MINUTES

Meeting of the European Cooperation Network on Elections

Brussels, 21 January 2019

The meeting was chaired by Director Irena Moozova, with the participation of representatives of 26 Member States, i.e. their national authorities with competence in electoral matters.

1. **Opening:** Ms Vera Jourová, Commissioner for Justice, Consumers and Gender Equality

Commissioner Jourova opened the meeting with an address on the importance of ensuring free and fair elections. She expressed the importance for Europeans to be able to make a free decision when casting their vote in May, noting that threats to elections are now online, and that national authorities have to be equipped to guarantee fair and secure elections for all citizens. She highlighted that the challenges that European electoral processes face clearly cannot be solved by acting alone, and that a comprehensive approach is essential to ensure the integrity of elections while preserving an open democratic debate, whereby the European cooperation network on elections will be the place to share intelligence on how to protect the electoral processes. She underlined that efforts must be fully rooted in protecting the rule of law and respect for fundamental rights, in particular respect for the freedoms of association and expression. She also referred to the recent agreement between the co-legislators on the legislative part of the elections package which should be formalised soon.

2. **Introductory session**

COM presented the Elections Package adopted by the Commission on 12 September 2018, and EEAS presented the actions currently being undertaken on disinformation. The Action Plan against Disinformation presented jointly by the Commission and the EEAS seeks to tackle the spread of disinformation and foreign interference into European democratic processes. It is imperative to share capability in this domain. The Action Plan is based on three pillars: need for better detection tools, creation of the Rapid Alert System (RAS) and awareness raising campaigns on the phenomenon of disinformation. The RAS will provide alerts on disinformation campaigns in real time. The outcome of the work of the RAS should be shared with the European cooperation network on elections. It is not intended to create a parallel structure to the existing network.

COM reflected on the Action Plan and the engagement with industry – online platforms – to create a more transparent and accountable online environment. Furthermore, COM elaborated on the Code of Practice, which has seen the online platforms sign up to a number of commitments, including transparency in political advertising, encompassing the identity of the source of the advertisement, the amount spent and the intended target of the advertisements. The Code also foresees coordination and cooperation with researchers, which is necessary to tackle disinformation and online manipulation of public opinion. COM stressed the need to act more quickly and to intensify the collaboration with fact checkers and researchers to increase awareness across Member States. An important aspect is media literacy. Member States should engage to include media literacy into educational programs as a long-term solution for current challenges.

3. Exchange of views with the European Parliament

Representatives from the European Parliament highlighted the specific risks of cyber attacks in the context of elections to the European Parliament and stressed the importance of coordinated action in that regard. They described the actions the European Parliament has undertaken to address the prevention and mitigation of cyber-attacks. They also recalled the importance of awareness raising activities, and stressed the need to test systems in the Member States and check whether all IT systems used for registration of voters and candidates, aggregation, transcription and publication of the results are cyber resilient. Furthermore, they described their plans for election night.

A discussion was held on the closing of the polling stations across the EU, and on the process of sharing results with the EP after polls close.

4. Election networks

Member States elaborated on the establishment of their national elections networks and actions being undertaken in ensuring the integrity of the electoral process. One Member State referred to a national exercise on cyber-preparedness to be conducted prior to the European elections, and to be independently audited. An example of best practice was shared on studying dedicated fake news mechanisms and awareness raising measures, aided by a number of independent domestic fact checkers, including news sites.

The important practical distinction between attacks against electoral services infrastructure, and interference concerning other stakeholders such as political parties was underlined. A point was raised on the implementation of the new rules being introduced through the amendment to Regulation 1141/2014.

One Member State furthermore outlined the national experience coordinating on electoral security, and described an operational divide between civil security risks and those concerning military intelligence. The importance of Member States conducting exercises to test the robustness of their systems at national level and at European level was stressed. An example was also shared of an interdepartmental group reporting on ways to mitigate the risks presented by a number of issues including the funding of election campaigns and transparency, while pointing out that internal risk assessment considered the new media in campaigning as presenting the highest risk at present.

Member States discussed experiences in setting up their national election network, involving a variety of national authorities, government departments and bodies, depending on the Member State.

5. Application of conventional offline safeguards in the online context

Member States discussed current electoral rules and where changes are being prepared to adapt to the online environment. One Member State described its electoral process, where the use of software was kept at a minimum, and in which the rule of law was considered the best safeguard. It was stressed that an important role is played by informed citizens and the political parties, in which context awareness-raising and media literacy were central strategies in elections.

The European cooperation network for elections was welcomed as a way for Member States to work together transparently, proportionately and in compliance with common European values. There was a call for national level information on the Code of Practice commitments.

6. Exercise to test response mechanisms in case of cyber-enabled interference prior to the European elections

COM recalled the adoption of the NIS directive and the emergency response system, and presented the work of the NIS cooperation group and its Compendium on Cyber Security of Election Technology, noting also the work of the European Cyber Security Agency (ENISA) and Cyber Security Act. COM

underlined the need to make best use of the existing tools and structures when fighting cyber-attacks instead of creating new ones and additionally burdening administrations.

COM described its contribution to testing the resilience of electoral systems in Member States prior to the European elections.

Member States called for coordination at the European level and recommended that national exercises be completed promptly.

7. Transparency/disinformation

A discussion was held on national approaches to political party funding, including bans on foreign funding of the political parties, limitations on amounts and disclosure obligations. COM recommended ensuring transparency of paid online political advertisements and communications. Referring to its Recommendation, COM highlighted promoting active disclosure of paid political advertisements and campaigns and the disclosure of online activities and expenditure, and recalled the need to apply appropriate sanctions for non-respect of the disclosure rules where available.

Member States exchanged approaches to transparency, also going beyond the transparency of political advertisements, and aiming at raising citizens' awareness. A particular example was mentioned of a campaign on hostile information activities, as well as a campaign inform political parties and election authorities on how to fight disinformation.

An approach was described where national rules for transparency provided considerable information to citizens on the amounts being spent by political parties, and where citizens were also enabled to participate in monitoring compliance with online and offline transparency rules.

EEAS further clarified the articulation between the Rapid Alert System and the election cooperation network.

8. Data protection in the electoral context

The European Data Protection Board presented the actions being undertaken by data protection authorities, highlighting that the respect of data privacy is crucial for ensuring freedom of expression. It was stressed that political parties are using personal data and technics based on personal data to target voters and the processing of personal data for the electoral purposes should be transparent and lawful. Some Member States have already implemented their guidelines about the use of personal data in relation to elections.

COM presented the Guidance on the application of Union data protection law in the electoral context, and stressed the need to distinguish between cyber security issues and data protection.

9. The Network's terms of reference and technical support

Member States considered the draft terms of reference. COM provided information on the technical aspects of communication within the network.

10. Next steps and AOB

COM announced the second meeting of the European cooperation network on elections to be held on 27 February. It was agreed to publish relevant information on the network on the Commission website.