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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE**

Report on the 2019 elections to the European Parliament

{SWD(2020) 113 final}

1. Introduction

The elections to the European Parliament are among the largest democratic exercises in the world. In May 2019, European Union citizens directly elected 751 Members of the European Parliament (MEPs)¹ from over 15,000 parliamentary candidates, with over 250 million votes cast in Europe.

The record-high turnout in the 2019 European Parliament elections ('the elections'), the highest in 25 years, shows the vibrancy of our democracy and the renewed engagement of EU citizens in shaping the future of the EU, especially among its youth. The post-election survey shows that EU citizens believe that their voice counts in the EU as never before.² A truly European debate emerged on topics such as the economy, climate change and human rights and democracy.³

These were also the most digital European Parliamentary elections. A large proportion EU citizens use the internet,⁴ and online sources and social media play an increased role in our European democratic debate, giving political actors unprecedented opportunities to get their message across, and even greater access to the debate for citizens.

The Cambridge Analytica scandal⁵ revealed a darker side to these advances. It brought to light interference in elections exploiting online social networks to mislead citizens and manipulate the debate and voters' choices,⁶ by concealing or misrepresenting key information such as the origin and political intent of communications, their sources and their funding.

¹ On 31 January, the UK left the EU and the UK's elected Members ceased to be Members of the European Parliament. Consequently, the total number of MEPs went down from 751 to 705, with 46 of the 73 seats vacated by the UK held in reserve for new countries joining the EU. The remaining 27 seats were redistributed among 14 EU countries, better to reflect the principle of degressive proportionality, as follows: France (+5), Spain (+5), Italy (+3), The Netherlands (+3), Ireland (+2), Sweden (+1), Austria (+1), Denmark (+1), Finland (+1), Slovakia (+1), Croatia (+1), Estonia (+1), Poland (+1) and Romania (+1). Data presented in this report has been adjusted to reflect this change.

² 56% agree that their voice counts in the EU (the most positive result since this question was first asked in 2002). European Parliament, *The 2019 post-electoral survey*, p. 11, see: <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2019/post-election-survey-2019-complete-results/report/en-post-election-survey-2019-report.pdf>.

³ Based on over 11,000 electoral materials, including posters, television commercials, social media posts and printed announcements by 418 political parties or candidates, as well as 193 official Facebook accounts, the European Elections Monitoring Center identified the most common issues raised in election campaigns, namely 'Europe' (15% of all topics), followed by 'values,' 'economics,' 'social' and the 'environment'. See Johansson, Bengt and Novelli, Edoardo, '2019 European elections campaign – Images, topics, media in the 28 Member States', 9 July 2019, <https://op.europa.eu/en/publication-detail/-/publication/e6767a95-a386-11e9-9d01-01aa75ed71a1/language-en>.

⁴ Most EU citizens use the internet at least once a week and almost half (45%) now use it as their main source for information on national political matters and to find out about the EU. Standard Eurobarometer 90 – Media use in the European Union, December 2018, <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/86432>.

⁵ The scandal broke in 2018 following reports including from former employees of Cambridge Analytica, a consultancy company, that Cambridge Analytica had commissioned an app made available to Facebook users to harvest data from them and their circle of contacts, which was used subsequently to target political messaging in the context of a number of elections in subsequent years. Data was taken from US citizens, and citizens from a number of EU states. Follow-up actions were taken by regulators.

⁶ For instance by targeting specific minorities and vulnerable groups (See on this, the European Parliament Resolution of 10 October 2019 on foreign electoral interference and disinformation in national and European democratic processes (2019/2810(RSP)).

Personal data could also be used covertly and unlawfully to target citizens with manipulative content. Behavioural insights derived from citizens' online activity were used to 'game' the online platforms' systems to artificially amplify this content. Other online interference techniques may be used, including cyberattacks and circumvention of traditional electoral safeguards such as funding rules.

Before the elections, the Commission published a package of measures ('the electoral package') aimed at addressing these challenges, helping to ensure that the elections were both free and fair. The package promoted a comprehensive approach and mutual support among competent authorities, supported by the establishment of elections networks at national and European level. It built on long-standing work with Member States in the context of elections and called for improved transparency in political campaigning, provided increased clarity on the application of data protection requirements in the electoral context, promoted oversight by competent authorities and protection against cyber threats, as well as greater awareness and readiness to meet the challenges of the online environment.⁷

The Commission's Fundamental Rights Colloquium in November 2018 was dedicated to Democracy in Europe. This high-level event identified avenues to foster free, open and healthy democratic governance in an era of low turnout in elections, populism, disinformation and challenges facing civil society.⁸

The electoral package, coupled with the Commission's initiatives on disinformation – the code of practice on disinformation⁹ and the action plan against disinformation,¹⁰ including the Rapid Alert System and the analytical and awareness-raising activities of the European External Action Service (EEAS) Strategic Communication (StratCom) Task Forces – contributed to securing the integrity of the electoral process and voters' confidence in it, which improved.¹¹

Building on the findings of the report on the 2014 European Parliament elections,¹² lessons learned from past elections, and delivering on the commitments in the 2017 EU citizenship report to promote and enhance citizens' participation in the democratic life of the EU,¹³ the Commission took a number of initiatives to increase the sense of a European dimension in the elections and to support the broad participation of all EU citizens. It worked with other EU institutions, as well as with political parties, Member States and others. It also engaged

⁷ Adopted on 12 September 2018, State of the Union 2018, https://ec.europa.eu/commission/presscorner/detail/en/IP_18_5681.

⁸ https://ec.europa.eu/info/events/annual-colloquium-fundamental-rights/2018-annual-colloquium-fundamental-rights-2018-nov-26_en.

⁹ https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=54454.

¹⁰ Jointly issued in 2018 by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy https://eeas.europa.eu/sites/eeas/files/action_plan_against_disinformation.pdf.

¹¹ Confidence in free and fair elections improved in 21 Member States between September 2018 and June 2019. The biggest increases were observed in Greece (80%, +18 pp.), Lithuania (78%, +14 pp.), Romania (65%, +14 pp.) and Spain (77%, +12 pp.). For further details, see section 4 of the staff working document which accompanies this communication.

¹² https://ec.europa.eu/info/sites/info/files/com_2015_206_en.pdf

¹³ http://ec.europa.eu/newsroom/document.cfm?doc_id=40723

with Member States to ensure that EU law and rights are upheld in the elections, addressing the concerns raised by individual citizens and stakeholders. The Commission also stepped up its communication efforts vis-à-vis European citizens, in close cooperation with the European Parliament with a strong national and local dimension.

This report reviews the above elements¹⁴ based on:

- extensive responses to Commission questionnaires received from Member States, the European and national political parties, national data protection authorities and IT platforms;¹⁵
- exchanges with Member States in the framework of the newly established European Cooperation Network on Elections and a related expert group; and
- Eurobarometer and other surveys including the post-election survey published by the European Parliament, and relevant studies.

2. Participation in the elections

50.66%¹⁶ of EU citizens eligible to vote took part in the 2019 elections. This figure is a 25-year high and marks the first increase in turnout since 1979. The increases since the 2014 elections were strong in most Member States, particularly in nine.¹⁷ Modest decreases were also observed in eight Member States.¹⁸ Significant discrepancies in turnout among Member States remain.¹⁹

Both Europe's young and first-time voters drove turnout figures up. Their turnout increased strongly and exceeded the increase in turnout of other age groups.²⁰ Of the youngest age category,²¹ 42% indicated they voted, compared to only 28% in 2014: a large increase. The increase was also notable for the 25-39 age group (up from 35% in 2014 to 47% in 2019). Older voters nevertheless continue to turn out more strongly than younger ones (52% and 54% for the 40-54 and 55+ age groups respectively).²²

What motivated young voters to vote is just as important as the turnout itself. They share a

¹⁴ An initial assessment covering the implementation of the action Plan against disinformation was presented in June 2019. See JOIN(2019) 12 final, https://eeas.europa.eu/sites/eeas/files/joint_report_on_disinformation.pdf.

¹⁵ In total, 26 Member States, 3 European political parties, 17 national political parties from 7 Member States, and 4 IT platforms replied to the questionnaire. See the Annex of the staff working document accompanying this Communication.

¹⁶ This number rises to 52.4% without the UK.

¹⁷ Poland, Romania, Spain, Austria, Hungary, Germany, Czechia, Denmark and Slovakia (from the highest increase of percentage points to the lowest one).

¹⁸ Bulgaria, Portugal, Belgium, Ireland, Italy, Luxembourg, Malta and Greece (from the highest decrease of percentage points to the lowest one).

¹⁹ From 88% in Belgium (where voting is compulsory) to 23% in Slovakia.

²⁰ The turnout for young people aged under 25 is 42% (+14 percentage points). For the ones aged 25–39, 47% (+12 percentage points). This remains below the turnout of those aged 55 or over (54%, +3 percentage points).

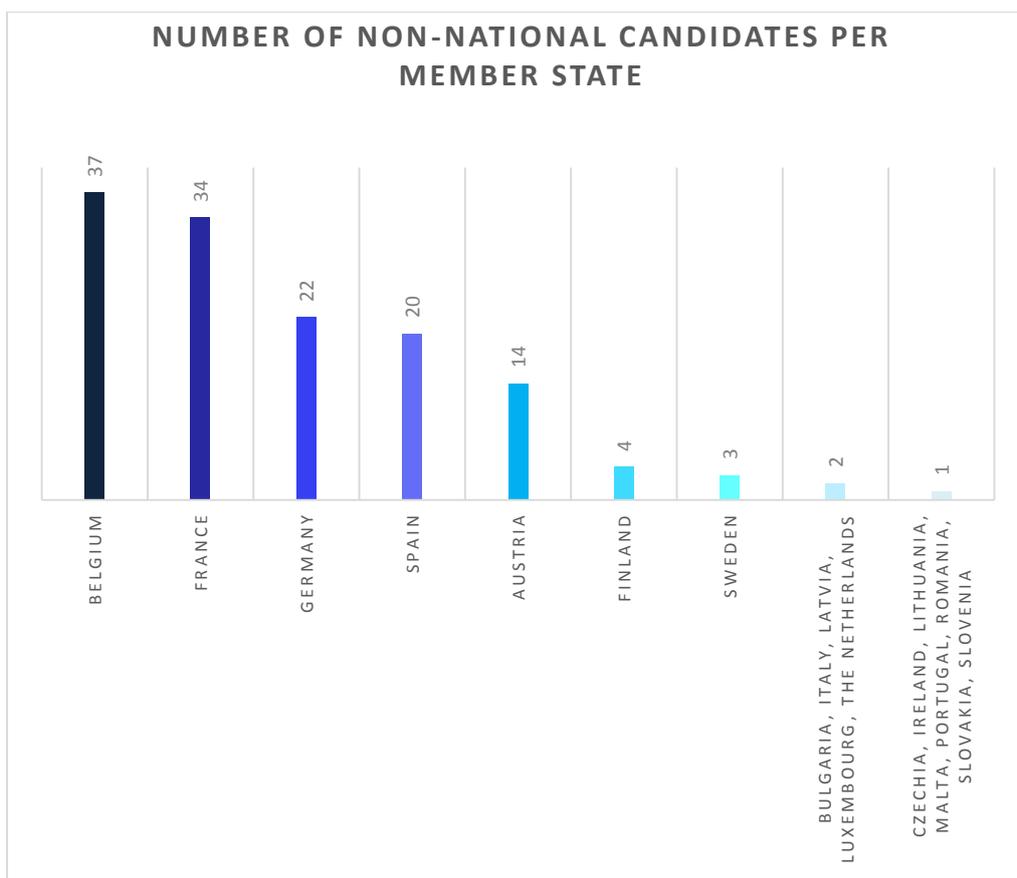
²¹ Aged 18-24 in all Member States except Greece, where the voting age is 17, and Austria and Malta, where the voting age is 16.

²² European Parliament, The 2019 post-electoral survey, p. 22.

strong sense of voting being a civic duty (over 50%)²³ and they were also strongly motivated by a concern about climate change (a motivation shared across age groups), a desire to promote human rights and democratic values (which motivated them more than other groups), as well as the economy.²⁴

A growing group of citizens entitled to vote and stand as candidates in European Parliament elections are “mobile EU citizens”: citizens who moved to live, work or study in another Member State. It is estimated that of the over 17 million mobile EU citizens in the EU, almost 14 million were eligible to vote (over 3% of the total EU voting population) in the European Parliamentary elections organised in another Member State.

While EU law confers a direct right on mobile EU citizens to vote and stand as candidates in European Parliament elections in their Member State of residence, they may also be granted a right under national law to vote and stand in their Member State of nationality (even if residing abroad). In that case, like all other citizens, they may only vote once and therefore are required to choose whether to vote in the Member State of their residence or that of their nationality.



²³ *Idem*, p. 49.

²⁴ *Idem*, p. 57.

A relatively low number of mobile EU citizens exercised their electoral rights, and usually in their countries of origin. Ahead of the elections citizens indicated that they would prefer to exercise their EU rights and vote in lists in their country of residence. Four times as many²⁵ registered to vote for lists from their country of nationality, however, where that option was available.²⁶ This suggests that choice is important to keeping participation high.

The number of mobile EU citizens standing as candidates fell, from 170 mobile citizen candidates in 2014, to 168²⁷ in 2019 (in 18 Member States). Five were elected, three in France and two in the United Kingdom.

Challenges remain to the participation of mobile EU citizens, such as with registration on the electoral roll. Issues can also arise from insufficient remote voting options and their administration,²⁸ such as with administrative letters being sent too late, cumbersome postal voting procedures, insufficient voting booths and staffing at consulates.

The participation and representation of women increased in the 2019 elections compared to the previous elections. The gender gap in turnout reduced from 4% in 2014 to 3% in 2019.²⁹ Likewise, the number of women MEPs increased from 37% to 39.4%. There remain, however, major differences between Member States and many challenges need to be overcome to achieve gender parity. The table below compares the proportion of women candidates and the proportion of women elected.

Practices to support mobile EU citizens

Before the elections, the Commission encouraged Member States to share best practice to boost mobile EU citizens' voter participation and provided support and information on voting and standing as a candidate, such as:

Information and guidance on voting formalities and deadlines through the Your Europe advice portal; on voting formalities and voting methods through the European elections webpages and factsheets jointly produced with the European Parliament; and encouraging voter participation through a targeted social media campaign.

Choice for citizens. Member States shared their experience on voting methods ahead of the elections in high-level event on participation and democratic matters (April 2018).

Support to projects under its Rights, equality and citizenships programme.

²⁵ On the basis of the data received, around 5.5 million compared to 1.3 million. For more detail, see section 2.2.1 of the staff working document accompanying this Communication.

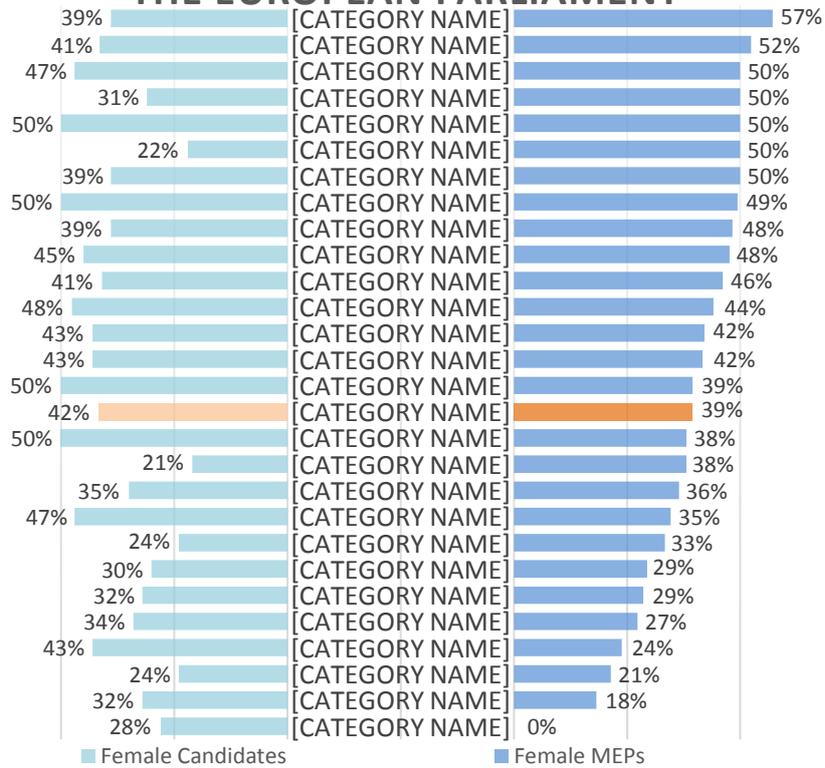
²⁶ Some Member States limit the right to vote of their nationals who reside outside their territories, even in other Member States. This loss of the right to vote, which for elections not covered by EU rights such as national parliamentary elections, can amount to disenfranchisement, will be considered further in the Commissions 2020 report on EU citizenship, expected to issue this year.

²⁷ 152 when candidates in the UK are not counted.

²⁸ See the study on the use of remote voting to support turnout in many groups, 2017-18 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights/studies_en.

²⁹ In some Member States the turnout of women increased markedly for instance in Finland from 38% to 43.4%.

FEMALE CANDIDATES VS. FEMALE MEMBERS OF THE EUROPEAN PARLIAMENT



Many Member States took measures to improve the participation of women in the elections. These included linking the allocation of public funding for political parties to the promotion of political participation of women (e.g. Ireland), quota systems for candidate lists or introducing a general obligation for political parties to have gender-balanced lists of candidates (e.g. Romania).

For ethnic minorities featuring on candidate lists, registering for elections or performing other electoral procedures can be more difficult than for the rest of the population. For instance, voters belonging to certain communities, such as the Roma community, are more likely to face difficulties in accessing voter registration procedures.

This is partly due to this population group lacking documentation, lacking knowledge about the procedural requirements needed to vote (such as how to provide valid proof of address) and lacking support to take them through the administrative process. Ethnic minorities make up 5% of the membership of the European Parliament and 10% of the overall population.³⁰

³⁰ ENAR's Election Analysis - other minorities in the new European Parliament 2019-2025, <https://www.enar-eu.org/ENAR-s-Election-Analysis-Ethnic-minorities-in-the-new-European-Parliament-2019>.

EU Citizens with disabilities³¹ face similar difficulties when participating in elections. They also face additional barriers to exercising their rights, for example in terms of insufficient accessibility. All EU Member States, as well as the EU, have ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD).³² According to a recent report from the European Economic and Social Committee, an estimated 800,000 EU citizens from 16 Member States could have been deprived of the right to participate in the elections because their national rules and organisational arrangements do not take their specific needs into account sufficiently.³³ People with disabilities appear to remain underrepresented among elected Members of the European Parliament.

The Commission raises awareness about the rights of persons with disabilities and the obligations in the UNCRPD in meetings with Member States.³⁴ It organised dedicated discussions on the issue, demonstrated accessible voting machines and more generally supported the sharing of good practices. The EU also funds EU-level disability organisations to raise awareness and advocate for their rights and to improve the capacity of their member organisations.

Member States implement various practices to help different groups of citizens participate.³⁵ The Commission has facilitated the exchange of such practices since the 2014 elections, including at a high-level event on electoral matters in April 2018. The Commission's Fundamental Rights Colloquium dedicated to democracy in Europe in 2018 included broad exchanges on practices for the promotion of broad participation and representation as a condition for inclusive democratic societies.³⁶

Data on the electoral participation of other underrepresented groups remains limited and few Member States collect it.

Practices to support citizens with a disability included

Mobile ballot boxes for people with disabilities (Bulgaria).

Targeted information material drafted in plain language and braille (videos, brochures) to support specific groups in different languages (Belgium and Lithuania).

Autonomous electronic voting for the visually impaired (Belgium).

Accessible polling stations and ballot boxes in nursing homes and institutions (Ireland).

Lowered threshold to establish political parties (Romania).

Braille paper ballots (Slovakia).

Specific support for parliamentary candidates with disabilities including funded internships with political parties (UK – Scottish government project).

³¹ 15.1% of women and 12.9% of men aged 15-64 report a basic activity difficulty. See Eurostat https://ec.europa.eu/eurostat/statistics-explained/images/8/8c/Infographic_Disability_statistics_final.png.

³² The UNCRPD guarantees to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-29-participation-in-political-and-public-life.html>

³³ Real rights of persons with disabilities to vote in European Parliament elections – March 2019, <https://www.eesc.europa.eu/sites/default/files/files/ge-02-19-153-en-n.pdf>.

³⁴ This included within the Disability High level Group, the Work forum on the implementation of the UNCRPD, and the annual European conference on the European day of persons with disabilities.

³⁵ Some examples are provided in the sidebars above. Further details on practices exchanged are available in the staff working document accompanying this Communication.

³⁶ https://ec.europa.eu/info/files/conclusions-colloquium-2018_en.

Under its **Rights, Equality and Citizenship programme**, the Commission supported the participation of underrepresented EU citizens. Between 2014 and 2020 the programme provided EUR 20 million to finance initiatives with the aim of promoting and enhancing the exercise of rights deriving from citizenship of the Union. This includes action grants of EUR 8.5 million under which more than 20 projects have so far received funding.³⁷ Projects included:

- tools to raise EU citizens' awareness of their political rights and of the procedures to participate in European Parliament elections;³⁸
- good practice guides for Member States' authorities to support EU citizens in exercising their voting rights;³⁹
- multilingual tools providing information about the political programmes promoted by political parties during the electoral campaign;⁴⁰ and
- targeted initiatives to encourage underrepresented groups to participate.⁴¹

The Europe for Citizens programme supported activities that cover civic participation in the broadest sense. Town-twinning projects and civil society projects addressed the question how to reach voters, including first time voters or voters living in remote areas.

To support electoral participation ahead of the elections and empower citizens to take informed decisions, the Commission conducted information and communication campaigns in close cooperation with the European Parliament,⁴² including on what the EU does, how to vote and how to engage.⁴³ These campaigns were proactive and multilingual and had a strong local dimension.

From November 2014 until the elections, Members of the Commission and senior Commission officials participated in more than 1730 citizens' dialogues across Europe in the style of town-hall debates. These dialogues helped citizens understand of how European policies work for them, in an effort to increase their direct engagement with senior decision-makers in the Commission, as well as with European democracy more broadly.

Member States' authorities, civil society organisations, fact-checkers, private bodies including platforms and other stakeholders engaged in numerous awareness-raising activities in the run up to the elections. Commission Representations often helped to coordinate these activities, linking the local level to the European one.

³⁷ Links to examples of funded projects are available in the Commission staff working document accompanying this Communication.

³⁸ See for example <http://www.spaceu2019.eu/>.

³⁹ See for example <https://smp.eelga.gov.uk/migrant-workers/act-project/>

⁴⁰ See for example <https://euandi2019.eu.eu/> and <https://yourvotematters.eu/en/>.

⁴¹ See for example http://www.diversitygroup.it/fwp_portfolio/migrant-political-participation/ and <https://www.lawcentres.org.uk/lcn-s-work/living-rights-project>.

⁴² See e.g. https://europa.eu/youreurope/citizens/residence/elections-abroad/european-elections/index_en.htm ; [https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/623556/EPRS_ATA\(2018\)623556_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/623556/EPRS_ATA(2018)623556_EN.pdf)

⁴³ With many different national registration deadlines and voting methods for citizens, it was essential to inform mobile EU citizens about their electoral rights.

Analysis and follow-up measures

The **record turnout showed a renewed engagement in EU democracy**. Overall, it improved greatly overall but not equally across Member States and across all groups of EU citizens. Communications activities contributed to building momentum for democratic participation.

Certain simple practices applied can make a big difference to particular groups, such as adjustments for voters with disabilities, support for community championing at a local level, a wider range of voting methods, and working with political parties to encourage opportunities for underrepresented citizens to stand as candidates. However, such practices are not widely applied.

The quality of indicators and data collected on the participation of specific groups is limited.

Citizens including young people do not always have **sufficient tools to participate actively**. This process starts before reaching voting age.⁴⁴ Many of the citizens who will vote for the first time in the 2024 elections are currently in full time education.⁴⁵ That is why it is important to develop innovative techniques suitable for different ages and needs to support democratic participation.

For the 2024 elections, efforts must continue to **engage all citizens in European democracy** and **support long-term high turnout**. No one should be left behind and the participation in and outcomes of European Parliamentary elections should reflect the population and the diversity of the Union.

Policies which raise awareness and public involvement in European decision-making are important to ensuring that EU citizens are confident that their voice is heard, and that voting matters.

These important considerations will contribute to reflections on the future of Europe and be followed-up on as part of the upcoming **European Democracy Action Plan** and other initiatives.

Along these lines the Commission will:

- maintain its efforts to ensure **access** to accurate **information** about the European Union to support citizens' active involvement in the European political life and the exercise of their electoral rights. Innovative approaches, multilingual communication and new information channels will be used to reach all groups and local actors will be involved. Cooperation with the Parliament will continue and reinforced collaboration with other EU institutions and relevant bodies will be explored. Citizens' dialogues, tailored to the

⁴⁴ For its part, the Commission has organised the Back to School initiative, which has seen several EU officials going to schools in several Member States to discuss their work and experiences in the EU and listen to pupils. This is now complemented by a similar 'Back to University' initiative.

⁴⁵ https://ec.europa.eu/commfrontoffice/publicopinion/flash/fl_375_en.pdf

local linguistic and cultural context, will be organised across the Union to increase the connection between citizens' views and EU policymaking covering issues affecting citizens' daily lives;

- foster best practices and the exchange of knowledge among Member States and other concerned bodies to support **high turnout** including on easy and accessible voting procedures. A specific workshop on **voting procedures** will be organised within the European Cooperation Network on Elections in 2021;
- support **inclusive** and **equal participation**, in cooperation with Member States, Parliaments, civil society and other stakeholders, including by promoting best practice, awareness-raising and making use of funding.⁴⁶ For the 2024 elections, a specific focus will be on younger and older people, women, mobile EU citizens and people with disabilities.⁴⁷ In line with its Gender Equality Strategy presented on 5 March 2020⁴⁸, the Commission will promote specific actions to achieve gender balance in decision-making and in politics. The Commission will also dedicate in 2020 a joint session of the European Cooperation Network on Elections and the expert group on electoral matters to consider inclusiveness and equality in democratic participation;
- work with Member States' authorities, with the support of its network of academics on citizenship rights and in consultation with civil society organisations, to improve **indicators and data collection** in full compliance with fundamental rights and data protection requirements;
- assess practical measures making **best use of the digital technologies to facilitate the inclusive exercise of electoral rights**, while guaranteeing the freedom and confidentiality of the vote, as well as the protection of personal data, building among others on the outcomes of the study on remote voting solutions⁴⁹ and projects funded under the Rights, Equality and Citizenship Programme;
- explore ways to foster the involvement of **children** in the European democratic life also in view of their active democratic participation as EU citizens when adults. This could include supporting child participation mechanisms at local and EU level (children's city councils and children's national Parliaments for instance);
- increase the **outreach to children and young people** including in the context of their school lives;⁵⁰

⁴⁶ This includes the upcoming funding Citizenship, Equality, Rights and Values Programme.

⁴⁷ European Pillar of Social Rights, principle 1: "Everyone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society (...)."

⁴⁸ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en

⁴⁹ See the Commission study on the use of remote voting to support turnout, 2017-18 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights/studies_en

⁵⁰ Initiatives like the back to school or back to university promoted by the Commission are relevant in this context.

- consider **further measures** to promote and enhance citizens' participation in the democratic life of the Union in its 2020 EU citizenship report.

Member States are encouraged to:

- prepare **reports on the conduct of European Parliamentary elections** in their country, and to include in these reports statistics on participation in elections, including on underrepresented groups, to inform policymaking at all levels;
- explore **options offering greater choice in how and when citizens may vote** (remote and advance voting, as well as other facilitations to accommodate specific needs);
- continue to **share practices** and take action to **promote awareness of electoral** rights as well as a wider, **inclusive participation** in the European Parliamentary elections and **representation** in elected bodies; and
- **consider pooling resources** and other mutual support among Member States in the administration of European elections (such as through shared temporary facilities to accommodate voting booths and voter administration at locations with a high number of resident mobile EU citizens, taking differences in national rules e.g. on administrative deadlines such as for voter registration into account, and sharing best practices on appropriate input to support citizenship courses).

European political parties, in collaboration with their national constituencies, could also step up their efforts to encourage **inclusive participation** in elections and the dissemination of accurate information about the European Union.

3. The European dimension and the exercise of EU electoral rights

3.1. EU electoral rights and the European dimension of the elections

The European Parliamentary elections are unique. The Member States, each with their national campaigns, national lists and distinctive rules and traditions, contribute to a collective result, with elected Members of the Parliament representing all EU citizens. Certain common principles and procedures are set out in EU law, including the rules which enable mobile EU citizens to exercise their right to vote and stand in the European Parliamentary elections in their country of residence, the rules governing European political parties and foundations, as well as the 1976 EU electoral Act.⁵¹ The remainder emerges from the diverse, rich national political traditions of the Member States. For instance, each Member State organises voting in the European Parliamentary elections on the day of the week on which national elections are usually held. This means that elections occur over four

⁵¹ Including the rules which enable mobile EU citizens to exercise their right to vote and stand in the European elections in their country of residence, the rules governing European political parties and foundations, as well as the 1976 EU electoral Act. For an overview of the relevant EU laws and other instruments, see https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights_en#europeanparliamentalelections.

days. However, EU law prohibits official results from being declared before the last polls close.⁵²

The outcome of European Parliamentary elections has direct implications for citizens. They need to know what is at stake at European level to make informed political choices. The political debate and campaign are however often overshadowed by national and local topics. Further fostering the European dimension in the elections strengthens the link between citizens and the European institutions and hence the democratic legitimacy of European decision-making. It is also a matter of political accountability. To be able to hold politicians to account, citizens need to see a clear link between the candidates' national campaigns and programmes and European policies and political parties with which they are affiliated.

In 2015 the Parliament used its right of initiative to present a proposal⁵³ to reform the 1976 electoral Act.⁵⁴ Agreement was found in the Council on a limited number of provisions including a compulsory minimum threshold for parties and the criminalisation of multiple voting. The process of national approval exceptionally required for this act to enter into force could not be completed in time before the elections: the amendments did not enter into force for the 2019 elections, and remain pending.

Before the elections, the Commission also took specific steps to enhance the European dimension of the elections. In 2017, the rules on the funding of European political parties and foundations were amended on the basis of a Commission proposal.⁵⁵ The reform aimed to improve democratic legitimacy and strengthen enforcement, including as regards the respect of European values. Another objective was making the links between European and national parties more transparent. European parties are now required to make sure that their logo and programme appear on the websites of all the national parties they are affiliated with.⁵⁶ At the time of writing, no information had been published regarding whether European political parties which applied for funding complied with these requirements.⁵⁷ After consulting the Authority, the European Parliament should publish a report on the Regulation by 31 December 2021. The Commission should present its own

⁵² Article 10(2) of the 1976 electoral Act.

⁵³ European Parliament Resolution of 11 November 2015 on the reform of the electoral law of the European Union (2015/2035(INL)), OJ C 366, 27.10.2017, p. 7–18.

⁵⁴ The announced objective was to “*enhance the democratic and transnational dimension of the European elections and the democratic legitimacy of the Union decision-making process, reinforce the concept of citizenship of the Union, improve the functioning of the European Parliament and the governance of the Union, make the work of the European Parliament more legitimate, strengthen the principles of electoral equality and equal opportunities, enhance the effectiveness of the system for conducting European elections, and bring MEPs closer to their voters, in particular the youngest amongst them*”.

⁵⁵ European Commission, Proposal for a regulation amending Regulation (EU, Euratom) No. 1141/2014 of 22 October 2014 on the statute and funding of European political parties and European political foundations, COM(2017)481.

⁵⁶ The Commission's proposal also included the publication, on its member parties' websites, of information on the gender representation among the candidates at the last European elections.⁵⁷ Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations, OJ L 317, 4.11.2014, p. 1–27.

⁵⁷ Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations, OJ L 317, 4.11.2014, p. 1–27.

report within 6 months of that publication.

In 2018 the Commission issued a Recommendation⁵⁸ on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament which was addressed to Member States and political parties. It called on them to build on the lead candidate system and to take steps to enhance transparency by making the link between the national parties and the European political parties to which the national parties are affiliated more visible in all relevant communications, including campaign materials and ballot papers.

Based on the information provided by Member States and European and national political parties, opportunities remain to improve such transparency. For instance, several Member States⁵⁹ indicate that their national rules do not permit the display of European party logos on national party ballot papers. Few political parties indicated being aware of or intending to make use of this option, even where it is possible.⁶⁰

Some progress has nonetheless been made. Certain political parties, including in France, Luxembourg, the Netherlands, Greece and Ireland, did provide information to voters about their European affiliations and several parties took steps to stimulate the European dimension of the elections through their campaign materials and websites. Two political parties⁶¹ were present in several Member States and campaigned for a pan-European programme. One MEP from such a party was elected from a German list.⁶²

Europe and European issues including ‘values,’ ‘economics,’ ‘social’ and the ‘environment’ appeared prominently in relevant materials during the campaign, which points to an emerging, distinct European political debate around the elections.⁶³

3.2. Monitoring and enforcement of electoral rights

Fully exercising EU electoral rights is essential to the enjoyment of the status of EU citizen. Member States are responsible for making sure that the common rules and principles applicable to the European Parliamentary elections under EU law are implemented correctly. The Commission, acting as guardian of the Treaties, monitors and takes actions, where necessary.

⁵⁸ Commission Recommendation (EU) No 2018/234 of 14 February 2018 on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament, OJ L 45, 17.2.2018, p. 40–43.⁵⁹ Bulgaria, Czechia, Denmark, Germany, Estonia, Spain, Croatia, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Romania, Slovakia, Finland and Sweden.

⁵⁹ Bulgaria, Czechia, Denmark, Germany, Estonia, Spain, Croatia, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Romania, Slovakia, Finland and Sweden.

⁶⁰ For more detail on this point, see section 3 of the staff working document accompanying this Communication.

⁶¹ Volt and DiEM25.

⁶² For Volt Deutschland. DiEM25 was unsuccessful in the European Parliamentary elections, but it has also run candidates in national elections in Denmark, Germany, Greece, Spain, France, Austria, Poland and Portugal, and has members in the Danish, Greek, Polish and Portuguese legislatures.

⁶³ These themes also emerged in the over 1,700 citizens’ dialogues organised around the Union since the last elections. Johansson, Bengt and Novelli, Edoardo, ‘2019 European elections campaign – Images, topics, media in the 28 Member States’, 9 July 2019, <https://op.europa.eu/en/publication-detail/-/publication/e6767a95-a386-11e9-9d01-01aa75ed71a1/language-en>.

Ahead of the elections, the Commission took various actions to ensure that EU law was being implemented and to eliminate possible obstacles to the exercise of EU citizens' electoral rights. The Commission was in dialogue with three Member States on the right of mobile EU citizens to join a political party and one on the right to found a party. Talks were also held with several Member States to ensure information is exchanged within the five days envisaged so that candidates who have been disqualified in their home Member State can be prevented from being elected in another Member State.⁶⁴ Following these talks, several Member States amended their laws.

Dialogue with one Member State successfully addressed the issue of protecting the secrecy of voting and discussions with another Member State resolved an issue on enabling people without a fixed place of residence to exercise their electoral rights.

Before the elections and immediately following them, many EU citizens contacted the Commission to express their concerns regarding the elections. The most common issues raised were citizens:

- being unable to vote remotely (by post, by proxy or online) or in person outside their country of origin (in consulates, embassies or specially established polling stations), or where such an option was provided, experiencing administrative complexities, delays or other issues;
- encountering delays or complications in national registration procedures.⁶⁵

The Commission was in talks with the concerned countries on these issues.

3.3. Prevention of multiple voting

The Commission supported Member States in implementing the specific provisions of EU law related to electoral rights of mobile EU citizens, within the framework of the expert group on electoral matters.⁶⁶ Exchanges covered the applicable formalities, including the relevant deadlines applicable to registration, and practices to support participation.

Exchanges also included measures to prevent multiple voting by mobile EU citizens. Under the relevant EU rules, Member States exchanged information on mobile citizen voters who have registered and indicated their intention to vote in the European Parliamentary elections in their country of residence, so that they can be removed from the electoral rolls for the elections in their countries of origin. To support Member States' efforts, the Commission provided a tool to support the secure and data-compliant exchange of this information and facilitated the sharing of relevant information among Member States,

⁶⁴ Under Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

⁶⁵ This applied to European Union citizens attempting to complete formalities established by their country of nationality, including when voting from outside that country, and attempting to complete formalities established by their country of residence.

⁶⁶ <https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=617>.

including on electoral deadlines. Between February and May 2019, Member States exchanged data on over 1.2 million voters and 114 parliamentary candidates. The close collaboration between Member States permitted the identification of around 214,000 multiple registrations of citizens.⁶⁷ The Commission was not made aware of incidents of multiple voting in the elections.

This process was conducted more efficiently and securely compared to previous elections. Member States, however, underlined that the differences in the applicable national procedures created challenges, including on the quality of the data exchanged⁶⁸. Issues also resulted from differences in the applicable deadlines for registration and deregistration, and the effect of registration and deregistration on a citizen's ability to vote in other national elections.

3.4. Other actions

Citizens themselves are generally confident that their countries were doing what is needed to ensure free and fair elections.⁶⁹ Election observation is important to ensure respect for electoral rights, to empower and involve citizens and more broadly to build public confidence in electoral processes. Member States have different approaches on this. Discussion and exchange of best practice including with observer organisations took place through the European Cooperation Network on Elections before and after the elections.⁷⁰

Analysis and follow-up measures

More work is needed to strengthen the prominence of the European dimension of the European Parliamentary elections. Although some progress has been made and a European political dimension develops gradually within a growing European democratic space, measures to sustain and reinforce it are needed. Member States and the national political parties play a central role here. **Transparency of the relationships between the European and national political levels** should be further promoted and supported including by national rules. Political parties have a specific responsibility as regards the visibility of the connections between national European political parties and the prominence given to European issues.

Before the elections, the Commission worked closely with the Member States to ensure that the applicable EU law was implemented in the May 2019 elections. This was effective and will be continued in view of the 2024 elections. This brought to light areas where EU rules

⁶⁷ See section 3.2. of the staff working document accompanying this Communication.

⁶⁸ Indeed, mobile EU citizen voters can only be identified across borders when the identifying data are compatible between national administrations. https://ec.europa.eu/commission/sites/beta-political/files/soteu2018-data-protection-law-electoral-guidance-638_en.pdf

⁶⁹ Including to prevent illegal and fraudulent activities during elections. See special Eurobarometer 477 Democracy and elections – p. 14.

⁷⁰ This included interventions from the Office for Democratic Institutions and Human Rights and Election-Watch.EU, which presented its own initiative report on the elections, see <https://www.wahlbeobachtung.org/en/european-parliament-elections-2019-election-watch-eu-eam-final-report-with-16-recommendations>.

could be streamlined and where further convergence between national systems could be beneficial, to facilitate the efficient conduct of the elections, coordination among Member State authorities and campaigning at a European level. For instance nationally established campaigning and elections periods could be more closely aligned.

One of the six headline ambitions for the von der Leyen Commission is a **new push for European democracy**. This implies fostering the European dimension of the elections and increasing the link between citizens and European decision-making, making best use of appropriate linguistic and cultural tools. EU citizens will have a stronger role in decision-making, a greater say and a leading and active part in setting European priorities and level of ambition.

The Conference on the future of Europe will have one strand addressing topics related to democratic processes and institutional matters, notably the lead candidate system for the election of the President of the European Commission and transnational lists for elections to the European Parliament. The Conference should come forward with its legislative or other proposals on this topic. The Commission will follow up on these proposals where it has competence to act on what is agreed by the Conference and stands ready to intervene as a facilitator and honest broker between the European Parliament and the Council. For instance, the Commission can make available legal and institutional expertise, research on electoral processes and insight into inter-institutional relations.⁷¹

In good time before the 2024 elections, the Commission will also present proposals to **strengthen the rules applicable to European political parties and foundations**, including clarifying their financing. In this context, the Commission will consult, including the Authority for European Political Parties and European Political Foundations, European political parties and liaise with the European Parliament. It will also examine the possibility to entrust the Authority for European Political Parties and European Political Foundations with additional tasks.

The Commission is committed to supporting efforts to enhance the European dimension of the elections. **It will consider specific measures, including to:**

- **stimulate awareness of European dimension** of the elections in its effort to reach out to citizens;
- **strengthen the partnership** between the European Commission and the European Parliament in preparing for the 2024 elections, and work together to develop options to enhance the European dimension of the next elections;
- **support clearer indications of the affiliations** between European political parties and national ones. This will include funding actions. The Commission will also include the

⁷¹ See Communication from the Commission to the European Parliament and the Council shaping the Conference on the Future of Europe 22.1.2020, COM(2020) 27 final. The Conference will address among other things improving the lead candidate system and the issue of transnational lists.

promotion of debate on this topic within relevant structures such as the Conference of Parliamentary Committees for Union Affairs of Parliaments of the EU and the European Cooperation Network on Elections;

- **foster the generation of awareness and momentum around the elections** including on elections night, and discuss concrete measures as regards the secure transmission of results in the framework of the European cooperation network of elections;
- encourage Member States **to converge their electoral periods further**, including the campaigning and other relevant periods, to strengthen the momentum built across all Member States for the elections, and to facilitate the effectiveness of silence periods and other rules on campaigning;

Working closely with the Member State authorities, both in the European Cooperation Network on Elections and in the expert group on electoral matters, and engaging with other international organisations and stakeholders, **the Commission will:**

- consider in its next **EU citizenship report**, to be published in 2020, the added value of a **helpdesk to support the exercise of electoral rights** by EU citizens available for both EU citizens (including mobile EU citizens) and relevant authorities in the run-up and during the elections;
- reinforce the exercise of EU electoral rights by mobile EU citizens and promote additional **safeguards to prevent multiple voting**. This will include reviewing the existing framework governing electoral rights of mobile EU citizens including on the data exchanged, fostering enhanced coordination among Member States on the preparation of the national electoral rolls (including different national rules on timetables, identification requirements and qualification criteria) and awareness-raising among citizens that multiple voting is prohibited;
- support the exchange of best practice on **elections observation** including ways to directly involve citizens. Within the European Cooperation Network on Elections, direct communication channels between Member States' authorities and relevant observer organisations will continue to be fostered.

4. Addressing disinformation and protecting the integrity and resilience of the electoral process

Campaigning in the 2019 elections was the most digital to date. Almost half of EU citizens now rely on online news as their main source for information about national and European politics. Social media is also an important tool for politicians to reach voters and for campaigns groups to organise supporters.



The speed, ease and reach of online communication, and the possibilities that online social platforms have created to target

people through political advertisements and communications pose new challenges. Most EU citizens, while agreeing that online social networks are a modern way to keep up to date with politics, also believe that online political information cannot be trusted.⁷² Elections in Europe and around the world have become a target for manipulation attempts from various bad actors, both state and non-state, which seek to exploit the opportunities that the digital environment provides.⁷³

Electoral interference can take many forms, and can be motivated by the desire to shape voter choices, suppress turnout, undermine public confidence in democracy or obtain financial gain. Dark money, cyber-attacks, disinformation, misinformation, misleading online behaviour, manipulative and divisive narratives,⁷⁴ forgery, misrepresentation, fraud, misuse of personal data and unlawful micro-targeting are used to circumvent and undermine electoral and other rules relevant to the electoral context, distort democratic outcomes and erode trust in institutions. Interference in elections can be a tool for hybrid influencing by external actors to encourage citizens to disconnect from politics, divide and destabilise our Union and undermine the credibility of EU institutions, fuelling discontent and distrust. It can also be a tool of organised crime.⁷⁵

Certain actors seek in particular to undermine the EU's credibility as a guarantor of the core EU values, including democracy and equality of all citizens (e.g. gender equality and the protection of specific groups). Hate speech and other forms of harassment aim to shrink the space for democratic debate and for civic engagement.⁷⁶

Together with the action plan against disinformation,⁷⁷ the Commission's electoral package⁷⁸ provides a toolkit for addressing these challenges, building on monitoring and enforcement of rules related to online activities relevant to the electoral context and bringing together all the relevant entities in the Member States and in the EU institutions. The EU institutions and the Member States worked intensively to deliver these initiatives in the run up to elections.

Competent Member State authorities, civil society organisations, journalists, fact-checkers, platforms, and other stakeholders joined efforts to support the resilience of the elections.

⁷² Standard Eurobarometer 90 — Media use in the European Union, December 2018.

⁷³ See for example A. Dawson and M. Innes 'How Russia's Internet Research Agency Built its Disinformation Campaign' The Political Quarterly, Vol. 90, No. 2, April–June 2019. For an inventory of efforts to use technology for manipulation see for example <https://comprop.oii.ox.ac.uk/research/cybertroops2019/>.

⁷⁴ For a survey of such narratives, see for instance https://ec.europa.eu/regional_policy/sources/docgener/work/2018_02_geog_discontent.pdf. For a behavioural approach to impact of information on political decision-making, see <http://publications.jrc.ec.europa.eu/repository/bitstream/JRC117161/understanding-our-political-nature.pdf>.

⁷⁵ See for example research into the use of cyber-interference to manipulate elections prepared by the European Centre of Excellence for Countering Hybrid Threats <https://www.hybridcoe.fi/wp-content/uploads/2018/10/Strategic-Analysis-2018-8-Past.pdf>.

⁷⁶ Also targeting journalists belonging to specific groups.

⁷⁷ The action plan builds on the Commission's April 2018 Communication on tackling online disinformation. <https://ec.europa.eu/digital-single-market/en/news/communication-tackling-online-disinformation-european-approach>

⁷⁸ Adopted on the 12 September 2018, State of the Union 2018. https://ec.europa.eu/commission/presscorner/detail/en/IP_18_5681.

The Commission addressed specifically instances of disinformation affecting the EU including via targeted communication actions, both by rebutting false claims and by raising public awareness about the challenges and risks of disinformation.

These were important steps towards more efficiently deterring attacks and electoral manipulation, as well as towards exposing disinformation and other unlawful interference in the democratic debate.

As noted in the June 2019 report on the implementation of the action plan against disinformation, Russia remained a persistent actor in this field. Pro-Kremlin messaging, often deriving from official Russian state sources, was an important source of disinformation, as documented by the EEAS East StratCom Task Force.⁷⁹ Other actors increasingly deploy the same tactics, blurring the line between foreign and ‘home-grown’ manipulation and rendering attribution difficult. Efforts were identified, for instance to suppress voter turnout through attacks on government websites and to disseminate manipulative content.⁸⁰

While these manipulative efforts recurrently focused on politically sensitive topics and targeted EU audiences ahead of the elections, no large-scale covert interference operation in the 2019 elections has been identified so far.

Electoral interference in one Member State has an impact on the EU as a whole. Further actions are needed to address both interference and manipulation efforts targeting elections and the democratic debate.

4.1. Unprecedented cooperation

The challenges facing elections are complex and cross-cutting. No country or public authority can address them adequately alone. That is why a central recommendation of the electoral package is for Member States to establish **national elections networks of competent authorities** responsible for monitoring and enforcing rules related to online activities relevant to the electoral context. They involved electoral commissions, data protection authorities, cyber security authorities, media regulators and other authorities as needed.

⁷⁹ See for example the East Stratcom Task Force’s European elections updates: <https://euvsdisinfo.eu/eu-elections-update-the-long-game/> and <https://euvsdisinfo.eu/eu-elections-update-reaping-what-was-sown/>.

⁸⁰ Limited DoS attacks were reported by two Member States against national authority websites which were promptly identified and swiftly resolved. Further details are provided in section 4 of the staff working document accompanying this Communication.

All Member States established such networks, under various structures and leadership.⁸¹ Half of national data protection authorities⁸² and fewer than half of the media regulators have so far been involved in the network. Some networks included law enforcement and links to the security authorities. Member States stressed the value of clear political leadership and sufficient resources so that the networks can be effective.

Links between these networks were formed with other relevant structures such as national Computer Incident Support Teams as well as the **EU's Rapid Alert System**.⁸³ The Rapid Alert System was established before the elections and also facilitated an exchange between experts and its national points of contact. The cooperation between the European Cooperation Network on Elections and the Rapid Alert System fostered the interlink between the expert communities in line with the election package and contributed to the development of a comprehensive overview of disinformation activities during the election period.

In line with the elections package, the national networks' activities included conducting exercises to identify threats and gaps in monitoring and enforcing the relevant rules and/or to assess risks to electoral processes (18 Member States), and the national mapping and review of laws relevant to the electoral context (10 Member States).⁸⁴ This supported informed policymaking.

Most **Member States indicated that they use these networks for other elections** besides the European Parliamentary elections. Some Member States provided their networks with specific tools such as access to a secure communications platform, but additional specific financial resources were not reported. Member States expressed an interest in the availability of additional EU resources to support these networks, which the Commission will make available again in 2020.⁸⁵

⁸¹ Member States included national security and intelligence authorities, Prime Minister's offices and ministries such as Foreign Affairs, Justice, Internal Affairs, Digital Affairs and Public Administration.

⁸² Out of the 14 national data protection authorities which responded to the questionnaire of the Commission.

⁸³ An ongoing structure which enables the sharing of information and analysis between EU Institutions and EU Member States: https://eeas.europa.eu/headquarters/headquarters-homepage_en/59644/Factsheet:%20Rapid%20Alert%20System.

⁸⁴ See section 4.1.1. of the staff working document accompanying this Communication.

⁸⁵ <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/rec-rcit-citi-ag-2020>.

Examples of practices shared in the European Cooperation Network on Elections

Latvia presented an application, which allows EU citizens to monitor political party financing and report cases of potential abuse to the Anti-corruption Bureau. This participatory application had a deterrent, as well as enforcement effect.

An awareness-raising campaign conducted by **the Netherlands**, which targets disinformation in general, focuses on critical reading tips and therefore has application beyond the elections.

Austria described a national master plan for digitalisation and a safer internet initiative.

Luxembourg devised a national action plan covering all areas highlighted in the election package.

Spain produced a bilingual website and guidance for elections, and a 24-hour helpline on disinformation.

France enacted a new law in December 2018 on political campaigning. France is also considering legislation to support education in EU citizenship. Further legislation is being considered to impose further obligations on social media platforms.

To support the sharing of expertise and best practices among Member States, including on threats, gaps and enforcement, Member States were also asked to nominate a contact point from their national elections networks to gather in the **European Cooperation Network on Elections**. The network met three times before and twice after the elections. Member States exchanged on specific activities they had conducted nationally, such as on awareness-raising campaigns, risk assessment and process mapping, monitoring and enforcement, and legislative developments (see box on mapping the rules). They also shared information about their policies, software and research, on a secure platform provided by the Commission, which was also used during the elections for exchanging information.

The European Cooperation network on Elections also facilitated exchanges with other bodies, including the European Parliament, Authority for European Political Parties and Foundations, the European Regulators Group for Audiovisual Media Services (ERGA), EUROPOL, the Organization for Security and Co-operation in Europe, the European Data Protection Board and the European Data Protection Supervisor, and other stakeholders including elections observers and fact-checking organisations. Its members participated in a EU-US expert-level dialogue on resilience of electoral systems on 26 November 2019⁸⁶.

The Commission supported Member States **in mapping their rules and practices** relevant to the electoral context. This covered rules on contributions (bans on foreign funding, limits, disclosure rules), spending (earmarking and limits), campaigning (duration, silence period, polling and other restrictions), and media (equality between candidates, broadcasting, transparency of political advertising and social media rules). This mapping fostered mutual understanding and Members States have indicated a willingness to go further with it.

4.2. Enhanced transparency and better exposure of manipulations

The European Cooperation Network on Elections also supported exchanges on the implementation of the other recommendations

⁸⁶ <https://www.consilium.europa.eu/en/press/press-releases/2019/12/11/joint-eu-us-statement-following-the-eu-us-justice-and-home-affairs-ministerial-meeting/>.

Mapping the rules

Most Member States:

- **have rules on transparency** of donations and/or prohibit anonymous donations;
- **ban foreign funding** of political parties and campaigns, though some only limit its amount or impose disclosure requirements;
- **have rules on silence periods** (when campaigning must cease).

About half of the Member States require transparency for paid political adverts and communications;

A few Member States have specific rules on social media;

Over a third of the Member States have rules that control the broadcast media in elections;

A few Member States have such rules applicable online;

A third of Member States have clearly defined campaign periods. In other Member States, there are no specific requirements applicable.

contained in the elections package,⁸⁷ **a key part of which was promoting transparency and thus accountability.** Many interference activities, such as dark money and targeted disinformation, thrive in the dark. The Commission called on **Member States and political parties** to take measures to enable citizens to recognise paid-for communications online, the amount of money spent, its source and the means by which it was targeted to them, with sanctions to be applied as appropriate.

Some Member States reported having transparency rules on paid political communications, though difficulties remain with access to data and capability to conduct monitoring and thus enforcement for online conduct.⁸⁸ Some Member States reported that they are now considering legislation in this area, to introduce or modernise online transparency rules. Member States promoted transparency, and in some cases conducted specific awareness-raising activities. Guidance or training was provided to specific groups, such as political parties. Member States also exchanged in the Network on the application of their offline electoral safeguards online.

In March 2019, then Commissioner Jourová wrote to national political parties⁸⁹ calling on them to put into practice the Commission's Recommendation.⁹⁰ A specific exchange with European Political Parties also took place.

The Commission also worked with **the online platforms and the IT industry** to protect the 2019 elections from disinformation campaigns and online manipulation. The self-regulatory code of practice on disinformation for online platforms and the advertising sector⁹¹ sets out a range of commitments, including to provide transparency and public disclosure around political advertising, prevent the manipulative use of online services by malicious actors, empower citizens and researchers, and take other actions to improve the accountability and trustworthiness of the online ecosystem. The Commission, with the support of ERGA,⁹² carried out intensive intermediate monitoring aimed at ensuring that the Code's commitments were implemented in advance of the elections.⁹³ The Commission, with ERGA's assistance, is currently assessing the overall effectiveness of this Code during its first

⁸⁷ See section 4.1.2. of the staff working document accompanying this Communication.

⁸⁸ In some cases it is not foreseen in the relevant legislation, or it is complicated by for instance a lack of access to online data or depends on passive monitoring on the basis of paper disclosures by the political actors.

⁸⁹ https://ec.europa.eu/info/sites/info/files/letter_political_parties_final_en.pdf.

⁹⁰ Commission Recommendation of 12.9.2018 on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament, C (2018) 5949 final.

⁹¹ Signatories to the code of practice include the major online platforms Facebook, Google, Twitter, and Microsoft as well as Mozilla and trade associations representing the online advertising sector.

⁹² The ERGA Sub-Group charged with this task reported in June 2019 on the first phase of its monitoring activities, which focussed on the implementation of Code commitments related to the transparency of political advertising. http://erga-online.eu/wp-content/uploads/2019/06/ERGA-2019-06_Report-intermediate-monitoring-Code-of-Practice-on-disinformation.pdf.

⁹³ <https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>

year of operations.⁹⁴

The Code has provided an opportunity for enhanced transparency into the platforms' policies on disinformation. In the run-up to the 2019 elections, Facebook, Google and Twitter stepped up efforts to provide for increased transparency of political ads,⁹⁵ made efforts to increase the integrity of their services by detecting and closing down manipulative activities (such as coordinated operations aimed at amplifying content and abusive use of bots and fake accounts) and improved the scrutiny of ad placements to limit malicious click-baiting practices and reduce advertising revenues for purveyors of disinformation. Moreover, platforms took a number of measures to promote content from "authentic"⁹⁶ sources and limit the distribution of disinformation. While these were an important step towards more transparency in the election context, they are not sufficient. Not all the platforms had ad libraries in place in all Member States before the elections, the ad libraries were not sufficiently complete, and did not give easy access to relevant bodies, including Member States' authorities to exercise their oversight functions and researchers for analysis of the archive. Progress needs to be made in this regard in the perspective of future elections.

National and European political parties reported that they took steps to comply both with the applicable legislation and the requirements set by online platforms in their terms of service. Some platform requirements were however described as problematic.⁹⁷ Parties indicated particular difficulties with changes made to platform terms of service shortly before the elections. At their level, parties did not generally undertake additional transparency activities such as listing their adverts, or disclosing their spending for online political adverts, on their websites.⁹⁸ In their replies to the Commission's questionnaire, they indicated that they would value clarification of the rules on transparency, the correct approach to be taken by platforms as regards EU-wide campaigning and the provision of open access online databases for the parties' to make their transparency disclosures.

In the framework of the European Cooperation Network on Elections, Member States shared their experience on their interactions with the social media platforms. The platforms engaged directly with some of them providing specific support including escalation routes.⁹⁹

⁹⁴ The signatories to the Code have provided annual self-assessment reports on their implementation of the Code. <https://ec.europa.eu/digital-single-market/en/news/annual-self-assessment-reports-signatories-code-practice-disinformation-2019>. In addition to ERGA, the Commission is also being supported in its assessment of the Code by an independent consultant

⁹⁵ In particular by labelling them and making them publicly available via searchable ad repositories;

⁹⁶ The question of authenticity of content is an issue under debate with respect to online publication, and a number of approaches are being explored to help users understand where content comes from, as well as to prioritise information on certain subjects from authoritative sources, for instance so that users can find out about election formalities from the national electoral body.

⁹⁷ Facebook required advisers to register in the country where they wanted to purchase political advertising. This meant that EU political parties had to be registered in all EU Member States in order to run EU wide information campaigns.

⁹⁸ See electoral package Recommendation, point 9.

⁹⁹ For example, Facebook worked with the German Federal Office for Information Security to launch an initiative to create a better and more comprehensive understanding of interference into elections and develop guidance on how to combat it.

Discussions in Network¹⁰⁰ highlighted the need for more equal treatment among Member States, more operational interactions to support their oversight functions¹⁰¹ including better access to data, points of contacts and exchanges in the languages of the concerned Member States. Member States indicated that the platform's efforts were inconsistent, not sufficiently effective, and that the support offered directly to actors such as political parties, candidates and journalists could also raise concerns under their legal order.¹⁰² Similar concerns were expressed in the framework of the Rapid Alert System.

The Commission also engaged with the online platforms in the context of the Code of Conduct on Countering Illegal Hate Speech Online.¹⁰³

4.3. Reinforced data protection compliance

The Commission also published specific **guidance on the application of EU data protection law in the electoral context**. They were the first elections where the updated EU data protection framework applied.¹⁰⁴ The Facebook-Cambridge Analytica scandal¹⁰⁵ demonstrated the relevance of EU data protection rules in the electoral context, illustrating the danger of personal data being used in violation of data protection rules in an attempt to unlawfully influence elections.¹⁰⁶

National authorities including some electoral commissions took specific measures to promote data protection compliance, including notifying political parties directly of their responsibilities. Some Member States reported having imposed fines in the run-up to the elections, some incidents were reported,¹⁰⁷ and some investigations are ongoing.

Contributions from political parties show that there is insufficient clarity on data protection requirements in the electoral context and that further awareness-raising is needed.

The election package contained a legislative proposal to introduce sanctions against European parties and foundations which sought to take advantage of an infringement of data protection rules to deliberately influence or attempting to influence the outcome of

Twitter included national officials and researchers into a partner support portal to facilitate research into disinformation. Google provided support for journalists and independent fact-checking networks. Further detail on these activities is provided in section 4.2.3. of the staff working document accompanying this Communication.

¹⁰⁰ See the reports of the European Cooperation Network on Elections and further detail in the staff working document accompanying this Communication.

¹⁰¹ This concerns for instance compliance with national rules, such as in monitoring campaign expenditure and silence periods online

¹⁰² For instance, national rules controlling donations to political campaigns.

¹⁰³ Code of Conduct on Countering Illegal Hate Speech Online: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/countering-illegal-hate-speech-online_en.

¹⁰⁴ Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation ("GDPR")).

¹⁰⁵ That case involved misuse of personal data collected directly from the concerned person and data derived from their behaviour and their social network in order to target them with specific political content.

¹⁰⁶ The GDPR provided national authorities strengthened powers to monitor and enforce these rules.

¹⁰⁷ For instance, France established a dedicated form through which 697 complaints were reported in the context of the elections, including 11 against political parties. In Spain, 102 complaints were reported. For further details, see section 4.3.2. of the staff working document accompanying this Communication.

the European Parliamentary elections. This proposal was adopted swiftly and was in force during the elections.¹⁰⁸ The responsible Authority for European political parties and European Political Foundations engaged with Member States to ensure its effective implementation. So far, no cases under this new mechanism have been brought to light.

4.4. Increased cyber resilience

The Commission worked with Member State authorities to implement its **recommendations to manage the risk of cyberattack** in elections.¹⁰⁹ It invited Member States to take appropriate steps to understand and manage the risks of cyberattack, and to apply the Compendium on Cyber Security of Election Technology prepared by the Cooperation Group established under the Directive on the security of Network and Information Systems.¹¹⁰ Member States were also asked to take steps to raise awareness of such risks and many did, including by organising specific training and exercises involving relevant stakeholders such as political parties and journalists. The Recommendation also asked political parties to act to mitigate cyber risks.

To support the implementation of the Recommendation and to enhance cooperation between different national authorities, the Commission organised a high-level workshop on cyber-enabled threats to elections in October 2018,¹¹¹ where cybersecurity authorities met with election authorities to discuss the upcoming challenges.¹¹²

In cooperation with the European Union Agency for Cybersecurity (ENISA) and the European Parliament, the Commission conducted a table-top exercise in April 2019 in the framework of the European Cooperation Network on Elections to test the effectiveness of the Union and Member States' response procedures and crisis plans.¹¹³ ENISA's report on the exercise, shared with Member States, included policies and capabilities considered essential to cybersecurity resilience in the elections.

Member States indicated that the transmission of results to the Parliament on election night could be improved. In some cases authorities provided specific assistance and training to political parties and candidates, as well as to journalists and to the media to support cybersecurity and resilience in the elections.¹¹⁴

Analysis and follow-up measures

¹⁰⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R0493>.

¹⁰⁹ Electoral package Recommendation points 12-18.

¹¹⁰ https://ec.europa.eu/information_society/newsroom/image/document/2018-30/election_security_compendium_00BE09F9-D2BE-5D69-9E39C5A9C81C290F_53645.pdf.

¹¹¹ https://wayback.archive-it.org/12090/20191129081252/https://ec.europa.eu/epsc/events/election-interference-digital-age-building-resilience-cyber-enabled-threats_en

¹¹² The outcome of that workshop also fed into the Fundamental Rights Colloquium held at the end of November 2018, focused on "Democracy in the European Union".

¹¹³ ENISA had previously issued an opinion on cybersecurity of elections, which informed this exercise, and supported national cybersecurity exercises in the run up to the elections <https://www.enisa.europa.eu/news/enisa-news/enisa-makes-recommendations-on-eu-wide-election-cybersecurity>

¹¹⁴ For further details, see section 4.4. of the staff working document accompanying this Communication.

The threat of manipulation of and unlawful interference in the elections in view of manipulating voter opinion and choice was real and multifaceted, and so was the work to address it. Isolated cyberattacks, data protection and other elections-related complaints were reported, though a covert, coordinated large-scale effort to interfere in the elections has not been identified. Feedback from the Member States shows that the elections package and other EU measures played an essential role in their efforts to prevent threats and exercise their oversight functions.

Member States largely implemented the electoral package. They achieved high levels of cooperation and coordination, both internally among the competent authorities¹¹⁵ including within the framework of the national election networks and with private and other concerned bodies, as well as among Member States and with European institutions.

The value of a comprehensive ‘whole-society’ approach was demonstrated and proved effective.¹¹⁶

Key lessons include:

Further progress is necessary to address disinformation, manipulation and unlawful foreign interference.¹¹⁷ Safeguards relevant to elections need to be effective and fit for the online environment. The transparency of political ads and communications is not sufficiently reliable.

Developing sufficient capacity within the EU institutions, the Member States and civil society to detect, analyse and expose manipulation and interference **is essential**.

There is a need to reinforce the capability and efforts from **relevant authorities** to exercise their oversight functions and their engagement with platforms. Online platforms should have the necessary structures and procedures in place to allow them to monitor compliance with relevant national and EU laws, treating Member States equally.

Member States have expressed support for enhanced coordination at EU level in this area, including to ensure equal treatment between Member States and operational follow-up when issues arise.

Reinforced cooperation between relevant authorities at the national and European level including data protection authorities and media regulators should also be deepened.

Online platforms should further enhance the **transparency** and accountability of their activities linked to political content and their commitments should be verifiable by third

¹¹⁵ This also included cooperation between electoral experts and experts on Strategic Communication as regards disinformation.

¹¹⁶ As compared between the Special Eurobarometer 477—Democracy and elections, November 2018, and European Parliament, The 2019 post-electoral survey.

¹¹⁷ Findings are detailed in section 4.2.4. of the staff working document accompanying this Communication, and are echoed in the recommendations of the report of the NATO Stratcom Centre of Excellence report into the role of social media platforms in combatting inauthentic behaviour <https://www.stratcomcoe.org/how-social-media-companies-are-failing-combat-inauthentic-behaviour-online>.

parties. **Access to digital platforms' data including by the research community** remains insufficient. This can make it difficult for **journalists** to understand and report on the threats to the democratic debate and hinders efforts by **civil society** to raise citizens' awareness and build social resilience. Platforms should allow increased access to data by researchers and other relevant bodies in full respect of data protection requirements including on the basis of specific structures being established for that purpose. This includes expanding the network of research partners that platforms are currently cooperating with. It is necessary to better analyse the scope and impact of interference on the democratic process including the ways information travels online, the algorithms of search engines and social media platforms that rank information and the efforts undertaken by platforms to promote authentic content.

A free, plural and accountable media landscape and the availability of **quality public information** are preconditions to a healthy and informed political debate and to allow citizens confronted with disinformation and other manipulation to make informed decisions as well as to hold power to account. This is an essential part of the democratic checks and balances and a prerequisite for healthy democratic discourse.¹¹⁸

Looking ahead, more efforts need to be invested in supporting **citizens' empowerment**, awareness-raising and media literacy and in developing **skills**, in citizens of all ages.

The Commission will continue to support Member States in their efforts. In particular, **the Commission will:**

- fund action **grants to support national elections networks** and other actions to strengthen democratic resilience;¹¹⁹
- support **enhanced cooperation** among Member States, making best use of the recently established European Cooperation Network on Elections and ensuring close interaction and cooperation with other networks including the Rapid Alert System, including by:
 - practical, **operational activities**, including workshops and risk assessments to support the better identification of threats;
 - fostering cooperation between Member States in **monitoring relevant activities linked to online platforms**, including through sharing information about engagement with platforms and supporting equal treatment among all Member States;
 - facilitating further and ongoing cooperation between the European Cooperation

¹¹⁸ This finding is echoed the Commission's engagement with civil society and wider stakeholders, for instance in the conclusions successive Commission Colloquiums on Fundamental Rights (in 2016 on "Media Pluralism and Democracy", in 2017 on "Women's rights in turbulent times" and in 2018 on "Democracy in Europe"). See also for instance the findings regarding the impact of online threats to media actors on free elections, in UNESCO 'Elections and Media in Digital Times' <https://unesdoc.unesco.org/ark:/48223/pf0000371486.locale=en>

¹¹⁹ <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/rec-rcit-citi-ag-2020>

- Network on Elections, ERGA and the Rapid Alert System, including on insights and analysis relevant to the electoral context and interactions with online platforms;
- enhancing **cooperation with other structures** such as the European Data Protection Board and ENISA and the Cooperation Group established under the Directive on the security of Network and Information Systems (NIS Cooperation Group);¹²⁰
 - supporting Member States to maintain and extend the **mapping of the regulatory context** relevant to elections.
- continue to **engage with the online platforms**, including in the context of the code of practice on disinformation and the Code of Conduct on countering illegal hate speech online and contribute, together with the relevant parties such as the European Cooperation Network on Elections, the Rapid Alert System and other relevant EU networks to the development of further measures aiming at a joint approach and common standards to tackle issues such as disinformation and online hate messages;
 - **further support media freedom, media pluralism and quality journalism** including through better protection of journalists and in the context of the transformation of the media sector and the digital future;
 - further examine issues linked to **the effective application of data protection requirements** in elections including transparency, micro-targeting techniques and use of algorithms;
 - launch specific actions to further **empower citizens** in all their diversity to address issues of disinformation and manipulation, critically assess the information landscape and take informed decisions (initiatives to support media literacy, critical thinking and education on EU values and citizenship).
 - strengthen the knowledge of the issues and risks at stake, including by:
 - In full respect of the applicable rules, respective competences and responsibilities, make best use of the newly established European Digital Media Observatory to facilitate the link with fact checkers and academic researchers in Europe.
 - A study on the impact of new and emerging technologies on free and fair elections, to examine how using data about voters and new technologies, including micro-targeting techniques, algorithms and artificial intelligence, can be used to affect the outcome of elections and public confidence in them. Results should be available late 2020.
 - support a potential **update of the Compendium** of cyber security of election technology within the NIS Cooperation Group working in close cooperation with the European Cooperation Network on Elections to keep the document up to date and adjust to the needs of the Member States.

¹²⁰ With the objective of operationalising the exchange of expertise on cyber security and increase related technical capability.

Upholding a strong and vibrant democracy in Europe is a question of legitimacy and trust. European democracy faces multiple challenges, both from outside and from within. As announced by the President of the Commission in her political guidelines, the Commission will present a **European Democracy Action Plan**¹²¹ to help improve the resilience of our democracies and address the threats of external interference in European Parliamentary elections. The aim will be to tackle disinformation and to adapt to evolving threats and manipulations, as well as to support free and independent media. It will include legal proposals on the transparency of political advertising and further clarifying the rules on the financing of European political parties.

5. Conclusions

Democracy is a core value of our Union. These values become all the more important in this period of exigency, hardship and uncertainty. The record-high turnout in the 2019 European Parliamentary elections was a clear sign of renewed engagement with European politics in Europe. A genuine European policy debate emerged. Building on this strong turnout, the Conference on the future of Europe will seek to encourage citizens to have a greater say and play an active part in setting our priorities and level of ambition.

Europe stepped up to the challenge of securing free and fair elections from interference, and to increasing citizens' confidence and trust in democracy. With the support of the Commission and the other European institutions, Member States came together to pool their expertise and capabilities as never before. The Covid-19 pandemic has shown once again the importance of such cooperation to respond to disinformation and the manipulation of the democratic debate.

There is still progress to be made on the inclusiveness of the European democracy overall. Not all groups of citizens participated equally in the elections. While the European Parliament reflects a better gender balance¹²², there is still progress to be made on the democratic participation of women, citizens with disabilities, younger citizens and other groups. Mobile EU citizens encountered difficulties voting in certain Member States, some when trying to cast their vote for candidates in their home country, others when voting in their state of residence.

Many examples of good practice to support the participation of underrepresented groups were reported, but their reach should be extended and more comprehensive and reliable figures are needed. Further work is necessary to remove remaining barriers and ensure inclusive participation.

While some advances have been made in increasing the European dimension of the elections, the link between national and European parties remains generally unclear for

¹²¹ See Commission Work Programme 2020 https://ec.europa.eu/info/sites/info/files/cwp-2020-publication_en.pdf.

¹²² 751 MEPs were elected from 190 political parties from 28 Member States. 61% are new to the parliament, 60% are men, and 40% are women (an increase of three percentage points compared to 2014).

voters. In most Member States, ballots still display only the names and logos of national parties, leaving out their European party affiliation.¹²³ European parties' manifestos have also largely still not entered the mainstream political debate in the Member States.

The elections saw increased awareness-raising activities by EU institutions, Member States, civil society and other bodies. In a spirit of shared responsibility, the Commission and the European Parliament joined forces in their communications activities.

For the 2024 elections, the Commission will continue working to promote high turnout, inclusiveness and the European dimension of the elections, and to exercise its role as guardian of the Treaties. It will strengthen its partnership with the European Parliament and the other European institutions to strengthen the European dimension of the next elections.

The tools offered by the Commission to support the exchange of data to prevent double voting and the related cooperation between Member States worked well. Nevertheless, work remains to be done on this topic by addressing the root causes of the difficulties Member States encounter, including as regards the timing and content of the data exchanged to prevent double voting.

In this increasingly digital age, our open democratic systems and electoral processes continue to encounter new challenges to which they must adapt. The Commission intervened to address the risk of external interference from those who wish to divide and destabilise the EU. Unprecedented, coordinated action among the European institutions and the Member States aiming at empowering and involving citizens, increasing trust and resilience, raising awareness and preventing the threats to the elections process was established, including under the new European Cooperation Network on Elections. Vigilance was high and considerable online activity was observed, but no large-scale coordinated attacks have been identified so far. EU citizens appear to be more satisfied with free and fair elections in the EU now than before the elections.¹²⁴

The challenges confronting European democracy continue. More needs to be done in the perspective of the 2024 elections. The Commission will present a European Democracy Action Plan by the end of 2020 to help improve the resilience of our democracies and address the threats of external interference.

The challenges at stake require a comprehensive approach, which respects checks and balance of democratic systems and ensures that all fundamental rights, including the right to elections by free and secret ballot, the freedoms of expression and association, and procedural safeguards are respected.

¹²³ Article 31 of Regulation (EU, Euratom) 1141/2014 of 22 October 2014 on the statute and funding of European political parties and European political foundations empowers European political parties, in the context of European Parliament elections, to take all appropriate measures to inform EU citizens of the affiliations between national political parties and candidates with the European political parties concerned.

¹²⁴ See footnote 11 above. Confidence in free and fair elections improved in 21 Member States between September 2018 and June 2019.

Dialogue with relevant international partners will continue to be promoted covering the exchange of best practice for resilient electoral systems.