

1.4.3.

**IMPLEMENTING PROVISIONS GOVERNING ELECTION  
OBSERVATION DELEGATIONS**

**DECISION OF THE CONFERENCE OF PRESIDENTS**

**OF 10 DECEMBER 2009**

THE CONFERENCE OF PRESIDENTS

- having regard to Rule 198(4) and (5) of the European Parliament's Rules of Procedure,
- having regard to Annex VII to the European Parliament's Rules of Procedure, which lays down the powers and responsibilities of the standing parliamentary committees,
- having regard to Parliament's resolution of 15 March 2001 on the Commission communication on EU Election Assistance and Observation<sup>1</sup>,
- having regard to the Parliament's resolution of 8 May 2008 on EU election observation missions,
- having regard to the implementing provisions governing the work of delegations adopted by the Conference of Presidents on 21 September 2006<sup>2</sup>,
- having regard to the implementing provisions governing election observation missions, adopted by the Conference of Presidents on 12 May 2005,
- having regard to the guidelines for European Parliament election observation delegations adopted by the Conference of Presidents on 8 June 2006,
- having regard to the Decision of the Conference of Presidents of 12 March 2009 on the Third Interim Report of the Working Party on Parliamentary Reform,
- having regard to the conclusions of the joint seminars of 13-14 June 2005 and 17 March 2009 on EU Election observation,
- whereas, because of the increasingly significant election observation role being played by the European Parliament, a specific procedure should be established to govern the sending of such delegations,

HAS DECIDED:

**Article 1 - General provisions**

The European Parliament may decide to send delegations to observe elections or referendums being held in third countries.

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<sup>1</sup> OJ C 343, 5.12.2001, p. 270

<sup>2</sup> Modified by the Conference of Presidents on 10 January 2008.

European Parliament election observation delegations shall aim to strengthen the legitimacy of the national election or referendum process, to increase public confidence in the electoral process, in particular by ascertaining whether all the election procedures are conducted in the most proper and most transparent manner possible, and, through its presence, to provide more effective human rights protection and, where appropriate, to contribute to conflict resolution or post-conflict stabilisation of the State structure.

The Conference of Presidents shall authorise each election observation delegation on the basis of an opinion from the Election Coordination Group.

## **Article 2 - Mandate and composition of the Election Coordination Group**

The Election Coordination Group shall review all aspects relating to the planning, organisation and evaluation of European Parliament election observation delegations. It shall maintain procedures for close cooperation with the Council and the Commission, in particular when the desirability of observing elections is considered. Where appropriate, the Election Coordination Group may also establish appropriate cooperation with other competent international organisations and shall ensure appropriate follow-up to election observation delegations and its own decisions and recommendations.

The Election Coordination Group shall consist of 13 members, including representatives of the Committee on Foreign Affairs, the Committee on Development, the delegation to the ACP-EU Joint Parliamentary Assembly, the delegation to the EUROLAT Joint Parliamentary Assembly, the delegation to the EUROMED Joint Parliamentary Assembly, the delegation to the EURONEST Joint Parliamentary Assembly and the Chair of the Conference of Delegation Chairs. It shall be co-chaired by the Chairs of the Committee on Foreign Affairs and the Committee on Development, who shall be members of the Election Coordination Group. The seats shall be allocated on the basis of the following breakdown:

EPP:	4 seats
S&D:	3 seats
ALDE:	2 seats
Verts/ALE:	1 seat
ECR:	1 seat
GUE/NGL:	1 seat
EFD:	1 seat

## **Article 3 - Authorisation procedure for election observation delegations**

The Election Coordination Group shall draw up a six-monthly programme of election observation delegations which are likely to be of significant interest to the European Parliament and shall submit it to the Conference of Presidents for information in time to be taken into account at the various stages in the budgetary procedure (adoption of Parliament's estimates of revenue and expenditure and Parliament's first reading of the budget).

When drawing up the six-monthly programme of election observation delegations, the Election Coordination Group shall bear in mind the indicative number of five countries for every six-month

period or ten countries per year, with the possibility of an additional two countries per year in exceptional cases.

Within the limits of the financial framework laid down by the Bureau, the Election Coordination Group shall submit to the Conference of Presidents specific requests for authorisation to undertake election observation delegations which are duly justified on the basis of the criteria set out in Article 4. Where the electoral system of the country concerned provides for the possibility of a second ballot, the request submitted by the Election Coordination Group shall in principle also include observation of this second ballot.

Any request to send an election observation delegation shall be sent to the Conference of Presidents in good time before the scheduled date of the election (at least two meetings of the Conference of Presidents before election day), so that the Conference of Presidents may take its decision sufficiently in advance of the date of the elections concerned.

#### **Article 4 - Criteria**

When taking a decision on requests for authorisation to undertake an election observation delegation, the Conference of Presidents shall take account of the following criteria:

- where the elections or referendums are being held at national level with a view to establishing, restoring or consolidating democracy;
- where the country organising the election or referendum invites the European Union to send an observation mission (EU-EOM) or where the European Parliament is expressly invited;
- where there is compliance with minimum democratic standards (universal suffrage, freedom to stand for election, freedom of expression, freedom of assembly and movement, reasonable access to the media for all parties);
- where security conditions are adequate.

Election observation delegations may not be authorised where the dates for such delegations coincide with those of European Parliament part-sessions. As a general rule, the duration of such delegations shall not exceed five days. The Conference of Presidents may grant derogations on the basis of a reasoned opinion from the Election Coordination Group.

No official election observation delegations may be organized in countries where no long-term observation mission is present. In exceptional circumstances the Conference of Presidents may decide to ensure a Parliament presence during elections in a particular country in the form of an *ad hoc* delegation.

#### **Article 5 - Membership of election observation delegations**

Election observation delegations shall be made up of Members only, accompanied by staff from the Secretariat and from the political groups of the European Parliament. No other person may be a member of or accompany such a delegation.

Save where otherwise decided, an election observation delegation shall consist of seven members appointed by the political groups in accordance with the rolling d'Hondt system, which shall also apply to the non-attached Members. Account shall be taken of the members' experience of election observation and of their specific knowledge of the country concerned.

In order to avoid sending small delegations which might not be representative of the make-up of the European Parliament, three members shall be considered the minimum required for an election observation delegation. Election observation delegations shall be made up of Members from at least two different political groups and two different nationalities. On the basis of a screening carried out by the departments responsible fifteen days before the date of the election, the Chair of the Election Coordination Group shall inform the Conference of Presidents if the participation threshold has not been met. Should this be so, the delegation may be cancelled.

In order to establish closer links between election observation delegations and relevant parliamentary committees and standing delegations, the political groups shall, as a rule, select members for election observation delegations from amongst the committees and standing delegations responsible for the country concerned. If this gives rise to problems, the political groups may propose other Members to participate in the delegation concerned.

As a general rule, where the decision to observe elections involves attending a second round, the same members shall be sent to observe both ballots. Members planning to take part in an election observation delegation shall therefore ensure that they will be available for a second round if one is held.

The head of an election observation delegation shall, as a rule, have previous experience as a member of a Parliament election observation delegation or as head of an EU-EOM.

Every Member appointed to take part in an election observation delegation shall sign the "Code of Conduct for Members of the European Parliament participating in election observation delegations" and shall strictly abide by its provisions.

#### **Article 6 - Activities of election observation delegations**

Members appointed to take part in an election observation delegation shall participate fully in the entire work of the delegation, from the first briefing to the final press conference.

Members participating in an election observation delegation for the first time shall attend a briefing on election observation delegations.

Election observation delegations shall arrive in the country where elections are taking place two to three days before the date of the election. Members shall arrive sufficiently far in advance and shall not plan their departure for the day of the election.

Members of election observation delegations shall follow the agreed programme (including briefings, debriefings and scheduled meetings with the authorities, political parties, election officials, NGOs etc).

Members shall play an active role on the day of the election, attending polling stations and observing the opening, voting, closing and counting.

Members shall refrain from publicly commenting on the organization of the elections, the candidates or political issues before the press conference at which the preliminary statement is issued.

Members may explain the nature of the election observation delegation and its activities. On all other matters related to the election observation, they shall refrain from making comments to the public or the media before the Joint Press Conference and shall refer the media or other interested persons to:

- the Press Conference held jointly with the International or EU-EOM shortly after Election Day,
- the Chief Observer,
- the Head of Parliament's election observation delegation.

At the end of its visit, the election observation delegation shall report to the relevant European Parliament authorities. Subsequently, there shall be appropriate follow-up of the election observation delegation, in particular by the competent committees and delegations.

As a rule, the head of the election observation delegation shall be invited by the Committee on Foreign Affairs or the Committee on Development and/or the relevant standing delegation to report back at the earliest opportunity.

#### **Article 7 - Relations with long-term election observation missions**

Election observation delegations shall always work in the framework of long-term missions (EU-EOMs, OSCE/ODIHR, others), as follows:

- In the case of EU-EOMs, Parliament election observation delegations shall be fully integrated and shall present their views on the electoral process and Parliament's position at a joint press conference.
- In the case of elections held in OSCE member countries, Parliament election observation delegations shall be integrated as fully as possible into the framework of an international election observation mission and shall issue a joint statement at the end of the process.
- Parliament election observation delegations shall abide by the Code of Conduct for International Election Observers, endorsed by the European Parliament on 16 May 2007.

Nevertheless, Parliament shall always maintain its independence of judgement and its capacity to act as a political institution.

In the exceptional case of an election observation delegation being sent, pursuant to Article 4(3), to observe an election where there is no organisation running long-term observation (i.e. an EU-EOM or OSCE/ODIHR mission), the delegation shall refrain from delivering a comprehensive assessment of the election. The credibility of such assessments requires a more comprehensive and long-term observation effort than the resources of a Parliament election observation delegation, present for only two or three days in the country, permit.

## **Article 8 - Final provisions**

Articles 11, 12, 13, 21, 22 and 23 of the measures laid down in the implementing provisions governing the work of delegations adopted by the Conference of Presidents on 21 September 2006 shall apply to election observation delegations.

This Decision shall replace the Decision of the Conference of Presidents of 12 May 2005 laying down implementing provisions governing election observation missions. The Guidelines for European Parliament election observation delegations, as adopted by the Conference of Presidents on 8 June 2006, are hereby repealed.

This Decision shall enter into force on the date of its adoption by the Conference of Presidents.

## ANNEX

# CODE OF CONDUCT FOR MEMBERS OF THE EUROPEAN PARLIAMENT PARTICIPATING IN ELECTION OBSERVATION DELEGATIONS

### **Introduction:**

International election observation is widely accepted around the world. It is conducted by intergovernmental and international non-governmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held, and for the benefit of the international community.

When the European Parliament participates in election observation, its delegation must be integrated into the framework of a long-term observation mission, as organised by partners of recognised capacity such as the EU-EOMs, OSCE/ODHIR and others.

This Code of Conduct sets out general principles within Parliament on how to conduct election observation missions. It is complementary to the *Code of Conduct for International Election Observers* endorsed by the European Parliament on 16 May 2007.

Members who are appointed to a European Parliament election observation delegation must subscribe to and abide by this European Parliament Code of Conduct, as a prerequisite for taking part in election observation delegations.

### **General principles:**

Members of the European Parliament are bound by the Code of Conduct for International Election Observers, which was endorsed by the European Parliament on 16 May 2007 and which lays down the following general rules of conduct:

- Respect Sovereignty and International Human Rights.
- Respect the Laws of the Country and the Authority of Electoral Bodies.
- Maintain Strict Political Impartiality at All Times.
- Respect the Integrity of the International Election Observation Mission.
- Do Not Obstruct Election Processes.
- Provide Appropriate Identification.
- Maintain Accuracy of Observations and Professionalism in Drawing Conclusions.
- Refrain from Making Comments to the Public or the Media before the Mission speaks collectively.
- Cooperate with Other Election Observers.
- Maintain Proper Personal Behaviour.

**Specifically,**

1. Members shall maintain strict political impartiality during all the work of the Delegation.
2. The Members designated shall participate fully in the entire work of the Delegation, from the first briefing to the final press conference.
  - Mandatory preparatory meetings will be held prior to departure and all delegation members should attend.
  - EP delegations should arrive in the country where elections are taking place two to three days before Election Day. Members shall arrive sufficiently in advance and not leave on Election Day.
  - The work of the delegation lasts from the first briefing to the final press conference. In any event, the Head of the EP delegation or a designated member shall attend the final press conference.
  - Members of EP delegations shall follow the agreed programme (including briefings, debriefings and scheduled meetings).
  - Members planning to take part in an election observation delegation shall ensure that they will be available for a second round of voting if one is held.
3. Only Members are entitled to take part in an election observation delegation, accompanied by staff from the Secretariat and from the Political Groups of the European Parliament. No other person may be a member of or accompany a delegation.
4. Members participating in an election observation delegation for the first time should attend a briefing on election observation delegations.
5. Members shall play an active role on Election Day itself, attending polling stations and observing the opening, voting, closing and counting of ballots.
6. Members may explain the nature of the observation delegation and its activities. On all other matters relating to the election observation delegation, Members should refrain from making comments to the public or the media before the Joint Press Conference and should refer the media or other interested persons to:
  - The Press Conference held jointly with the International or EU Election Observation Mission shortly after Election Day,
  - The Chief Observer,
  - The Head of the European Parliament election observation delegation.

**PROVISIONS IN THE EVENT OF NON-COMPLIANCE WITH THIS CODE OF CONDUCT:**

In the event of a serious breach of this code of conduct,

- The Head of Parliament's Delegation has the authority to exclude the Member concerned from the Delegation.
- By analogy with Rule 19 of the Rules of Procedure of the European Parliament, the Delegation may, acting by a majority of votes, terminate the holding of office of the Head of the Delegation, where it considers that he or she has been guilty of serious misconduct.
- The Chair of the Political Group concerned (the Bureau in the case of the Non-attached Members) will be informed and the Member concerned may be subject to the "Measures to be taken in the event of non-compliance with the standards or conduct of Members" (Rules 152 and 153 of the Rules of Procedure of the European Parliament).
- The Member may be excluded from taking part in election observation delegations for the duration of the parliamentary term.

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Signed \_\_\_\_\_