

EU CODE OF PRACTICE ON DISINFORMATION 2022

Subscription Document for Microsoft Bing

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Name of the Signatory

Microsoft Bing

About the Signatory

Microsoft Bing is one of the world’s leading search engines. Addressing disinformation in organic search results often requires a different approach than may be appropriate for other types of online services, such as social media services. Search engines like Bing play a vital role in upholding the fundamental rights of free and open access to information and free expression. Bing users come to the service with research questions in order to find relevant material on the Internet and may have valid reasons for seeking out content that could potentially be false or misleading. Unlike social media services or online platforms, Bing does not host user generated content, allow users to “connect” with other users’ user accounts, or enable public sharing within the Bing search service. In this context, even where search results may contain material that is known (or suspected) to be false, outright censorship of such information in organic search results is generally not appropriate. Over-moderation of content in search could have a significant negative impact on the right to access information, freedom of expression, and media plurality. At the same time, other fundamental rights and social interests, such as civic integrity, safety, democratic processes, public health, and national security, are also vital to Bing’s users and to a healthy society. Bing must carefully balance these competing fundamental rights and interests as it works to ensure its algorithms return the highest quality content relevant to a user’s queries without unduly limiting their access to information. When Bing does moderate access to content, Bing strives to ensure its actions are narrowly tailored, so it does not unduly restrict these important rights. So while Bing generally strives to rank its organic search results so that trusted, authoritative news and information appear first and provides tools and features that help Bing users evaluate the trustworthiness of certain sites, we also believe that enabling users to find all types of information through a search engine can provide important public benefits.

It is with these core principles in mind that Bing has assessed the provisions of the Code as they are relevant, pertinent, and practicable to its services as an online search engine. We recognize our responsibility to ensure trust in the search ecosystem and support the important goals of the Code. Microsoft Bing is pleased to subscribe as set forth in the below and is committed to addressing the important goals of this Code. Microsoft Bing will continue to review its subscription to commitments and measures as the practices and approaches used by malicious actors

in the spread of disinformation and the Bing search product evolve and in view of the latest technological, societal, market, and legislative developments relevant to the Code.

This subscription document governs the participation of Microsoft Bing in the Code effective as of the signature date hereof. It supersedes and replaces in full all commitments made by or on behalf of Microsoft Bing in Microsoft's subscription document dated 14 June 2022.

<i>Service name</i>	<i>Description of the service</i>
Microsoft Bing	Online search engine

IV. Integrity of Services			
<u>List of adopted commitments and measures</u>		<u>Subscribed</u> (including indication about which of the signatory's services are subscribed to)	Additional comment including: <u>Reason for not subscribing (at the service level)</u> , including clarification regarding relevance, pertinence and practicability to a service (including by clearly indicating the relevant service)
<u>Commitment 14</u> In order to limit impermissible manipulative behaviours and practices across their services, Relevant Signatories commit to put in place or further bolster policies to address both misinformation and disinformation across their services, and to agree on a cross-service understanding of manipulative behaviours, actors and practices not permitted on their services. Such behaviours and practises, which should periodically be reviewed in light with the latest evidence on the conducts and TTPs employed by malicious actors, such as the AMITT Disinformation Tactics, Techniques and Procedures Framework, include:	<u>Measure 14.1</u>		See below.
	<u>Measure 14.2</u>		
	<u>Measure 14.3</u>		

<ul style="list-style-type: none"> - The creation and use of fake accounts, account takeovers and bot-driven amplification, - Hack-and-leak operations, - Impersonation, - Malicious deep fakes, - The purchase of fake engagements, - Non-transparent paid messages or promotion by influencers, - The creation and use of accounts that participate in coordinated inauthentic behaviour, - User conduct aimed at artificially amplifying the reach or perceived public support for disinformation. 			
<p>Reasons for not subscribing to Commitment 14:</p> <p>The TTPs addressed in this Commitment’s measures (including the referenced DISARM/AMITT Disinformation Tactics, Techniques and Procedures Framework), predominantly pertain to TTPs leveraged in connection with social media functionality and relate to social media-specific risks. The measures are not sufficiently tailored to search engines and the manner in which risks are likely to appear in search. Bing will continue to employ mitigations to address misinformation and disinformation risks in search related to manipulative behaviours and practices independent of the Code.</p>			
<u>Commitment 15</u>	<u>Measure 15.1</u>		See below.

Relevant Signatories that develop or operate AI systems and that disseminate AI-generated and manipulated content through their services (e.g. deepfakes) commit to take into consideration the transparency obligations and the list of manipulative practices prohibited under the proposal for Artificial Intelligence Act.	<u>Measure 15.2</u>		See below.
Reasons for not subscribing to Commitment 15: While Microsoft Bing is strongly committed to AI transparency and preventing manipulation of its service, Microsoft Bing does not “disseminate” content as set out in this Commitment and therefore cannot subscribe to this Commitment as drafted. Microsoft Bing will continue to develop solutions to address AI systems that generate content (as relevant to search), build upon its Responsible AI program, and comply with the provisions of the Artificial Intelligence Act (as applicable). In addition, Microsoft Bing is open to continuing its engagement in the Code’s Task-force on this topic, including working towards possible updates to the language of the Commitment that more closely aligns with the nature of the Microsoft Bing product and evolution of AI in web search.			
<u>Commitment 16</u> Relevant Signatories commit to operate channels of exchange between their relevant teams in order to proactively share information about cross-platform influence operations, foreign interference in information space and relevant incidents that emerge on their respective services, with the aim of preventing dissemination and resurgence on other services, in full compliance with privacy legislation and with due consideration for security and human rights risks.	<u>Measure 16.1</u>	Microsoft Bing	Although sharing of disinformation does not occur on the Bing platform (i.e., through the use of user accounts and networks), Bing supports cross-platform information sharing protocols established under this Measure. As a search engine, Bing may however have limited information to share with other platforms about cross-platform influence and foreign interference and therefore subscribes with the understanding that it principally participates as a recipient of information.

	<u>Measure 16.2</u>		This Measure is not relevant or pertinent to Microsoft Bing because this service does not have functionality for users to upload user generated content or share such content within Bing to other users. (Unchanged)
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V. Empowering Users			
<u>List of adopted commitments and measures</u>		<u>Subscribed</u> <u>(including indication about which of the signatory's services are subscribed to)</u>	Additional comment including: <u>Reason for not subscribing (at the service level)</u> , including clarification regarding relevance, pertinence and practicability to a service (including by clearly indicating the relevant service)
<u>Commitment 17</u> In light of the European Commission's initiatives in the area of media literacy, including the new Digital Education Action Plan, Relevant Signatories	<u>Measure 17.1</u>		See below.
	<u>Measure 17.2</u>		See below.

commit to continue and strengthen their efforts in the area of media literacy and critical thinking, also with the aim to include vulnerable groups	<u>Measure 17.3</u>		See below.
Reasons for not subscribing to Commitment 17: While Microsoft will continue to support media literacy efforts consistent with the spirit of the Code, the measures in this Commitment are not appropriately tailored to search engines or the manner in which disinformation risks may arise in search.			
<u>Commitment 18</u> Relevant Signatories commit to minimise the risks of viral propagation of misinformation or disinformation by adopting safe design practices as they develop their systems, policies, and features	<u>Measure 18.1</u>		This measure is not relevant or pertinent to Microsoft Bing as search engines do not fuel virality of disinformation via users sharing content. (Unchanged)
	<u>Measure 18.2</u>	Microsoft Bing	
	<u>Measure 18.3</u>		While Microsoft expects to continue to support research efforts related to disinformation as part of broader research initiatives, this measure is not practicable or pertinent to Microsoft Bing as search engines do not fuel virality of disinformation via users sharing content.
<u>Commitment 19</u> Relevant Signatories using recommender systems commit to make them transparent to the recipients	<u>Measure 19.1</u>	Microsoft Bing	

regarding the main criteria and parameters used for prioritising or deprioritising information, and provide options to users about recommender systems, and make available information on those options	<u>Measure 19.2</u>	Microsoft Bing	
<u>Commitment 20</u> Relevant Signatories commit to empower users with tools to assess the provenance and edit history or authenticity or accuracy of digital content	<u>Measure 20.1</u>		Microsoft Bing remains committed to providing information regarding the provenance of content where appropriate, however this Measure as written appears intended for digital content shared on social media services and not indexed search results from search engines; Bing uses alternate approaches to mitigate risks that users could be misinformed by content in search results.
	<u>Measure 20.2</u>	Microsoft Bing	
<u>Commitment 21</u> Relevant Signatories commit to strengthen their efforts to better equip users to identify Disinformation. In particular, in order to enable users to navigate services in an informed way, Relevant Signatories commit to facilitate, across all Member States languages in which their services are provided, user access to tools for	<u>Measure 21.1</u>		This measure is not relevant, practicable, or pertinent to Microsoft Bing, as it is largely focused on solutions that relate to social media services that enable posting/sharing of user content. As a search engine, Bing does not host user shared content to directly display fact-checks against as contemplated by this Measure.

<p>assessing the factual accuracy of sources through fact-checks from fact-checking organisations that have flagged potential Disinformation, as well as warning labels from other authoritative sources</p>	<u>Measure 21.2</u>		This Measure is not relevant or pertinent to Microsoft Bing as it does not host the content and cannot assess the extent to which content on indexed landing pages has reached its users. (Unchanged)
	<u>Measure 21.3</u>		This measure is not relevant or pertinent to Microsoft Bing as share it focuses on solutions most relevant to social media services that enable the sharing of user content. As a search engine, Bing does not host user shared content to directly display fact-checks or warnings against.
<p><u>Commitment 22</u></p> <p>Relevant Signatories commit to provide users with tools to help them make more informed decisions when they encounter online information that may be false or misleading, and to facilitate user access to tools and information to assess the trustworthiness of information sources, such as indicators of trustworthiness for informed online navigation, particularly relating to societal issues or debates of general interest</p>	<u>Measure 22.1</u>		This Measure is not relevant or pertinent to Bing Search as it does not allow users to share content. However, Bing will continue to explore whether and how other indicators of trustworthiness may be useful to users in the context of search. (Unchanged)
	<u>Measure 22.2</u>	Microsoft Bing	Bing is subscribing with the understanding that based on the language of the Measure, Bing is not required to give users options to incorporate signals of trustworthiness of media sources into search algorithms. Bing incorporates such signals into its search engine algorithms, but user options are not

			<p>practicable for search or an effective mitigation measure</p> <p>Note also that search engine algorithms are not “recommender systems” that suggest content to users who have not expressly sought it out but instead return content in response to express user queries, which addresses a different set of risks than is contemplated by this Measure.</p>
	<u>Measure 22.3</u>	Microsoft Bing	Microsoft Bing subscribes to the extent it relates to Measure 22.2.
	<u>Measure 22.4</u>		These measures are aimed specifically at “providers of trustworthiness indicators” and are therefore not relevant or pertinent to Microsoft Bing. (Unchanged)
	<u>Measure 22.5</u>		
	<u>Measure 22.6</u>		
	<u>Measure 22.7</u>	Microsoft Bing	
<u>Commitment 23</u>	<u>Measure 23.1</u>		See below.

Relevant Signatories commit to provide users with the functionality to flag harmful false and/or misleading information that violates Signatories policies or terms of service	<u>Measure 23.2</u>		See below.
Reason for not subscribing to Commitment 23 (if applicable): This Commitment is not relevant or pertinent to Microsoft Bing, as Bing relies on other mechanisms to appropriately rank content in search results.			
<u>Commitment 24</u> Relevant Signatories commit to inform users whose content or accounts has been subject to enforcement actions (content/accounts labelled, demoted or otherwise enforced on) taken on the basis of violation of policies relevant to this section (as outlined in Measure 18.2), and provide them with the possibility to appeal against the enforcement action at issue and to handle complaints in a timely, diligent, transparent, and objective manner and to reverse the action without undue delay where the complaint is deemed to be founded	<u>Measure 24.1</u>		See below.
Reason for not subscribing to Commitment 24 (if applicable): Commitment 24 is not relevant or pertinent to Microsoft Bing as it does not allow the posting of user content that would require user appeals. (Unchanged)			

<u>Commitment 25</u> In order to help users of private messaging services to identify possible disinformation disseminated through such services, Relevant Signatories that provide messaging applications commit to continue to build and implement features or initiatives that empower users to think critically about information they receive and help them to determine whether it is accurate, without any weakening of encryption and with due regard to the protection of privacy	<u>Measure 25.1</u>		See below.
	<u>Measure 25.2</u>		See below.
Reason for not subscribing to Commitment 25 (if applicable): Commitment 25 is not relevant to Microsoft Bing. (Unchanged)			

VI. Empowering the Research Community			
<u>List of adopted commitments and measures</u>		<u>Subscribed</u> <u>(including indication about which of the signatory's services are subscribed to)</u>	Additional comment including: <u>Reason for not subscribing (at the service level)</u> , including clarification regarding relevance, pertinence and practicability to a service (including by clearly indicating the relevant service)
<u>Commitment 26</u>	<u>Measure 26.1</u>	Microsoft Bing	

Relevant Signatories commit to provide access, wherever safe and practicable, to continuous, real-time or near real-time, searchable stable access to non-personal data and anonymised, aggregated, or manifestly-made public data for research purposes on Disinformation through automated means such as APIs or other open and accessible technical solutions allowing the analysis of said data	<u>Measure 26.2</u>		This measure is not relevant for search engines, as Bing does not offer any features that limit users' access to public data on the platform (e.g., search results). Bing will provide relevant data in support of disinformation research consistent with its other commitments under the Code.
	<u>Measure 26.3</u>	Microsoft Bing	
<u>Commitment 27</u> Relevant Signatories commit to provide vetted researchers with access to data necessary to undertake research on Disinformation by developing, funding, and cooperating with an independent, third-party body that can vet researchers and research proposals	<u>Measure 27.1</u>		See below.
	<u>Measure 27.2</u>		See below.
	<u>Measure 27.3</u>		See below.
	<u>Measure 27.4</u>		See below.
Reason for <i>not subscribing</i> to Commitment 27 (if applicable): Based on the ongoing discussions in the context of the development of an Independent Intermediary Body, identified overlaps and possible conflicts with provisions and processes related to the vetted researcher process under Article 40 of the Digital Services Act and the relevant delegated regulation, as well as in light of its updated subscription to this section of the Code, signing up to Commitment 27 is not relevant, pertinent, and practicable for Microsoft Bing. Bing will support the development of an independent third-party body independent of the Code, in line with its obligations under the Digital Services Act. Moreover, Microsoft Bing supports research on a range of topics, including disinformation, and Bing will provide research data access consistent with relevant obligations under the Digital Services Act and relevant and pertinent measures subscribed to under this Code.			

Commitment 28 Relevant Signatories commit to support good faith research into Disinformation that involve their services	Measure 28.1		While Microsoft Bing, and Microsoft more broadly, supports research on a range of topics, including disinformation, as drafted this measure is vague and ambiguous and does not reflect a meaningful measure of risk mitigation on the Bing service. Bing will provide research data access consistent with relevant obligations under the Digital Services Act and relevant and pertinent subscribed commitments under this Code,
	Measure 28.2	Microsoft Bing	
	Measure 28.3	Microsoft Bing	
	Measure 28.4		Bing is not subscribing to this measure, as it lacks sufficient clarity as to proposed processes, investment, and standards to be auditable. Nonetheless, Bing will support vetted researchers and the research community consistent with its obligations under the Digital Services Act and the research commitments it subscribes to under this Code.

VII. Empowering the Fact-checking Community

<u>List of adopted commitments and measures</u>		<u>Subscribed</u> <u>(including indication about which of the signatory's services are subscribed to)</u>	<u>Additional comment including:</u> <u>Reason for not subscribing (at the service level), including clarification regarding relevance, pertinence and practicability to a service (including by clearly indicating the relevant service)</u>
<u>Commitment 30</u> Relevant Signatories commit to establish a framework for transparent, structured, open, financially sustainable, and non-discriminatory cooperation between them and the EU fact-checking community regarding resources and support made available to fact-checkers.	<u>Measure 30.1</u>		See below.
	<u>Measure 30.2</u>		See below.
	<u>Measure 30.3</u>		See below.
	<u>Measure 30.4</u>		See below.
Reasons for <i>not subscribing</i> to Commitment 30 (if applicable): Commitment 30 is more appropriate for social media services with heightened user-driven disinformation risks. It is not relevant or pertinent to Microsoft Bing, as the Bing search engine does not host user content or enable users to share content with other users within the Bing service, which is the focus of this Commitment. Bing will continue exploring additional mechanisms to improve the efficacy of search results that it believes are most effective to support addressing misinformation risks as it appears on the Bing search engine.			

<u>Commitment 31</u> Relevant Signatories commit to integrate, showcase, or otherwise consistently use fact-checkers' work in their platforms' services, processes, and contents; with full coverage of all Member States and languages	<u>Measure 31.1</u>		This Measure is not relevant or pertinent to Microsoft Bing as it does not showcase User Generated Content. (Unchanged)
	<u>Measure 31.2</u>		These Measures are appropriate for social media services with heightened user-driven disinformation risks and are not relevant or pertinent to Microsoft Bing, as the Bing search engine does not host user content or enable users to share content with other users within the Bing service to directly display fact-checks against. Bing relies upon a range of other effective mitigation measures to address disinformation risks in search.
	<u>Measure 31.3</u>		
	<u>Measure 31.4</u>		
<u>Commitment 32</u> Relevant Signatories commit to provide fact-checkers with prompt, and whenever possible automated, access to information that is pertinent to help them to maximise the quality and impact of fact-checking, as defined in a framework to be designed in coordination with EDMO and an elected body representative of the independent European fact-checking organisations.	<u>Measure 32.1</u>		This Measure is appropriate for social media services with heightened user-driven disinformation risks and is not relevant or pertinent to Microsoft Bing, as the Bing search engine does not host user content or enable users to share content with other users within the Bing service to directly display fact-checks against. Bing relies upon a range of other effective mitigation measures to address disinformation risks in search.

	<u>Measure 32.2</u>		This Measure is not relevant to Microsoft Bing as it does not showcase User Generated Content. (Unchanged)
	<u>Measure 32.3</u>		This Measure is appropriate for social media services with heightened user-driven disinformation risks and is not relevant or pertinent to Microsoft Bing, as the Bing search engine does not host user content or enable users to share content with other users within the Bing service to directly display fact-checks against.

VIII. Transparency Centre			
<u>List of adopted commitments and measures</u>		<u>Subscribed</u> (including indication about which of the signatory's services are subscribed to)	Additional comment including: <u>Reason for not subscribing</u> (at the service level), including clarification regarding relevance, pertinence and practicability to a service (including by clearly indicating the relevant service)
<u>Commitment 34</u> To ensure transparency and accountability around the implementation of this Code, Relevant Signatories commit to set up and maintain a publicly available common Transparency Centre website	<u>Measure 34.1</u>	Microsoft Bing	
	<u>Measure 34.2</u>	Microsoft Bing	
	<u>Measure 34.3</u>	Microsoft Bing	
	<u>Measure 34.4</u>	Microsoft Bing	
	<u>Measure 34.5</u>	Microsoft Bing	
<u>Commitment 35</u> Signatories commit to ensure that the Transparency Centre contains all the relevant	<u>Measure 35.1</u>	Microsoft Bing	
	<u>Measure 35.2</u>	Microsoft Bing	

information related to the implementation of the Code's Commitments and Measures and that this information is presented in an easy-to-understand manner, per service, and is easily searchable.	<u>Measure 35.3</u>	Microsoft Bing	
	<u>Measure 35.4</u>	Microsoft Bing	
	<u>Measure 35.5</u>		Bing is not subscribing to these Measures as they reflect initiatives that have already been implemented and/or are not within Bing's sole control to facilitate compliance. As such these measures are not practicable in the context of the audit of the Code once converted into a Code of Conduct under the Digital Services Act. Nonetheless Bing will continue to support broader Commitments in support of the operation of the Transparency Centre.
	<u>Measure 35.6</u>		
<u>Commitment 36</u> Signatories commit to updating the relevant information contained in the Transparency Centre in a timely and complete manner	<u>Measure 36.1</u>		Bing is not subscribing to this measure, as it already complies with overlapping provisions in Article 14 of the Digital Services Act.
	<u>Measure 36.2</u>		Bing is not subscribing to these Measures as they reflect initiatives that have already been implemented and/or are not within Bing's sole control to facilitate compliance. As such these measures are not practicable in the context of the audit of the Code once converted into a Code of Conduct under the Digital Services Act. Nonetheless Bing will continue to support
	<u>Measure 36.3</u>		

			broader Commitments in support of the operation of the Transparency Centre.
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IX. Task-force			
<u>List of adopted commitments and measures</u>		<u>Subscribed</u> (including indication about which of the signatory's services are subscribed to)	Additional comment including: <u>Reason for not subscribing (at the service level)</u> , including clarification regarding relevance, pertinence and practicability to a service (including by clearly indicating the relevant service)
<u>Commitment 37</u> Signatories commit to participate in the Permanent Task-force. The Task-force includes the Signatories of the Code and representatives from EDMO and ERGA. It is chaired by the European Commission and includes representatives of the European External Action Service (EEAS). The Task-force can also invite relevant experts as observers to support its work. Decisions of the Taskforce are made by consensus.	<u>Measure 37.1</u>	Microsoft Bing	Bing will participate proportionate to the nature of its search features, resources, size and risk profile.
	<u>Measure 37.2</u>	Microsoft Bing	Bing is subscribing to this measure with respect to its commitments under 35.4 related to special situations like crises and elections but notes that risk assessments will be carried out pursuant to relevant articles of the Digital Services Act and any relevant implementing acts.

	<u>Measure 37.3</u>		Bing is not subscribing to this Measure as it reflects initiatives that have already been implemented.
	<u>Measure 37.4</u>	Microsoft Bing	
	<u>Measure 37.5</u>	Microsoft Bing	
	<u>Measure 37.6</u>	Microsoft Bing	

X. Monitoring Framework		
<u>List of adopted commitments and measures</u>	<u>Subscribed</u> <u>(including indication about which of the signatory's services are subscribed to)</u>	Additional comment including: <u>Reason for not subscribing (at the service level)</u>, including clarification regarding relevance, pertinence and practicability to a service (including by clearly indicating the relevant service)
<u>Commitment 38</u> The Signatories commit to dedicate adequate financial and human resources and put in place appropriate internal processes to ensure the	Microsoft Bing	

implementation of their commitments under the Code.			
<p><u>Commitment 39</u></p> <p>Signatories commit to provide to the European Commission, within 1 month after the end of the implementation period (6 months after this Code’s signature) the baseline reports as set out in the Preamble.</p>	Bing is not subscribing to this Commitment as it reflects initiatives that have already been implemented.		
<p><u>Commitment 40</u></p> <p>Signatories commit to provide regular reporting on Service Level Indicators (SLIs) and Qualitative Reporting Elements (QREs). The reports and data provided should allow for a thorough assessment of the extent of the implementation of the Code’s Commitments and Measures by each Signatory, service and at Member State level.</p>	<u>Measure 40.1</u>	Microsoft Bing	
	<u>Measure 40.2</u>		This provision does not apply to Bing as a designated “Very Large Online Search Engine.”
	<u>Measure 40.3</u>	Microsoft Bing	
	<u>Measure 40.4</u>	Microsoft Bing	
	<u>Measure 40.5</u>	Microsoft Bing	
	<u>Measure 40.6</u>	Microsoft Bing	

<u>Commitment 41</u> Signatories commit to work within the Task-force towards developing Structural Indicators and deliver a first set of them within 9 months from the signature of this Code; and to publish an initial measurement alongside their first full report. To achieve this goal, Signatories commit to support their implementation, including the testing and adapting of the initial set of Structural Indicators agreed in this Code. This, in order to assess the effectiveness of the Code in reducing the spread of online disinformation for each of the relevant Signatories, and for the entire online ecosystem in the EU and at Member State level. Signatories will collaborate with relevant actors in that regard, including ERGA and EDMO.	<u>Measure 41.1</u>		See below.
	<u>Measure 41.2</u>		See below.
	<u>Measure 41.3</u>		See below.
Reason for <i>not subscribing</i> to Commitment 41 (if applicable): Bing is not subscribing to this commitment as it does not consider the development of Structural Indicators applicable to search engines as relevant, pertinent and practicable in the context of Bing's risk profile.			
<u>Commitment 42</u> Relevant Signatories commit to provide, in special situations like elections or crisis, upon request of the European Commission, proportionate and appropriate information and data, including ad-hoc specific reports and specific chapters within the	Microsoft Bing		

regular monitoring, in accordance with the rapid response system established by the Task-force	
<u>Commitment 43</u> Signatories commit to produce reports and provide data following the harmonised reporting templates and refined methodology for reporting and data disclosure as agreed in the Task Force	Microsoft Bing

Signature

Date and place

13 January 2025, Dublin, Ireland