Court (STF), however, dismissed the action in December 2023, confirming the constitutionality of the resolution.

Continuing the update work for the 2024 elections, in February of that year, the TSE enacted Resolution No. 23,732/2024. This normative act significantly amended Resolution 23,610/2019, reflecting the urgency to respond to technological advances and electoral risks amplified by the use of artificial intelligence (AI) as a tool for disinformation.

Its main innovations can be grouped into seven themes:

- a) **Transparency in the use of synthetic content:** imposition of explicit labeling for synthetic multimedia content generated by artificial intelligence, including *chatbots*. When used in election campaigns, the manipulated nature of the material and the technology used must be clearly stated.
- b) **Prohibition on the use of *deep fakes*:** the prohibition on the use of *deep fakes* to harm or favor a candidate has been made explicit, even with authorization, to create, replace, or alter the image or voice of a living, deceased, or fictional person. Violation may result in the revocation of registration or mandate, in addition to liability for abuse of political power.
- c) **Cooperation with fact-checking agencies:** cooperation between the TSE and fact-checking agencies has been formalized, allowing them to classify content independently. The checks are published on the Electoral Justice website and serve as a parameter for investigating violations of the duty of diligence by parties and candidates. This institutionalizes the partnership with independent verifiers, albeit under the supervision of the Court.

- d) Duty of care for digital platforms:** Internet application providers now have expanded responsibilities to mitigate the circulation of misinformation in the electoral context, and must plan and adopt preventive and corrective measures, publish such measures, develop compatible usage policies, implement reporting channels, prepare impact assessments in election years, and suspend promotion services for illegal content.
- e) Accountability of digital platforms:** Internet application providers will now be jointly liable when they do not immediately remove content and accounts containing misinformation during the election period. These platforms must cease boosting, monetizing, and accessing content and internally investigate the facts and the profiles and accounts involved to prevent further circulation. The Electoral Court may determine that the provider promote content that clarifies previously disseminated misinformation free of charge.
- f) Public repository of TSE decisions:** the TSE has established a public repository that compiles content removal orders. Electoral judges must consult this repository to ensure consistency in local decisions.
- g) Procedural speed:** the resolution expedited deadlines for content removal, allowing judges to determine actions in less than 24 hours, depending on the severity.

However, the 2024 resolution has also drawn criticism, especially regarding its potential impact on freedom of expression, with questions about the TSE's authority to establish certain rules and the effectiveness of measures to curb the spread of fake news without infringing on individual and collective rights. Some experts pointed out the subjectivity of certain criteria for content removal and the possible difficulty of monitoring and enforcing the new rules in the dynamic context of social media. They also pointed out that these subjective criteria could open the door to abuse and excessive censorship by both providers and electoral authorities.

One of the most notable reactions was Google's decision to ban electoral and political advertising in Brazil from May 2024, both on its search engine and on YouTube. Google reported technical difficulties in complying with the requirements of the TSE resolution. According to FARRUGIA (2024), Google indicated that the definition of "political content" presented by the TSE was also too broad, making it impossible to monitor developments in this category.

In addition, the TSE coordinates the Permanent Program to Combat Disinformation in Electoral Justice, an initiative that integrates educational actions, partnerships with fact-checking agencies, and algorithmic transparency mechanisms.

Recent STF case law and TSE resolutions demonstrate an institutional effort to balance freedom of expression with the need to contain the systemic effects of misinformation. These precedents can provide support for the formation of a legal framework aimed at protecting sensitive environmental information, especially in contexts of climate emergencies and natural disasters, in which false information poses a direct risk to the life and integrity of the affected populations.

## 5. WHAT BILLS ARE CURRENTLY BEING PROCESSED IN THE CHAMBER OF DEPUTIES RELATED TO THE PROBLEM OF *FAKE NEWS*?

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Given the current state of the Brazilian legal system in relation to *fake news* and misinformation, it is possible to consider future paths for legislation, which leads to the question: what bills are currently being debated in the Chamber of Deputies related to the problem of *fake news*?

### 5.1 *FAKE NEWS* BILL (2630/2020)

Among the bills on the subject of disinformation, the "Brazilian Law on Freedom, Responsibility, and Transparency on the Internet" (PL 2630/2020), proposed by the Senate and currently pending in the Chamber of Deputies, stands out due to its significant repercussions. This bill became popularly known as the "**Fake News Bill**" and sparked intense public and legislative debate in

Brazil, dividing opinions: while sectors of society and some legislators saw it as an important tool to increase transparency and hold digital platforms accountable in the fight against disinformation, critics warned of risks to freedom of expression, excessive impositions on technology companies, and potential violations of user privacy.

The proposal was based in particular on the Digital Services Act (DSA), approved by the European Union in 2023. Bill 2630/2020 defines its scope of application to application providers that offer social networking, instant messaging, and search engine services, provided they have more than 10 million users in Brazil, as well as on-demand content providers with any number of users. Non-profit entities, scientific repositories, open source platforms, and online games were excluded from the scope of the bill.

The main points addressed by Bill 2630/2020 are listed below:

- a) Transparency:** the proposal requires providers to publish semi-annual reports detailing content moderation practices, algorithmic criteria, and usage policies, ensuring clarity for users. In addition, it establishes the obligation to notify users about content removal or restriction, ensuring the right to review and defense.
- b) Liability:** providers are now jointly liable in two situations: for damages caused by third-party content distributed through platform advertising; and for failure to comply with the "duty of care" during the so-called "security protocol," established for up to thirty days when systemic risks are imminent or when there is negligence or insufficient action by the provider.
- c) Combating Systemic Risks:** the proposal imposes mandatory assessments of risks associated with algorithms, such as the dissemination of illegal content or threats to democracy. Platforms must adopt mitigation measures, such as human supervision of automated tools, and make data available for inspection, ensuring that systems do not amplify misinformation or collective harm.

- d) **Instant Messaging:** Mass messaging is limited in order to contain the spread of misinformation, requiring that broadcast lists only reach mutual contacts. Commercial accounts must identify senders and are prohibited from carrying unauthorized election advertising, with violators being blocked. The bill also requires the preservation of data for judicial investigations, but rejects widespread tracking, protecting user privacy.
- e) **Specific Protections:** the proposal creates protections for: copyright and journalistic rights, with mandatory remuneration to rights holders for the use of their content on platforms; children and adolescents, prioritizing privacy and security, with technical measures adapted to this audience; institutional profiles of public officials, which gain protection against arbitrary removal.
- f) **Penalties:** The bill provides for fines of up to 10% of revenue (limited to R\$ 50 million) and temporary suspension of activities for providers who fail to comply with their obligations. It also criminalizes coordinated disinformation campaigns on the internet using bots or fake accounts, especially in electoral or public health contexts, with penalties for those who disseminate untruthful facts capable of compromising democratic processes or physical integrity.
- g) **Public Authorities:** government advertising is prohibited on platforms without legal representation in Brazil or that promote anti-democratic discourse. In addition, transparency is required regarding public spending on digital advertising, preventing misappropriation of funds and encouraging accountability.

## 5.2 FAKE NEWS AND THE ENVIRONMENT - PL 2733/2024 AND PL 2051/2024

In view of the challenges observed in the news regarding the environment, environmental disasters, and *fake news*, it is appropriate to analyze legislative proposals that aim to address the problem of the consequences of misinformation. Among the proposals analyzed, it was decided to move forward

with the evaluation of PLs 2051/2024, authored by Representative Erika Kokay (PT/DF), and 2733/2024, by Representative Patrus Ananias (PT/MG).

Bill 2051/2024 proposes to amend the Penal Code and the Civil Rights Framework for the Internet to criminalize the production, dissemination, or sharing of false news that seriously misrepresents the truth on topics of public interest, including the environment. The proposal broadens the criminal scope of *fake news*, recognizing that its dissemination, especially during situations of calamity, can endanger life, public safety, and environmental stability.

By including the environment among the protected topics, the bill recognizes that climate misinformation has effects equivalent to crimes against public peace, as it undermines collective confidence and compromises prevention and mitigation actions. Although it needs editorial improvements, especially regarding the precise definition of "manifestly false news" and the safeguarding of freedom of expression, the scope of the text is a response to the new reality of crises related to the environment.

Bill 2733/2024, on the other hand, by amending Law No. 12,608/2012, which establishes the National Policy for Protection and Civil Defense, innovates by expressly providing that the government must combat the dissemination of false information related to disasters, in addition to ensuring the health and food security of those affected by environmental disasters. The text recognizes misinformation as a risk factor in itself, capable of aggravating the effects of disasters and disrupting emergency responses. It is a preventive and operational measure that can be coordinated with warning systems, risk communication, and partnerships with fact-checking agencies, consolidating the fight against misinformation as a structural element of Brazilian civil defense.

Both proposals, therefore, converge towards a broader vision of environmental and social protection, in which truthful information is treated as an essential public good. Based on these proposals, the authors recognize that addressing natural disasters and the climate emergency also implies protecting society's information space, the symbolic terrain where decisions are made about

whether a risk will be taken seriously and whether a collective response will be possible.

### 5.3 OTHER BILLS ON MISINFORMATION

Below are several legislative initiatives that aim to tackle disinformation on different fronts.

| Prop.                 | Summary                                                                                                                                                                                                                                                                                                                                                                                                                   | Author            | Participation | Status                                         |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------|------------------------------------------------|
| <b>PL 4350/2025</b>   | Establishes the National System for Transparency and Integrity of Climate Information (SNTIIC) as part of the National Climate Change Policy, and makes other provisions.                                                                                                                                                                                                                                                 | Duda Salabert     | PDT           | Awaiting Appointment of Rapporteur             |
| <b>PL 4717/2025</b>   | Provides for the responsibility of social media platforms in combating online misinformation, establishes guidelines for the transparency of their moderation policies, and creates audit and sanction mechanisms.                                                                                                                                                                                                        | Antônia Lúcia     | REPUBLICANS   | Awaiting the President's Decision              |
| <b>PL 3418/2025</b>   | Establishes measures to combat misinformation about Autism Spectrum Disorder (ASD) and penalizes the dissemination of misleading content for profit related to the disorder.                                                                                                                                                                                                                                              | Amom Mandel       | CITIZENSHIP   | Awaiting Appointment of Rapporteur             |
| <b>PL 2729/2025</b>   | Amends Law No. 9,504, of September 30, 1997 (Elections Law), to provide for misinformation in electoral advertising, electoral advertising on the internet, and the right of reply in electoral advertising on the internet.                                                                                                                                                                                              | Guilherme Boulos  | PSOL          | Awaiting Opinion                               |
| <b>PL 4144/2024</b>   | Provides for the prevention and combating of misinformation and misleading information on digital communication platforms and social networks, and makes other provisions.                                                                                                                                                                                                                                                | Pedro Uczai       | PT            | Awaiting Opinion                               |
| <b>PL 4536/2024</b>   | Establishes mandatory registration and re-registration of users on social networks and provides other measures.                                                                                                                                                                                                                                                                                                           | Luiz Carlos Hauly | PODE          | Jointly processed                              |
| <b>PL 790/2025</b>    | Provides for combating the spread of fake news on digital platforms and media outlets, ensuring that those responsible for spreading false information are penalized by automatically guaranteeing the right of reply to those offended, without the need to resort to the courts, including in cases of content published anonymously, with communication platforms being held accountable, in addition to PL 2630/2020. | Zé Neto           | PT            | Awaiting Approval and Publication of the Order |
| <b>Bill 1758/2024</b> | Amends Law No. 4,737, of July 15, 1965, which establishes the Electoral Code, to establish the possibility of punishment in cases of tampering with or creation, by any means, of texts, audios, images, videos, or                                                                                                                                                                                                       | Aureo Ribeiro     | SOLIDARITY    | Jointly pending                                |

other media intended to spread false beliefs related to candidates or the electoral contest.

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|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----|--------------------------------------------------------------------------------|
| <b>PL 2778/2024</b> | Provides for the prerogatives of the Electoral Court in combating misinformation, changes the deadline for assessing the minimum age for holding elective office, and allows the use of astreintes as a coercive measure by the electoral judiciary.                                                                                                                                                                         | Dr. Luizinho          | PP  | Awaiting Appointment of Rapporteur                                             |
| <b>PL 2251/2024</b> | Amends Law No. 14,197 of 2021 to include in Title XII of the Special Part of Decree-Law No. 2,848 of December 7, 1940 (Penal Code), relating to crimes against the Democratic Rule of Law, provisions to criminalize the production and dissemination of misleading mass communication in the electoral process.                                                                                                             | Erika Kokay           | PT  | Awaiting Opinion                                                               |
| <b>PL 2306/2024</b> | Amends the Penal Code to make it a crime to disseminate proven false information, by any means, in situations of recognized public calamity.                                                                                                                                                                                                                                                                                 | Alexandre Lindenmeyer | PT  | Jointly processed                                                              |
| <b>PL 2733/2024</b> | Amends Law No. 12,608, of April 10, 2012, which establishes the National Policy for Protection and Civil Defense (PNPDEC), to ensure the health and food security of those affected and combat the dissemination of false information related to disasters.                                                                                                                                                                  | Patrus Ananias        | PT  | Awaiting Appointment of Rapporteur                                             |
| <b>PL 2167/2024</b> | Amends Law No. 12,842, of July 10, 2013, to establish mandatory medical supervision in the production and dissemination of health content in the media, including internet applications.                                                                                                                                                                                                                                     | Duda Ramos            | MDB | Awaiting Appointment - Awaiting Return of Rapporteur who is no longer a Member |
| <b>PL 3821/2024</b> | Amends Decree-Law No. 2,848, of December 7, 1940 (Penal Code), and Law No. 9,504, of September 30, 1997 (Elections Law), to classify the crime of digital manipulation of images by artificial intelligence, and to increase the penalty in cases of crimes against women and candidates during the election period, and makes other provisions.                                                                             | Amanda Gentil         | PP  | Awaiting consideration by the Federal Senate                                   |
| <b>PL 2051/2024</b> | Amends Decree-Law No. 2,848, of December 7, 1940 (Penal Code) and Law No. 12,965, of April 23, 2014 (Civil Rights Framework for the Internet), to criminalize the production, dissemination, or sharing of <i>fake news</i> that aims to alter, distort, or seriously corrupt the truth about topics related to health, education, the environment, public safety, the national economy, or other relevant public interests. | Erika Kokay           | PT  | Ready for Agenda                                                               |
| <b>PL 5241/2023</b> | Amends Law No. 4,737, of July 15, 1965, to classify the dissemination of deep fakes during election campaigns as a crime.                                                                                                                                                                                                                                                                                                    | Rafael Brito          | MDB | Jointly processed                                                              |

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|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------|-------------------|
| <b>PL 5242/2023</b> | Amends Law No. 9,504, of September 30, 1997, to prohibit the creation, use, and dissemination of deep fakes.                                                                                                                                                                        | Rafael Brito          | MDB       | Jointly pending   |
| <b>PL 1912/2023</b> | Amends Law No. 12,965, of April 23, 2014, to provide for the guarantee of subsequent accountability of internet users, respecting freedom of thought and expression, in accordance with Article 13 of the American Convention on Human Rights, Decree No. 678, of November 6, 1992. | Carol Dartora         | EN        | Awaiting Opinion  |
| <b>PL 1913/2023</b> | Amends Decree-Law No. 2,848, of December 7, 1940 – Penal Code, to provide for the disclosure of content that violates digital citizenship.                                                                                                                                          | Kim Kataguirí         | UNION     | Jointly pending   |
| <b>PL 683/2024</b>  | Amends Decree-Law No. 2,848, of December 7, 1940, to classify the dissemination of false news about the efficacy and safety of vaccines as a criminal offense.                                                                                                                      | Rafael Brito          | MDB       | Jointly processed |
| <b>PL 1119/2024</b> | Amends Law No. 12,965, of April 23, 2014, requiring internet application providers to remove advertising content disseminated through their platforms that uses false images or voices of people to promote the advertisement of products and services.                             | Emanuel Pinheiro Neto | MDB       | Pending           |
| <b>PL 5394/2023</b> | Amends Decree-Law No. 2,848, of December 7, 1940, Penal Code, to criminalize the tampering, editing, or modification of photographs, videos, or any other form of visual representation related to a person's privacy, through Artificial Intelligence, and makes other provisions. | Erika Kokay           | PT        | Jointly processed |
| <b>PL 17/2024</b>   | Adds to Decree-Law No. 2,848, of December 7, 1940 - Penal Code, a provision to punish those who induce suicide by publishing and disseminating false news.                                                                                                                          | Pedro Aihara          | PATRI OTA | Jointly processed |
| <b>PL 18/2024</b>   | Establishes that the deliberate dissemination of false information that causes damage to the mental health or physical integrity of others will be subject to the restrictive and punitive measures provided for in this bill.                                                      | Pedro Aihara          | PATRI OTA | Jointly processed |
| <b>PL 92/2024</b>   | Includes a qualifier to Article 122 of the Brazilian Penal Code, on incitement to suicide resulting from the dissemination of <i>fake news</i> on internet pages, as well as its demonetization, by preventing the signing of contracts and partnerships with such sites.           | Célio Studart         | PSD       | Jointly processed |
| <b>PL 588/2024</b>  | Adds item III to § 3 of Article 122 of Decree-Law No. 2,848, of December 7, 1940 (Penal Code), in order to increase the penalty if the agent commits the typical conduct by disseminating or spreading information that is untrue or offensive to the victim's honor.               | Nely Aquino           | MAY       | Jointly pending   |
| <b>PL 4134/2021</b> | Adds Article 287-A to Decree-Law No. 2,848, of December 7, 1940 – Penal Code, to classify the crime of spreading false news.                                                                                                                                                        | Carlos Bezerra        | MDB       | Jointly processed |

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|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------|---------------------------------------------------------------------------------|
| <b>PL<br/>5342/2023</b> | Classifies the crime of fake pornography and adds Article 218-D to Decree-Law No. 2,848, of December 7, 1940 (Penal Code), to classify the crime of creating, disseminating, and commercializing unauthorized nude or sexual images generated by software and artificial intelligence (AI); changes the nature of criminal proceedings for crimes against sexual dignity to unconditional public prosecution; establishes grounds for increased penalties for these crimes. | Marcelo Álvaro Antônio | PL    | Awaiting Assignment - Awaiting Return from Rapporteur who is no longer a Member |
| <b>PL<br/>5467/2023</b> | Amends Law No. 11,340, of August 7, 2006 (Maria da Penha Law), and Decree-Law No. 2,848, of December 7, 1940 (Penal Code), to recognize that the dissemination of false sexual content constitutes domestic and family violence and to criminalize the dissemination of unauthorized false recordings of content containing nudity or sexual or libidinous acts.                                                                                                            | Camila Jara            | EN    | Awaiting Opinion                                                                |
| <b>PL<br/>224/2024</b>  | Criminalizes the dissemination of false information with the intention of compromising the credibility of the electoral system.                                                                                                                                                                                                                                                                                                                                             | José Guimarães         | PT    | Awaiting Opinion                                                                |
| <b>PL<br/>1809/2023</b> | Amends Law No. 8,080, of September 19, 1990, and Law No. 12,965, of April 23, 2014, to provide for combating the dissemination of false information ( <i>fake news</i> ) that endangers the health of the population.                                                                                                                                                                                                                                                       | Dorinaldo Malafaia     | PDT   | Awaiting Opinion                                                                |
| <b>PL<br/>1002/2023</b> | Amends Law No. 9,504, of September 30, 1997, which establishes rules for elections, to provide for deep fakes.                                                                                                                                                                                                                                                                                                                                                              | Kim Kataguirí          | UNION | Jointly pending                                                                 |
| <b>PL<br/>241/2019</b>  | Amends Decree-Law No. 2,848, of December 7, 1940 - Penal Code, to classify the crime of creating and spreading false news.                                                                                                                                                                                                                                                                                                                                                  | Júnior Ferrari         | PSD   | Jointly processed                                                               |
| <b>PL<br/>2601/2019</b> | Amends Law No. 12,965, of April 23, 2014, to create an obligation for internet application providers to make false news unavailable and provides other measures.                                                                                                                                                                                                                                                                                                            | Luis Miranda           | DEM   | Jointly processed                                                               |
| <b>PL<br/>2149/2019</b> | Adds a paragraph to Article 57-D of Law No. 9,504, of September 30, 1997 - Election Law, to maintain the effects, after the end of the election period, of court orders to remove content from the internet.                                                                                                                                                                                                                                                                | Marília Arraes         | PT    | Jointly processed                                                               |
| <b>PL<br/>1974/2019</b> | Establishes National <i>Fake News</i> Awareness Week, to be celebrated annually throughout the country during the first week of April, and creates National <i>Fake News</i> Awareness Day, to be celebrated every April 1 of each year, and makes other provisions.                                                                                                                                                                                                        | Reginaldo Lopes        | PT    | Jointly processed                                                               |
| <b>PL<br/>5679/2019</b> | Makes the dissemination of false information about vaccines a crime, amending Decree-Law No. 2,848, of December 7, 1940, Penal Code.                                                                                                                                                                                                                                                                                                                                        | Dr. Soraya Manato      | PSL   | Jointly processed                                                               |

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|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------|-------------------|
| <b>PL 4096/2020</b>  | Amends Decree-Law No. 2,848, of December 7, 1940 – Penal Code, to provide for double penalties for crimes against honor committed through the creation, dissemination, production, or sharing of information or news known to be false via the internet. | Bira do Pindaré; Denis Bezerra; [...] (and others) | PSB      | Jointly pending   |
| <b>PL 9931/2018</b>  | Classifies the crime of disseminating false news or information.                                                                                                                                                                                         | Erika Kokay                                        | PT       | Jointly processed |
| <b>PL 11004/2018</b> | Amends provisions of Law No. 4,737, of July 15, 1965, which establishes the Electoral Code, to improve the classification of the electoral crime of disseminating knowingly untrue facts (false news).                                                   | Jandira Feghali                                    | PCdoB    | Jointly processed |
| <b>PL 7604/2017</b>  | Provides for the imposition of fines for the dissemination of false information on social media and other measures.                                                                                                                                      | Luiz Carlos Hauly                                  | PSDB     | Jointly processed |
| <b>PL 3307/2020</b>  | “Provides for damages caused by the publication of false news and other measures”                                                                                                                                                                        | Alexandre Frota                                    | PSDB     | Jointly processed |
| <b>PL 9973/2018</b>  | Amends Law No. 4,737, of July 15, 1965 (Electoral Code) and Law No. 9,504, of September 30, 1997, to classify the dissemination of known falsehoods during an election year and makes other provisions.                                                  | Fábio Trad                                         | PSD      | Jointly processed |
| <b>PL 10915/2018</b> | Amends Law No. 4,737, dated July 15, 1965 (Electoral Code) to criminalize the dissemination by candidates of knowingly false information ( <i>fake news</i> ) during election years and makes other provisions.                                          | Reginaldo Lopes                                    | PT       | Jointly processed |
| <b>PL 10292/2018</b> | Amends Articles 288 and 323 of Law No. 4,737, of July 15, 1965 (Electoral Code) to classify as an electoral crime the creation, dissemination, and sharing of knowingly false information during an election year.                                       | VENEZIANO VITAL DO RÊGO                            | PSB      | Pending in Joint  |
| <b>PL 1596/2020</b>  | Amends Law No. 9,504, of September 30, 1997 (Elections Law), to determine that the institutional propaganda of the Superior Electoral Court include a warning about fake news.                                                                           | Federal Senate - Antonio Carlos Valadares          | PSB      | Awaiting Opinion  |
| <b>PL 2196/2020</b>  | Considers the dissemination of fake news published electronically to be a crime and provides other measures.                                                                                                                                             | Alexandre Frota                                    | PSDB     | Jointly processed |
| <b>PL 3063/2020</b>  | Establishes the Brazilian Law on Freedom, Responsibility, and Transparency on the Internet.                                                                                                                                                              | Felipe Rigoni; Tabata Amaral                       | PSB; PDT | Jointly processed |
| <b>PL 4046/2020</b>  | Amends Decree-Law No. 2,848, of December 7, 1940 (Penal Code) to add mass media or computer or telematic systems to cause damage to honor or image as an aggravating factor.                                                                             | Paulo Ramos                                        | PDT      | Jointly processed |
| <b>PL 1941/2020</b>  | Establishes a fine as a penalty for anyone who maliciously disseminates false news ( <i>fake news</i> ) about epidemics, pandemics, or social events that characterize tragedies or public calamities in the national territory                          | Wilson Santiago                                    | PTB      | Jointly processed |

through electronic, telematic, digital, written, television, or radio broadcasts.

|                     |                                                                                                                                                                                                                                                                        |                        |      |                     |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------|---------------------|
| <b>PL 9838/2018</b> | Criminalizes the conduct of anyone who offers, publishes, distributes, or disseminates news or information that they know to be false through electronic or print media.                                                                                               | Arthur Oliveira Maia   | PPS  | Jointly processed   |
| <b>PL 9761/2018</b> | Criminalizes the conduct of anyone who creates, disseminates, shares, or fails to remove, in electronic media, news or information that they know to be false.                                                                                                         | Celso Russomanno       | PRB  | Jointly processed   |
| <b>PL 9532/2018</b> | "Amends Law No. 4,737, of July 15, 1965, which establishes the Electoral Code, to provide for <i>fake news</i> and other measures."                                                                                                                                    | FRANCISCO FLORIANO     | DEM  | Jointly processed   |
| <b>PL 9554/2018</b> | Adds an article to Decree-Law No. 2,848, of December 7, 1940 - Penal Code, to classify the crime of disseminating false information - <i>fake news</i> .                                                                                                               | Pompeo de Mattos       | PDT  | Jointly processed   |
| <b>PL 9884/2018</b> | Amends Decree-Law No. 2,848, of December 7, 1940 - Penal Code, to classify the dissemination of false information as a crime.                                                                                                                                          | Fábio Trad             | PSD  | Jointly processed   |
| <b>PL 5128/2019</b> | Adds Article 197-A to Decree-Law No. 2,848, of February 7, 1940 (Penal Code), to establish a crime in cases of malicious dissemination of false job vacancies.                                                                                                         | Célio Studart          | PV   | Awaiting Assignment |
| <b>PL 5347/2020</b> | Creates the Law to Combat Disinformation in Elections.                                                                                                                                                                                                                 | Roberto de Lucena      | PODE | Awaiting Opinion    |
| <b>PL 3144/2020</b> | Establishes standards for transparency, education, critical thinking, and comprehensive information to combat disinformation in the country.                                                                                                                           | Joice Hasselmann       | PSL  | Jointly processed   |
| <b>PL 3221/2020</b> | Amends Law No. 12,232, of April 29, 2010, to prohibit sponsorship, institutional advertising, public service advertising, and marketing by the Federal Government on application providers that promote misinformation or spread fake news.                            | Frei Anastácio Ribeiro | PT   | Jointly processed   |
| <b>PL 105/2021</b>  | Adds Article 285-A to Decree-Law No. 2,848, of December 7, 1940 (Penal Code), to make it a crime to disseminate fake news, without identifying clear scientific data and reliable sources of information, about the effectiveness, importance, and safety of vaccines. | Ricardo Silva          | PSB  | Jointly processed   |
| <b>PL 127/2021</b>  | Amends Law No. 12,965, of April 23, 2014, to provide for fact checkers.                                                                                                                                                                                                | Nelson Barbudo         | PSL  | Jointly processed   |
| <b>PL 865/2021</b>  | Provides for informational diversity in cases of identification of fraudulent news on social media.                                                                                                                                                                    | Ronaldo Carletto       | PP   | Jointly processed   |

|                         |                                                                                                                                                                                                                                                                                                                                                              |                                                                    |             |                              |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------|------------------------------|
| <b>PL<br/>3627/2020</b> | Amends Law No. 12,965, of April 23, 2014, to create mechanisms for verifying the identity of active profiles on internet applications that act as social networks and platforms for reporting police incidents in the event of crimes against honor committed or disclosed in any form on social networks on the world wide web, and makes other provisions. | Nereu Crispim                                                      | PSL         | Jointly pending              |
| <b>PL<br/>2389/2020</b> | Provides for the criminalization of the creation and dissemination of <i>fake news</i> about the Coronavirus pandemic - Covid-19, adding Article 140-A to Decree-Law No. 2,848, of December 7, 1940, Penal Code, and makes other provisions.                                                                                                                 | Rejane Dias;<br>Erika Kokay;<br>Pedro Uczai;<br>[...] (and others) | PT          | Jointly pending              |
| <b>PL<br/>4027/2020</b> | Amends Law No. 12,232, of April 29, 2020, to prevent the dissemination of advertising by public agencies in media outlets that spread <i>fake news</i> .                                                                                                                                                                                                     | João Daniel                                                        | PT          | Jointly processed            |
| <b>PL<br/>1258/2020</b> | Criminalizes the dissemination of fake news during periods of public calamity, state of defense, state of siege, or intervention, also addressing prosecution and compensation in such cases, amending Decree-Law No. 2,848, of December 7, 1940, Penal Code.                                                                                                | Luis Miranda                                                       | DEM         | Jointly processed            |
| <b>PL<br/>2844/2020</b> | Determines the application of fines, suspension of tax exemptions and financing by public banks, in addition to prohibiting the government from contracting legal entities that propagate, encourage, or advertise, directly or indirectly, <i>fake news</i> in the media.                                                                                   | Joseildo Ramos;<br>Enio Verri;<br>Beto Faro; [...] (and others)    | PT          | Jointly pending              |
| <b>PL<br/>693/2020</b>  | Provides for the health responsibility of public authorities, classifies the crime of disseminating or sharing false information that threatens health security, and makes other provisions.                                                                                                                                                                 | Alexandre Padilha                                                  | PT          | Jointly processed            |
| <b>PL<br/>705/2020</b>  | Inserts Article 339-A into Decree-Law No. 2,848, of February 7, 1940, classifying the dissemination of knowingly false information regarding epidemics and pandemics that affect national public health as a crime.                                                                                                                                          | Célio Studart                                                      | PV          | Jointly processed            |
| <b>PL<br/>2917/2019</b> | Amends the Penal Code, established by Decree-Law No. 2,848, of December 7, 1940, and Law No. 13,188, of November 11, 2015, which provides for the right of reply, to address retractions regarding crimes against honor when false news is published on the internet.                                                                                        | Valdevan Noventa                                                   | PSC         | Jointly pending              |
| <b>PL<br/>2630/2020</b> | Establishes the Brazilian Law on Freedom, Responsibility, and Transparency on the Internet.                                                                                                                                                                                                                                                                  | Federal Senate - Alessandro Vieira                                 | CITIZENSHIP | Awaiting Definition Referral |

PL  
1354/2021

Amends the MCI, with the aim of encouraging plurality and diversity in news, ensuring measures to protect national journalism and combat *fake news*, adopting a policy of non-discriminatory treatment of legally established newspaper, magazine, radio, and television media companies, and creating mechanisms for equanimity, plurality, and diversity of content on the internet.

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In summary, the legislative proposals examined highlight the Brazilian government's growing concern with addressing misinformation as a systemic phenomenon, whose repercussions extend beyond the political sphere and reach social, economic, and environmental dimensions. The multiplicity of initiatives—ranging from the revision of the Civil Rights Framework for the Internet to the creation of new frameworks for accountability and transparency of digital platforms—demonstrates the search for a delicate balance between protecting the public sphere and preserving freedom of expression. The central challenge is to structure a legal regime for responsible information that ensures veracity and accountability without compromising democratic pluralism and technological innovation. Ultimately, it is a matter of consolidating a normative culture that protects the right to information as a public good essential to democracy, security, and life in society.

## 6. FINAL CONSIDERATIONS

The analysis developed throughout this study has shown that the phenomenon of *fake news*—or, more precisely, disinformation—is not limited to a question of distorted communication, but constitutes a new dimension of institutional, political, and environmental vulnerability. Its legal treatment requires overcoming generic concepts and adopting more rigorous and functional definitions that allow us to distinguish between individual error and spontaneous rumor from the malicious act of mass deception, especially in situations of collective risk.

**Item 2** demonstrated that a proper understanding of the problem depends on the articulation between different dimensions: technological,

psychosocial, legal, and sociopolitical. The role of recommendation algorithms and the engagement-based business model make digital platforms central actors in the phenomenon, requiring legislative provisions for transparency and proportional responsibility. On the other hand, the cognitive and affective component of disinformation indicates the need for complementary public policies on **media and digital literacy**, aimed at educating citizens for the critical consumption of information. At the regulatory level, malicious intent—the deliberate fabrication of falsehoods—is the element that can guide the core of civil and criminal offenses, avoiding both arbitrary sanctions and state omission.

**Item 3** revealed that, in the environmental field, misinformation takes on particular gravity. Campaigns to spread rumors in disaster situations and the use of image and sound manipulation technologies increase the destructive potential of the climate crisis and hinder institutional response. Informational integrity thus emerges as **a legal and environmental good**, a necessary condition for the effectiveness of the National Civil Protection and Defense Policy and for guaranteeing the collective right to a balanced environment. In disaster scenarios, the circulation of false information can cost lives, disrupt rescue efforts, and undermine social trust. This finding indicates that combating misinformation should be conceived as a **civil defense tool**, with care taken to maintain conditions of freedom of expression.

**Item 4** showed that the Brazilian legal system is undergoing a turning point. The decision of the Federal Supreme Court, declaring the partial and progressive unconstitutionality of Article 19 of the Brazilian Civil Rights Framework for the Internet, produced a new regime of responsibility: it maintains the requirement for a court order in certain cases, but imposes **duties of proactive removal and enhanced diligence** in situations of manifest illegality and high potential for harm. This interpretation opens the door for legislators to consider specific cases of enhanced action by digital platforms in contexts of public calamity recognized by the federal government, when the circulation of misinformation may aggravate risks to life, health, and environmental integrity. The STF itself, recognizing the limitations of the current regime, called on the National Congress to develop **specific regulations** on the subject—an

opportunity that can be used to include the **environmental and civil defense dimensions** in the regulatory framework for misinformation.

**Item 5**, in turn, highlighted the progressive maturation of the legislative agenda. **Bill 2630/2020**, inspired by the European model of digital services, seeks to combine algorithmic transparency, duty of care, and proportional accountability. **Bills 2051/2024 and 2733/2024**, on the other hand, introduce significant advances by recognizing disinformation as an environmental and disaster risk factor, proposing amendments to the Penal Code, the Civil Rights Framework for the Internet, and Law No. 12,608/2012. These initiatives recognize that, in crisis situations, accurate information is a collective good of equal value to security, health, and environmental protection. The mapping of other bills currently under consideration demonstrates the search for a **cross-cutting**, h y framework that integrates civil, criminal, electoral, and environmental dimensions under the common axis of **informational integrity**.

This joint reading gives rise to **concrete possibilities for regulatory action**:

- **Recognition of environmental informational integrity as a protected legal asset** — to be incorporated into Law No. 12,608/2012 and the National Environmental Policy, ensuring that, in situations of public calamity, truthful and transparent communication is a duty of the State and a right of citizens.
- **Creation of informational response protocols in emergencies** — involving civil defense agencies, the public press, and digital platforms, based on criteria of transparency, traceability, and technical cooperation with fact-checking agencies.
- **Establishment of enhanced duties of care for digital platforms** — in line with the new constitutional regime of the Civil Rights Framework for the Internet, for the swift removal of manifestly false content with the potential for collective harm in contexts of environmental disaster.

- **Adoption of safeguards for freedom of expression and due process of information**, distinguishing individual error from malicious misinformation, preventing censorship, and ensuring pluralism in public debate.
- **Integration between environmental and communication legislation**, so that the protection of factual truth about the environment becomes part of disaster prevention, mitigation, and adaptation strategies.

In summary, the study demonstrates that **protecting the integrity of environmental information can be an essential dimension of climate governance and civil defense policy**. In this context, regulating *fake news* is not limited to curbing falsehoods, but also strengthens the country's democratic and environmental resilience.

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