

Terms of Reference

European cooperation network on elections

1. Context

On 12 September 2018, the Commission adopted a Communication on securing free and fair elections¹ and a Recommendation on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament².

The Recommendation states that each Member State should set up a national election network, involving national authorities with competence for electoral matters and authorities in charge of monitoring and enforcing rules related to online activities relevant to the electoral context (point 1 of the Recommendation).

Establishing national election cooperation networks should contribute to quickly detecting potential threats to the elections to the European Parliament and swiftly enforcing existing rules, including by imposing sanctions in the relevant electoral context, for instance possible financial sanctions³.

To support each national authority in its respective tasks, those national networks should facilitate the swift, secured exchange of information on issues capable of affecting the elections to the European Parliament including by jointly identifying threats and gaps, sharing findings and expertise, and liaising on the application and enforcement of relevant rules in the online environment (point 2 of the Recommendation).

These national networks should, whenever appropriate, in accordance with national law, consult, and cooperate with the relevant national law enforcement authorities. Where appropriate, cooperation between national law enforcement authorities at European level may be facilitated by Europol (point 3 of the Recommendation).

The Recommendation invites Member States to provide necessary support to the national networks and ensure that they have the necessary means to allow a rapid and secure sharing of information (point 4 of the Recommendation).

The Recommendation furthermore states that, in order to facilitate the sharing of expertise and best practices among Member States including on threats, gaps and enforcement, each Member State should designate a single point of contact for the implementation of the Recommendation. Member States are encouraged to meet, with the support of the Commission, in a European

¹ COM (2018) 637 final.

² C(2019) 5949 final.

³ Recital 18, *ibid*.

coordination network on the elections to the European Parliament, as soon as possible to be able to be best prepared to protect the 2019 elections (point 5 of the Recommendation).

While respecting the national competences and the procedural requirements applicable to the concerned authorities, this forum will provide the nucleus for real time European alert process and a forum for exchange of information and practices among Member State authorities.⁴

In the December 2018 Action Plan against Disinformation,⁵ the Commission and the High Representative announced the intention to create by March 2019, in cooperation with the Member States, a Rapid Alert System for addressing disinformation campaigns in real-time (Action 3). In view of the creation of the Rapid Alert System, each Member State should designate, in line with its institutional setup, a national contact point. Where disinformation concerns elections of the functioning of democratic institutions in the Member States, the national contact points should closely cooperate with the national election networks established pursuant to the Recommendation.⁶ In this case, the outcome of the work of the Rapid Alert System should be shared with the European cooperation election network, in particular to exchange information on threats relevant to elections and support the possible application of sanctions.

2. Objectives

Cooperation at European level should support the exchange of information and good practices among the Member States' networks, which are operationally responsible for administering elections and preserving a level democratic playing field and a pluralistic democratic debate. It should also support cooperation with other European level groups and bodies to interact with the Member State' networks, thereby enabling mutual support and a wider and effective dissemination of relevant alerts and other information.

Discussions within the network shall be fully rooted in protecting and promoting the rule of law and respect for fundamental rights, in particular the freedoms of expression and association. There will be no exchange of personal data within the network.

The European cooperation network should consider the following non-exhaustive list of topics related to online activities relevant to the electoral context:

- Online application of offline rules relevant to the electoral context, including inter alia measures to ensure transparency in online political advertising;
- Awareness raising activities aimed at increasing the transparency of elections and building trust in the electoral processes;
- Assessment of risks and identification of cyber threats and other incidents that can affect the integrity of the electoral process, including inter alia infringements of rules on the protection of personal data;

⁴ Page 7, COM(2018) 637.

⁵ JOIN (2018) 36 final.

⁶ Page 7, JOIN (2018) 36 final.

- Exchange of information about disinformation campaigns, and other forms of online conduct, including hate speech;
- Liaison with other relevant networks, authorities and expert groups;
- Efforts to counter foreign involvement, as well as to strengthen cooperation with ally third countries.

The list of topics will be regularly reviewed and updated on the basis of the discussions and in particular the feedback from Member States on threats, gaps and enforcement.

Both the Communication and the Recommendation indicate that Member States are encouraged to apply the principles of the Recommendation to the elections and referenda they organize at national level.

3. Participation

The European network shall comprise of one contact point for each Member State. It is expected that Member States' contact points act as the main liaison to the national election networks.

Additional expertise from the Member States is envisaged to participate as needed. Presentations by other EU networks, specific experts and representatives of relevant organizations can take place as needed and on pertinent points of the agenda, including by the European Data Protection Board (EDPB), national cybersecurity authorities, NIS Cooperation Group, the Network of audiovisual regulators (ERGA), the European Union Agency for Network and Information Security (ENISA), the Emergency Response Coordination Centre (ERCC) and Europol. The network should facilitate appropriate links with the Authority for European political parties and the Rapid Alert System.

4. Practical aspects

At each meeting of the network, the Commission can reimburse one participant per Member State.

The Commission has made available to Member States a forum within the Commission's CIRCABC online environment. In the longer term, with the ambition of presenting options and discussing them at the first meeting of the European elections network, the Commission will investigate the possibility of providing an alternative secure online platform to conduct such exchanges.

The network will be chaired by the Director in charge of Equality and Union citizenship, DG Justice and Consumers of the European Commission.

5. Work plan

Up to four meetings shall be held in 2019, starting from late January, with semiannual meetings from 2020 onwards, or as needed.