



MINUTES

Meeting of the European Cooperation Network on Elections

Brussels, 27 February 2019

The second meeting of the European cooperation network on elections saw the participation of representatives of 23 Member States, i.e. their national authorities with competence in electoral matters. It was chaired by DG JUST Director for Equality and Union citizenship, Irena Moozova.

1. Data protection and attempts to influence elections

Insights were shared on how the General Data Protection Regulation is being implemented on the national level and on data protection in the context of elections. It was stressed that while data protection is important, it cannot be viewed as a panacea for solving all challenges, and called rather for a holistic approach to activities which indicate that voters are being influenced. It was mentioned that more guidance and assistance is needed for data protection authorities to effectively perform their mandates, which is why exchanges within the network as well as within the European Data Protection Board are valuable.

The Authority for European Political Parties and Foundations (APPF) elaborated on the Authority's mandate, presented the recent revision of Regulation 1141/2014, which foresees sanctions for use of data protection infringements in order to influence the outcome of European elections, and stressed the role of data protection authorities in the new sanction procedure. COM recalled that the Recommendation in its point 6 calls for immediately and proactively informing the APPF of any decision finding that a natural or legal person has infringed applicable rules. It was pointed out that electoral authorities in some Member States can lack the necessary competences to review political activity after the elections, so some consideration will have to be put into how to ensure continuity.

European Data Protection Supervisor (EDPS) presented the main takeaways of a workshop on the misuse of personal data and manipulation in elections organised on 11 February 2019. In the context of blurry divides between political and commercial advertising, the regulatory challenge was highlighted given opaque profiling and constant manipulations. There are many roles and responsibilities in this complex environment, which has been weaponised by actors with a political agenda, and who are conducting themselves in ways which might be illegal.

One Member State shared that its data protection authority is conducting exploratory research on how political parties use data in political activity, the results of which will be published in the spring. It was also proceeding with legislation on the financing of political parties, and considering options for establishing an independent authority in this respect.

2. Media regulation

A representative of the European Regulators Group for Audiovisual Media Services (ERGA) elaborated on the recent ERGA publication on media plurality, which is very nationally specific and

the least harmonised area. However, the threats of disinformation are forcing changes in media plurality. The strong engagement of ERGA in the implementation of the Action Plan and the Code of Practice was discussed, as well as plans to evaluate the measures taken by the platforms and how they work in all the Member States, with an initial evaluation to be published in June, and the final publication in November.

Member States sought more detail about the concrete procedures for obtaining information from the platforms and shared insights on the cooperation with platforms on the national level.

Member States furthermore exchanged information on national approaches to fighting disinformation, such as by adopting national action plans, establishing dedicated authorities and parliamentary groups to address hate speech and disinformation, establishing an awareness-raising fund on elections, including disinformation, consisting of grants for all commercial and public media, and conducting awareness raising campaigns.

It was also mentioned that reforms of the educational curriculum are being considered, with a stronger focus on media literacy. It was pointed out that while hate speech is prohibited under penal code, disinformation is more complex, and requires freedom of expression to be taken into account.

3. Cooperation on law enforcement

A representative of EUROPOL presented its mandate, which covers activities that always have to involve a cross-border criminal element, and shared examples of activities to take down organised crime dark Web markets, given that DDOS attacks can easily be procured online, as can other cyberattacks. This is particularly relevant to political parties, but also to authorities, in the run up to elections. It was pointed out that crime as a service provides a link to electoral interference. Europol operates in a very complex environment, as it engages also on cybersecurity and banking and financial regulators.

4. Application of electoral rules

A discussion was held on election related legislation and networks in the Member States, Specifically, discussions focused on the composition of national election networks, as well as campaign rules including those on campaign periods, silence periods, electoral polls and rules governing political advertising and coverage. Rules on political party funding and spending were also addressed.

Regarding the application of transparency requirements, the need for caution was mentioned regarding the question of broad application, where that impinges on citizens' rights. Member States agreed with the need to have support from platforms to have more information about what is going on externally, and discussed actions on the national level to ensure platforms act in line with their responsibilities.

5. Transparency and social media

A representative of AFP Factuel, AFP's fact-checking site, presented many concrete examples of what material is submitted to their service, currently operating in five languages, and working closely with Facebook and other fact-checking groups. A number of tools, networks and applications (such as browser plugins) which assist in flagging disinformation were demonstrated. At the request of COM, AFP Factuel is contributing to factcheck.eu regarding the EP elections.

Member States inquired about procedures to identify the source of fake news, and about exchanges with other fact checkers and national authorities.

COM provided an update on the implementation of the Code of Practice and the monthly reporting, stressing that there is still significant scope for improvement.

MS exchanged information on cooperation with online platforms, with some reporting that no engagement had taken place so far. On the other hand, some other MS are aware that certain contacts have already been undertaken and are looking to broaden engagement.

6. Engagement of citizens and other entities in monitoring activities

A participatory application was presented which allows citizens to contribute to monitoring political party financing and report cases of potential abuse to the competent authority tasked with comprehensively monitoring political party financing, both online and offline. It is increasingly difficult to track all information, particularly since the emergence of the social media. The application had a deterrent, as well as enforcement effect. Technical details of the functioning of the app were elaborated, while stressing that the app would be easily adaptable in other countries. Several other MS were interested in taking over the same application.

7. Initiatives to foster a healthy and tolerant debate online

COM provided an overview of the implementation of the Code of Conduct on Countering Illegal Hate Speech Online, and outlined the scope of a possible campaign (so-called Dublin campaign) against hate speech, as elaborated by IT platforms and the civil society. It was pointed out that since December 2016, the removal rate of illegal hate speech online has increased from 28% to 72%, while the rate of notifications reviewed within 24 hours has increased from 40% to 89%.

It was particularly stressed that the enhanced voluntary cooperation between civil society organizations and IT companies on positive narratives is an organic process, currently working on a EU wide online campaign on healthy and tolerant conversations online during the EP elections.

8. Rapid Alert System/disinformation

The EEAS provided a brief update on the steps undertaken towards operationalizing the Rapid Alert System, in view of the first meeting of its contact points on 18 March. Additionally, representatives of EEAS and EP informed Member States about the trilateral work of the EEAS, Commission and the Parliament on countering disinformation, including the dissemination of responses and outreach to the public through coordinated awareness raising activities, responding to disinformation campaigns through common and positive messaging, and detection and analysis.

9. Update on cyber-related activities

COM provided a brief update on the table-top exercise on cyber-security preparedness which will take place on 5 April, back-to-back with the third meeting of the European network, and co-organized by COM, EP and ENISA.

10. Next steps and AOB

As there were no further comments on the Terms of reference, the text was adopted. Member States agreed to publish the ToR on the dedicated website. COM informed that the third meeting of the network will take place on 4 April, followed by the table-top exercise on 5 April.