



EUROPEAN COMMISSION

DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate D: Equality and Union citizenship

Unit D.3: Union citizenship rights and free movement

MINUTES

Thirteenth Meeting of the European Cooperation Network on Elections

4 May 2022

The thirteenth meeting of the European cooperation network on elections (ECNE) took place on 4 May 2022, chaired by Irena Moozova, Director for Equality and Union citizenship in the Directorate-General for Justice and Consumers (DG JUST).

1. Welcome by Director Moozova, presentation of the SLAPP initiative and feedback by Member States.

Director Moozova welcomed the participants on behalf of the European Commission (COM) at the thirteenth meeting of the ECNE. She reiterated the importance of the COM's proposal to legislate political advertising and update the existing directives on the right to vote in European Parliament (EP) elections and municipal elections. The said initiative, adopted on 25 November 2021, is currently being discussed within the Council of the EU and the EP.

COM presented the recently adopted policy package on Strategic Lawsuits Against Public Participation (SLAPPs). Asserting that journalists and human rights defenders are crucial for the functioning of democracies and that SLAPPs have a detrimental effect on media freedom, freedom of expression, and the right to information, she highlighted that the anti-SLAPPs package aims to protect persons who engage in public participation from abusive court proceedings.

COM underlined the inherent link between the anti-SLAPP initiative and the ECNE's efforts, explaining that the former impacts the right to free and fair elections. She then invited Member States to exchange recent developments regarding anti-SLAPP initiatives.

LT indicated that two legal amendments, introducing early dismissal of manifestly unfounded civil lawsuits and the decriminalisation of defamation, are pending approval by the parliament. **NL** mentioned the project "PersVeilig" (Press Safety) which aims to strengthen the position of journalists against violence and aggression in the street, on social media and/or through legal claims. The project is an initiative of the Netherlands Association of Journalists (NVJ), the Society of Chief Editors, the Public Prosecution Service and the Police.

A representative from the Council of Europe (**CoE**) reiterated the importance of initiatives tackling the growing threat of SLAPPs and revealed that they are also developing an anti-SLAPP Recommendation.

2. Update on the recent legislative proposals regarding political advertising and electoral rights and the non-legislative proposals of the 2021 Democracy Package and feedback by Member States.

The **French Permanent Representation to the EU** explained how the COM proposals on political advertising and amendments to the electoral directives have thus far been discussed in the Council.

COM expounded the non-legislative elements of the 2021 Democracy Package and announced that a high-level event is foreseen in 2023 before the 2024 EP elections, bringing together various authorities working in the context of elections. **COM** informed participants that subsequent meetings would discuss techniques and protocols to detect, prevent and mitigate cyber-security threats.

COM introduced the topic of whether electoral infrastructure (such as voter registration databases or post-election reporting) qualifies as critical infrastructure and should thus be prioritised in national decision-making processes. **COM** invited Member States to share their outlook and practices on the matter. Several Member States indicated that the matter is currently being discussed. **LV** and **LT** specified that electoral infrastructure is already part of the critical infrastructure in their respective states.

3. Exchange of recent developments and best practices in electoral matters.

Several member States intervened to present recent developments and best practices adopted in their respective countries to ensure transparent elections and full participation and mitigate the challenges posed by the pandemic.

SL indicated a 70% voter turnout during the parliamentary elections conducted on 24 April, compared to a previous turnout of 52% in 2018. The high mobilisation of voters was partly due to the involvement of civil society organisations. The state election commission provided guidance, training opportunities and technical instructions to lower-level electoral commissions. Covid practices included providing alternative modes of voting for quarantined voters, such as early voting and postal voting.

NL explained that the latest municipal elections (March 2022) introduced fewer Covid measures than last year and emphasised a lower voter turnout compared to previous municipal elections. The ministry of Interior notified relevant offices of any pertinent legislation amendments or cyber-risks, whereas the administration of the said elections was decentralised. Roundtables were also organised to ensure optimal coordination between all relevant stakeholders **NL** plans to reconduct the aforementioned practice in preparation for future elections.

DE revealed that due to the COVID-19-pandemia postal voting reached close to 50% at the Bundestag election in 2021 compared to approximately 25% at former Bundestag elections.

MT listed several Covid practices, including a few introduced, for the first time, in Maltese elections. Initiatives included guidelines to regulate electoral processes from a health perspective, special voting centres for quarantined voters, early voting, and electronic vote counting. **MT** explained that electronic counting successfully accelerated processes (1 day in contrast to an estimate of 4 days with manual counting). **MT** also mentioned a new mechanism adopted to bridge the political gender gap.

PT highlighted the importance of international cooperation and stated that the administration has closely followed electoral procedures adopted by other countries in the context of the pandemic. Authorities adopted, among other practices, health measures and risk management measures and extended early voting to ensure robust voting arrangements. The implementation of the said measures was rendered possible through the adequate interoperability between the electoral registration database and the health registration systems.

4. Council of Europe on its recent work in the field of e-voting. Reporting from the subgroup/joint expert team on the preparation of a compendium of e-voting practices.

COM is currently preparing a compendium of e-voting practices based on the guidance of the **CoE** and in close cooperation with Member States. A subgroup of the ECNE was established in March 2022, involving 12 member states (**AU, BE, BG, EE, FR, EL, LV, LT, RO, SK, SE, and PL**). The first introductory meeting was conducted online on 8 April. It featured an exchange between experts on the stance of their respective states on e-voting practices and a presentation of the action

plan to prepare the compendium. **COM** explained that future meetings would facilitate information exchange and subsequently allow the subgroup to advance in establishing the compendium.

LV intervened to explain that they tested online voter registration in local elections and would hence be ready to share their expertise on the matter with any other interested member state.

Mr Markus Adelsbach, Head of the Division of Elections and Participatory Democracy (**CoE**), recalled key provisions of the CoE Recommendation on standards for e-voting (CM/REC(2017)5) and its scope and portrayed insights on its practical implementation. As an introduction, the pros (such as higher voter turnout) and cons (such as lack of trust) of e-voting were briefly listed.

COM briefly presented a discussion paper on e-voting, which was drafted to guide the deliberations of the sub-group and portray essential elements to consider when introducing electronically supported voting mechanisms. **COM** invited Member States to exchange their stance on how a needs-based approach to introducing e-voting could be developed.

AT intervened to explain that the urgency of discussing e-voting is linked to the possibility of future pandemics. **AT** also added that pilot projects (in lower-level elections) are essential upon introducing e-voting mechanisms. **LT** explained that e-voting could increase voter turnout, especially for young voters, persons with disabilities and voters abroad. **RO** emphasised that online registration enhanced voter turnout. It aided in creating polling stations in regions where more than 100 users register and cover postal voting fees. **RO** also referred to the concerns about secrecy of the vote, often linked to postal and electronic voting.

5. Roundtable on cooperation within Member States on oversight.

Most Member States confirmed that they have established formal or informal national electoral networks. One Member State that has an informal electoral network is considering the possibility of creating a formal one.

HR, **PT** and **SE** revealed that they already have an official national electoral network. **HR** explained that the said network consists of several ministries and independent authorities. The Ministry of Justice and public affairs is the coordinating authority, whereas the state Electoral Commission is the contact point with the European network. **SE** underlined the invaluable importance of the said network. **PT** specified that the added value of such a network includes jointly identifying threats and gaps, sharing findings and expertise and cooperating on the enforcement of relevant rules.

6. Session on parity of treatment and media coverage during elections with the European Regulators Group for Audio-visual Media Services (ERGA), the Rapid Alert System and the Directorate-General for Communications Networks, Content and Technology (DG CNECT).

COM specified that media freedom and pluralism are essential pillars of democratic systems. **COM** explained that the rise of new media provides possibilities to increase participatory citizenship and knowledge sharing but can also threaten the integrity of elections due to the emergence of disinformation and fake news.

ERGA addressed the framework of media plurality and insights from their work (as an advisory body) with the **COM** on monitoring the implementation of the code of practice on disinformation. The focus of **ERGA**'s work targeted mainly internal media plurality as the least harmonised legal aspect in the European media landscape. **ERGA** highlighted a shift in the audience's trust and perceptions of media (decline in public trust) and the polarization of the public discourse. It presented a report on internal media plurality, the related issues and the current state of regulations in several member states. It also evoked the importance of greater cooperation between media regulators of different jurisdictions and regulatory fields. **ERGA**'s Recommendations to strengthen the code of practice on disinformation included standardisation of processes and definitions, a shift to co-regulation, more access to data and a robust monitoring framework.

DG CNECT presented recent developments regarding the preparation of the European Media Freedom Act. The objective is to strengthen the legal framework for media freedom and pluralism, and the expectations foresee the adoption of the said proposals by the third quarter of 2022. **DG CNECT** explained that an open public consultation was conducted until 25 March and accordingly introduced five crucial concerns in the media market: independent and pluralistic media, transparency and legal certainty, regulatory cooperation and convergence, fair allocation of state resources and the availability of a governance structure.

The **European External Action Service (EEAS)** presented the Rapid Alert System and their work in the current geopolitical situation. **EEAS** underlined the use of information manipulation to sow distrust and influence public debates. **COM** and **EEAS** have developed the “foreign manipulation and interference toolbox” as a broader policy framework to strengthen capacities and build resilience.

7. Measures being taken in Sweden to safeguard elections.

SE indicated that since 2019 measures have been implemented to strengthen electoral security by providing, among other initiatives, training opportunities and continuous support for electoral administrations, updated guidelines and robust incident reporting mechanisms. **SE** also presented the Psychological Defence Agency as a new critical addition to the permanent national electoral network.

8. Mechanism for Electoral Resilience

COM briefly reiterated the scope of the Joint Mechanism for Electoral Resilience and presented the implementation of its pilot phase. **COM** also renewed its invitation to Member States that might be interested in participating in this mechanism and highlighted its importance, especially for states that are currently creating formal electoral networks or discussing the possibility of adding electoral infrastructure to critical infrastructure.

RO explained that they are currently working to update their electoral legal framework and that the **COM** Joint Mechanism for Electoral Resilience could play a critical role. The first exchange is expected in **RO** between the 16th and 20th of May 2022 and will involve a joint expert team coming from **EE, HU, LT** and **LV**.

9. Closing remarks

Director Mozoova closed the meeting and thanked all the participants and speakers for joining. The next meeting of the network is planned for September 2022.