



Notification Number: 2003/376/F

Decree of XXX approving the technical regulation laying down the conditions of approval of voting machines

Date received : 13/10/2003
End of Standstill :
Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - SG(2003) D/51981
Directive 98/34/EC
Translation of the message 001
Notification: 2003/0376/F

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200301981.EN)

1. Structured Information Line

MSG 002 IND 2003 0376 F EN 14-10-2003 F NOTIF

2. Member State

France

3. Department Responsible

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3. Originating Department

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Direction de l'Administration territoriale et des affaires politiques
Sous direction des affaires politiques et de la vie associative
Bureau des élections et des études politiques
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4. Notification Number

2003/0376/F - I00

5. Title

Decree of XXX approving the technical regulation laying down the conditions of approval of voting machines

6. Products Concerned

voting machines

7. Notification Under Another Act

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8. Main Content

The technical regulation adopted by this draft text defines the approval conditions that can be imposed by the Minister for the Interior on voting machines. It lays down the procedure to be followed by the Ministry and the requirements the machines must fulfil in order to be approved.

Voting machines computerise voting, counting and, if applicable, the centralised collection of results.

Voting machines from other Member States may be authorised and inspection bodies from other Member States may be authorised to carry out tests. In this regard, mutual recognition clauses appear on page 10 of the draft technical regulation (part 2-1: approval procedure).

The amendments made to the first draft mainly concern safety requirements which have been strengthened. Requirement 46 has been amended in order to allow for the existence of an internal device permitting all events taking place on the machine to be recorded, even when a ballot is not taking place. Furthermore, requirements relating to the integrity of data have been laid down (67, 68 and 69). Finally, requirement 31 has been reviewed so that machines may memorise more information.

9. Brief Statement of Grounds

Electronic voting using voting machines installed in polling stations has been authorised by legislation in France from 10 May 1969 which granted municipalities the right to use voting machines. There is real interest in using these machines, in particular in a context characterised by the difficulty of fitting out polling stations and finding voluntary polling officers who are willing to be involved in the counting. Voting machines provide speed of voting and the centralised collection of results in the prefectures and the Ministry. In addition, these machines shall facilitate preparatory polling operations and probably reduce costs by eliminating the need to manage ballot papers and ballot envelopes.

10. Reference Documents - Basic Texts

Act No 69-419 of 10 May 1969 and Act No 88-1262 of 30 December 1988

11. Invocation of the Emergency Procedure



YES

12. Grounds for the Emergency

Four ballots will take place in France in 2004 (cantonal and regional elections in March, elections to the European Parliament in June and elections to the Senate in September).

The process of the introduction of voting machines into polling stations is practically complete. The adoption of a technical regulation serving as a basis for implementing the agreement is in its last legal stage. Large municipalities are already ready to use these machines in 2004 and have adopted preparatory measures for this purpose, relating, in particular, to the organisation of polling stations (reduction in the number of polling stations, removal of the need to purchase traditional ballot boxes and polling booths, etc.), which is crucial to the smooth running of elections. Not being able to use voting machines in these municipalities would compromise the smooth running of the electoral process and the security of ballots.

Taking account of the innovative nature of voting machines in France, the procedure of approval by the State must be drawn up from scratch. Three to four months work shall be required to do this. Furthermore, the time needed for municipalities to award public supply contracts to buy these voting machines shall also require several months of procedural delay.

Under these conditions, this draft must be able to be adopted as soon as possible, in order that the 2004 elections may take place normally, and that the security of the electoral process is not compromised.

13. Confidentiality

NO

14. Fiscal measures

NO

15. Impact assessment

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16. TBT and SPS aspects

TBT and SPS aspects (Agreements drawn up within the framework of the WTO)

TBT aspect (Agreement on technical barriers to trade)

a) NO

iii) The draft does not have any notable impact on international trade.

SPS aspect (Agreement on sanitary and phytosanitary measures)

a) NO

i) The draft is not a sanitary or phytosanitary measure, pursuant to Annex A to the SPS Agreement.

David O'Sullivan
Secretary-General



European Commission

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