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From: General Secretariat of the Council

To: Delegations

Subject: Council conclusions on democratic resilience: safeguarding electoral processes from foreign interference

Delegations will find in annex the Council Conclusions on democratic resilience: safeguarding electoral processes from foreign interference, approved by the Council at its 4025th meeting on 21 May 2024.

Council conclusions on democratic resilience: safeguarding electoral processes from foreign interference

THE COUNCIL OF THE EUROPEAN UNION,

1. STRESSES the fundamental role of citizens in democracy, and UNDERLINES that the protection of free and fair elections from any foreign interference, including in the information domain, by state or non-state actors, as well as election transparency, is essential for democracies. Built on free and well-informed political choices, our democracies must be safeguarded from all forms of foreign interference. Democratic resilience must be reinforced by building trust and must be based on the fundamental rights and democratic values upheld by the European Union. As billions of citizens cast their ballots globally in 2024, including in the European Parliament elections, democratic resilience will remain a central focus of the Council's agenda.
2. UNDERLINES the fact that the security environment in Europe has changed significantly in recent years due to Russia's annexation of Crimea and the following war of aggression against Ukraine. Rising geopolitical competition and international and regional conflicts, including the current situation in the Middle East, exacerbate this situation. Moreover, the instrumentalisation of these conflicts further compounds challenges faced by our democracies, which can lead to aggravation of societal friction, polarisation, radicalisation and decrease in trust in institutions and elections. ACKNOWLEDGES that state and non-state actors are increasingly using hybrid tactics, posing a growing threat to the security of the EU, its Member States and its partners.

3. ACKNOWLEDGES the value of close cooperation within the EU in safeguarding free and fair elections in the European Union and INVITES the High Representative and the Commission together with the Member States to swiftly and comprehensively use all established mechanisms, networks and tools in order to ensure such cooperation and support the integrity of democratic processes, including elections, safeguarded from all forms of foreign interference, without impeding open democratic debate. To this end, UNDERLINES the importance of efficient and effective use of the European Cooperation Network on Elections and the Rapid Alert System as well as relying on the contribution of the European Digital Media Observatory and its Taskforce on the 2024 European Parliament Elections.
4. ACKNOWLEDGES that malicious cyber activities are often a key element of hybrid campaigns and UNDERLINES the need to continue strengthening cybersecurity and resilience at national and EU levels, as well as the importance of international cooperation and solidarity in this regard. INVITES the Member States as well as EU institutions, bodies and agencies to take appropriate and proportionate technical and organisational measures to continuously prevent, discourage, deter and respond to malicious cyber activities against national and EU democratic processes.

5. ACKNOWLEDGES that there are foreign state and non-state actors who are not shying away from using emerging and disruptive technologies, such as artificial intelligence, to increase the effectiveness of hybrid campaigns directed to interfere in democratic processes. AI technologies could increase the speed and scale of influence operations and enable the creation of fake content which could enhance existing threats such as the targeting of political candidates and deceiving the citizens by distorting information and reality. At the same time, STRESSES the many opportunities which new technologies might provide for effective responses by the EU and its Member States, technology companies and civil society to such challenges, and in this regard, WELCOMES, amongst others, the work on the Artificial Intelligence Act as well as the advance of a human rights-based approach to digital technologies. CALLS on the High Representative, the Commission and Member States to continue to respect, protect and promote human rights, democratic processes and the rule of law online just as we do offline, in particular by fostering digital literacy as well as by advancing the human-centric and human rights-based approach to digital technologies, such as Artificial Intelligence.¹
6. In the context of broader efforts to strengthen our resilience and capacity to respond to hybrid campaigns, including FIMI, RECALLS the objectives set out in the Strategic Compass for Security and Defence, endorsed by the European Council on 25 March 2022². In this regard, NOTES the relevant specific actions taken:
- the establishment of the **EU Hybrid Toolbox**, as set out in the Council conclusions of 21 June 2022 on a framework for a coordinated EU response to hybrid campaigns³, which brings together existing and potential new instruments and provides a framework for a coordinated response to hybrid campaigns affecting the EU and its Member States and partners. It includes preventive, cooperative, stability, restrictive and recovery measures and strengthening solidarity and mutual assistance,
 - the establishment of the Foreign Information Manipulation and Interference Toolbox ('FIMI Toolbox'),

¹ 11088/23

² EUCO 1/22

³ 10016/22

- the strengthening of the **Cyber Diplomacy Toolbox (CDT)**, which aims to swiftly and resolutely respond to cyber threats and attacks and could contribute to the EU's response to a hybrid campaign, in line with its own rules and procedures.

NOTES that these toolboxes contribute significantly to a much more comprehensive approach by ensuring coordinated responses to hybrid campaigns, cyber-attacks and FIMI activities against the EU, its Member States and partners, thereby strengthening overall resilience. STRESSES the importance of maximising the use of existing tools and measures at EU level, such as the Digital Services Act, the strengthened Code of Practice on Disinformation, the Critical Entities Resilience Directive⁴, the Network and Information Security (NIS 2) Directive⁵ and the recently adopted Regulation on transparency and targeting of political advertising. Apart from complementing existing sanctions regimes where necessary, the toolboxes also include the possibility of exploring new restrictive measures to address hybrid activities and FIMI.

7. The Council also UNDERLINES the ongoing progress made towards the establishment of **Hybrid Rapid Response Teams** and CALLS on the High Representative and the Commission to move swiftly with the establishment of such teams, STRESSING that the Hybrid Rapid Response Teams should serve as one of the key instruments of the EU Hybrid Toolbox to support EU Member States and partner countries in countering hybrid threats.

⁴ Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC, OJ L 333, 27.12.2022

⁵ Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive), OJ L 333, 27.12.2022

8. CALLS for enhanced situational awareness ahead of, during and after the European Parliament elections regarding attempts from foreign state and non-state actors to interfere in the democratic process in the EU. STRESSES the central role of the EU INTCEN Hybrid Fusion Cell (HFC) with the support of EUMS Intelligence Directorate under the EU Single Intelligence Analysis Capacity (SIAC) framework as the central entity providing intelligence assessments on hybrid threats based primarily on Member States' intelligence contributions, as well as situational awareness, analysing all-source information, based on open source and classified information from different stakeholders within the EEAS, the Commission and the Member States. REITERATES the need to enhance detection, analysis and foresight through HFC within the SIAC.
9. ACKNOWLEDGES that the Digital Services Act represents the first enforcement tool that can effectively contribute to mitigating systemic risks related to the online spread of disinformation and protecting the integrity of electoral processes from all forms of foreign interference. ACKNOWLEDGES that the strengthened Code of Practice on Disinformation and its diverse signatory base provides an important forum to address and discuss issues related to online disinformation during the electoral period. UNDERLINES the joint responsibility of the tech industry, governments and other stakeholders for upholding freedom of expression and open democratic discourse in the digital space.
10. CALLS on the Commission to continue its work with online platforms under the strengthened Code of Practice on Disinformation and the Digital Services Act, and making best use of the European Media Freedom Act and the new regulation on the transparency and targeting of political advertising, underlining the need for effective engagement based on the implementation of agreed commitments, more active engagement with smaller online platforms, continued cooperation with the broader stakeholder community, first and foremost, civil society, fact-checkers, and academia, as well as information exchange with the EU Member States.

11. STRESSES the importance of supporting citizens' participation in democratic life, free from all forms of foreign interference. UNDERLINES the importance of fostering digital and media literacy among citizens, the critical role of free, independent and pluralistic media, the need to ensure close cooperation with civil society and academia, strengthening the role of fact checkers and further ensuring an adequate level of accountability, sense of responsibility and transparency of online platforms.
12. INVITES the Commission and the Member States to swiftly implement the actions and priorities announced in its EU Citizenship Reports 2020 and 2023⁶ with the aim of strengthening democratic participation, empowering citizens and fostering inclusion of citizens in the European Union, in particular through the inclusion of underrepresented categories of voters.
13. UNDERLINES the importance of the work done by the EEAS Strategic Communication Division (EEAS StratCom) and its task forces, in particular the East StratCom Task Force with its flagship project EUvsDisinfo, as well as the Western Balkans Task Force, the Task Force South and the newly established StratCom Sub-Saharan Africa Task Force in contributing to effective and fact-based communication, countering disinformation, strategic communication on EU external action and the strengthening of the overall media environment and civil society in their respective regions, including ahead of, during and after elections. UNDERLINES the importance of countering FIMI, including disinformation in different languages and with a broad geographic scope.

⁶ Reports from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Citizenship Report 2020 – Empowering citizens and protecting their rights, COM(2020) 730 final, and On progress towards effective EU citizenship 2020-2023, COM(2023) 931 final

14. TAKES NOTE of the Defence of Democracy package presented by the Commission in December 2023, which builds upon the European Democracy Action Plan adopted in 2020. TAKES NOTE of the proposal for a Directive on Transparency of Interest Representation on behalf of Third Countries⁷, which aims to enhance transparency requirements to counter foreign interference in the Union democratic space, and the Recommendation on inclusive and resilient electoral processes in the Union⁸, which provides concrete measures for Member States and political actors, including parties and foundations, to help safeguard electoral processes from all forms of foreign interference.
15. STRESSES the importance of exercises, combining different elements such as FIMI, malicious cyber activities and threats to critical infrastructure, given that the hybrid campaigns and threats we face are increasingly multidimensional and cross-sectoral. RECALLS the value of national and EU partners participating in exercises such as on democratic resilience, providing an overview of all the current tools available to enhance our democratic resilience within the context of elections. Where and when possible, such exercises could be conducted in a whole-of-society and whole-of-government approach and make best use of all existing structures and entities, such as the Rapid Alert System, the European cyber crisis liaison organisation network (EU-CyCLONe), the Network and Information Systems Cooperation Group, the European Cooperation Network on Elections, as well as the European Centre of Excellence for Countering Hybrid Threats and the private sector, taking into consideration their significant role in effective responses. This should build on the work done under the strengthened Code of Practice on Disinformation and the European Digital Media Observatory.

⁷ Proposal for a Directive of the European Parliament and the Council establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937; COM (2023) 637 final

⁸ Commission Recommendation (EU) 2023/2829 of 12 December 2023 on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament, OJ L, 2023/2829, 20.12.2023

16. INVITES the High Representative and the Commission together with the Member States to thoroughly analyse the lessons to be learned from the 2024 European Parliament elections, present comprehensive feedback to the Council on the effectiveness of the relevant mechanisms, networks, tools and measures, and report on any issues and gaps identified in the available tools so that they can be rectified.
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