



21 November 2014

Bob Posner  
Director of Party & Election Finance and Legal Counsel  
Electoral Commission  
pef@electoralcommission.org.uk

Your ref: RPP GB 8154589

Dear Mr Posner,

This letter responds to yours of 27 October addressed to our Treasurer, Mr Donnelly, and regarding our established registered party name and descriptions.

As previously indicated, we are not responding to your letter of 27 October (your reference RPP NI 1947912) regarding our former Northern Ireland Party, UK in Europe Party (UK EPP), which you sent to the late Miss Rossi months after her resignation and, as it happened, hours after her death.

Your letter has caused us to retain Queen's Counsel who has advised on and contributed to this reply. We reserve all rights as regards all matters raised in both letters but we are particularly concerned with the potential unlawfulness were you to remain of the provisional view expressed in your letter.

**1 Our Party's name**

**a EPP**

Our principal concern relates to your view in respect of the acronym EPP which, as you are well aware, stands for the European People's Party. The EPP was founded in 1976, and is the largest political family of parties in the EU. Any European-minded person would know exactly what was referred to by the acronym EPP.

As you will also know, in 2012 we registered both a GB and a Northern Ireland party as UK in Europe Party (UK EPP) with the Electoral Commission. In 2013, we re-registered the GB party in the name of 4 Freedoms Party (UK EPP). On none of these occasions did you seek to exercise your functions under section 28(4) PPERA 2000 to refuse registration. That was, we take it, because you were not of the view that these names fell within any of the categories set out in s.28(4)(a) to (f) entitling you to refuse registration.

Your decisions not to refuse to register these names appear to have been in line with your published policy at the time, and prior consultation by us with the Commission at the time was to this effect. We had come to the Commission the best part of two years before the 2014 European Election, precisely so controversy could be avoided and/or tested well before we invested more heavily in our brand as we have now done.

You now seek to remove our party name from the register, relying, it appears, on guidance only promulgated by you on 20 October 2014.

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The first and obvious issue is that it is not clear from your recent communications the powers which you say you have under PPERA to remove names to which you had not taken objection to at the time of registration. We would be obliged if you were to tell us as matter of urgency the statutory provisions upon which you rely to carry out this retrospective exercise.

The second issue (assuming you have powers to revisit a registration to which you did not object at the time) upon which we seek your help is on what ground set out in s.28(4) you would seek to de-register a party containing the acronym unless it spells out the words within the acronym (and in our case thus would offend the 6 word rule). We can only assume (from the first paragraph of your letter of 27 October 2014) that this relates to s.28(4)(da). But our difficulty comes in understanding how the blanket rule ruling out all but “well-known and used” acronyms aligns with the very different objective of avoiding the elector being misled, or the elector’s understanding of the ballot paper being contradicted or hindered. Indeed we infer that you have simply applied that blanket policy without considering the particular facts apposite to our party and why EPP is politically so important to us. Insofar as your policy goes beyond those grounds for refusal, it is plainly unlawful.

We invite you to reconsider the name of our party as against the statutory test set by s.28(4)(da), rather than your recent policy. The acronym EPP does not contradict or hinder an elector’s understanding of the ballot paper. Nor does it mislead the elector as to the effect of his vote. If you disagree, we would be grateful if you were to explain why before reaching a final decision on the matter, thus enabling us to respond on your reasoning.

Further, as we have said, there are good political reasons why we chose the name. We wanted our party name to convey two messages: first, our Unique Selling Point of association with Europe’s main political family, the EPP, and second a very simple summary of our position.

As regards our USP, we have consistently sustained our UK EPP branding for more than two years.

Further, the largest party in the current British Parliament was until 2009 itself a member of this family within the European Parliament and in the past the Conservative Party has referred to its former association with the EPP: to give one example, <http://www.sir-robertatkins.org/press-releases/epp-ed-conservative-facts/>.

The Conservative Party’s departure in 2009 from the EPP did not compromise the EPP’s status as the largest political family or as the winner in both the 2009 and 2014 European elections. As well as having the largest Group in the European Parliament, the EPP retains the most heads of state and government of any European group and 14 European Commissioners. The EPP also has a coherent identity in the EU Council of Ministers: EPP Ministers meet as a caucus before meetings of the Council. The EPP is governed under the 2003 “EU Regulation on political parties at European level and the rules regarding their funding” as revised.

A search on Google as at 19 November shows that the “European People’s Party” has 0.405 million results while “EPP” has 54.1 million results. We do not claim this is a perfect comparison but it does tend to vindicate the manifestly correct proposition that EPP is very well-known as a term of political parlance.

For us, as a newer party principally aimed at a younger demographic, online presence has exceptional weight.

The EPP’s online presence is overwhelmingly based on “EPP”: the EPP’s generic website is [epp.eu](http://epp.eu) and the Party’s self-description within its site, which is in English, overwhelmingly refers to the “EPP”. Within the European Parliament, our Group is known as the EPP and its website, again in English, is [eppgroup.eu](http://eppgroup.eu). Within the Parliamentary Assembly to the Council of Europe, the Group again uses the EPP identity as its part of the PPE-CD Group ([epp-cd.eu](http://epp-cd.eu)).

In social media - for example, Twitter - variations of @epp are the identifier. For us ourselves, our identifier is @uk\_epp. On Facebook, we are "4 Freedoms Party: UK EPP" and, of course, our email addresses are all @ukepp.eu.

Our emblem, registered number 754 with the Electoral Commission and to which your letter curiously does not refer, is "UK EPP" with a stylised arc as in the EPP's own logo of which it is manifestly derivative.

In promotional material, the EPP brand dominates secondary reference, if any, to the European People's Party. This is evidenced, inter alia, by the design of the EPP's primary logo which our own consciously reflects. The colour scheme can vary (the dark blue text can be reversed out into white on a dark background) but either way "EPP" is a far stronger signal than "European People's Party".



The dominance of "EPP" is as striking in the practical uses of the monochrome version:-



Again, our own logo, as at the head of this letter, reflects, with the EPP's agreement, the EPP's generic logo.

There also lurks an unintentionally EU discriminatory element in your acronym rule. A party could refer to a well-known domestic acronym and pass muster according to your policy. But a party cannot refer to a widely known EU acronym (which may not be as well known domestically) without falling foul of it. Given that the whole thrust of our political message is pro-EU, this is particularly ironic. We would add that, given our investment in the brand, retrospective action (even assuming it were lawful under PPERA) would have to be specifically justified to avoid offending against the rule in Article 1 of the First Protocol to the European Convention on Human Rights.

Further, the Electoral Commission's policy must be compatible with relevant provisions of the Treaty on European Union ("TEU") and/or the Treaty on the Functioning of the European Union ("TFEU") as regards political parties organised at EU level, of which the EPP remains the most substantial.

In all the circumstances, we would feel compelled most vigorously to resist any attempt by anyone to deprive us of our EPP branding.

## **b legal background to the May 2014 European election**

We contested the May 2014 European election in London and we intend to contest further elections. This election was subject *inter alia* to the TEU, TFEU and the Human Rights Act 1998.

Article 10(4) TEU provides that "Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union". Further, Article 14(1) provides that "The European Parliament shall ... elect the President of the Commission", while Article 17(7) provides that "Taking into account the elections to the European Parliament ... the European Council ... shall propose to the European Parliament a candidate for President of the Commission".

Mindful of the above, and intending to reverse the trend of declining voter participation, the main European political parties clearly stated before the 2014 European election that they would contest the election on a much more presidential basis. 75% of MEPs elected in May (a figure excluding British Labour and Liberal Democrat MEPs) are from such European parties offering presidential candidates. Another heavily presidential election is already envisaged by the EPP for 2019.

Our own 2014 candidate, Jean-Claude Juncker, was internally elected at our EPP Congress in Dublin in March, a substantial event attracting more media presence than any British party can now muster.

Of the presidential candidates on offer, only two could have won: our EPP candidate or Martin Schulz of the PES. In one of the world's largest democratic elections, ours was the only mainland party in the third largest Member State offering voters the chance in an expressly presidential election to support a presidential candidate who could win. In other Member States, the several presidential debates were televised.

## **c 4 Freedoms**

Our website is [4freedomsparty.eu](http://4freedomsparty.eu) and, having painstakingly built up a name, we do not at this stage wish to change it.

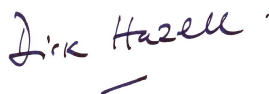
Our suggestion would be, if change is absolutely unavoidable, to change our name to UK EPP: 4 Freedoms Party.

## **2 Descriptions**

For the above-stated reasons, we do not propose to change references to "EPP" in our Party descriptions.

We note but do not share your view that the Scottish are incapable of distinguishing between "Europe's Leading Party" and the SNP's auto-description of its role. We think the time for the Electoral Commission to offer a view was when we put forward this description before the election, but we are prepared to withdraw the two descriptions relating to Scotland mentioned in your letter provided we receive a credit for the sums paid so we can at a later date submit further descriptions without charge.

Yours sincerely,



**Dirk Hazell**  
**Leader**