



MINUTES OF THE MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE BRUSSELS, 5 JUNE 2018

1. Approval of the agenda

The Chair (Rudiger Boogert, Head of Unit, SG.C.4) introduced the agenda of the meeting.

One Member State asked for clarifications on Art. 14 of Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (the 'ECI Regulation') as a possible point under 'Any other business'. Further details on the request will be provided in writing by the Member State to the Commission, and the information shared with the expert group as appropriate.

The agenda was approved without changes.

2. Nature of the meeting

The purpose of the meeting was to discuss with the national authorities competent under the ECI Regulation; i.e.

- the recent developments around the European citizens' initiative (ECI);
- an amendment of Annex III to the ECI Regulation;
- the state-of-play regarding the Commission Proposal for a new regulation;
- an update on the ECI communication campaign.

The meeting was not public. An observer from the European Parliament was present at the meeting.

3. List of points discussed

3.1. Latest developments around the European Citizens' Initiative (ECI):

3.1.1. 2nd Report on the application of Regulation (EU) No 211/2011

The triennial report from the European Commission to the European Parliament and to the Council on the application of the citizens' initiative (as per art. 22 of the ECI

Regulation) was adopted on 28 March 2018, and published on the same day in all official EU languages (with the exception of the Irish language version, which was published at the end of April).

The scope of the second report is more focused than the 2015 report (which triggered the ECI review), as it closely followed the adoption of the Commission proposal adopted in September 2017 and the comprehensive staff working document accompanying it.

The report therefore builds on this recent exercise and provides statistical updates on the state-of-play of initiatives, on specific stages of the ECI lifecycle, as well as on information and advice to organisers and potential organisers. It notably includes an important focus on the follow-up to successful initiatives.

The Commission thanked the Member States for their contributions to the finalisation of the report, in particular regarding the verification and certification of statements of support for the fourth successful initiative ‘Ban glyphosate’.

3.1.2. State of play of citizens' initiatives

The Commission informed on the progress in the state of play of citizens' initiatives since December 2017 (i.e. since the previous meeting of the Expert group):

- One proposed initiative was registered on 15 February 2018, entitled ‘We are a welcoming Europe, let us help!’¹. The organisers are using an online collection system based on private software, hosted and certified in Germany. The Commission has no information on the progress of this initiative.
- One request for registration of a proposed initiative entitled ‘British friends-stay with us in EU’ was refused by the Commission on 21 March 2018. The Commission briefly presented the content of this initiative².
- Two new requests for registration of a proposed initiative were submitted in May. These requests are currently being examined. The Commission decisions on registration will need to be adopted within two months after the corresponding requests.
- In accordance with statements made by the organisers, the required support may have been reached as regards two proposed initiatives:
 - ‘Minority SafePack – one million signatures for diversity in Europe’ (registered by the Commission on 3 April 2017)³. On 3 April 2018, the organisers announced via a press conference that they had reached more than 1.2 million statements of support. Verification by Member States is underway. Should the verification/certification process be successful, the organisers have indicated they would submit the initiative after the summer.

¹ <http://ec.europa.eu/citizens-initiative/public/initiatives/open/details/2018/000001>

² <http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered/details/4061>

³ <http://ec.europa.eu/citizens-initiative/public/initiatives/open/details/2017/000004>

- ‘Stop Extremism’ (registered by the Commission on 12 June 2017 – collection ongoing until 12 June 2018)⁴. In early April, the organisers reported having already collected 1.2 million statements of support.
- Three proposed initiatives have been closed without reaching the one-million threshold:
 - ‘European Free Movement Instrument’⁵ (collection closed on 11 January 2018);
 - ‘EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis’⁶ (collection closed on 27 March 2018);
 - ‘Retaining European Citizenship’⁷ (collection closed on 2 May 2018).
- One proposed initiative entitled ‘Let us reduce the wage and economic differences that tear the EU apart’⁸ ended the collection period on 22 May 2018, but the organisers have not yet informed the Commission whether they have reached the required threshold.
- As regards the follow-up to the successful initiative entitled ‘Right2Water’ (full title ‘Water and sanitation are a human right! Water is a public good, not a commodity!’⁹), the following developments were highlighted:
 - Adoption by the Commission on 1 February 2018 of a proposal on a revised directive on drinking water. This proposal, in reaction to the initiative, foresees inter alia an obligation for Member States to improve access to water and ensure access for vulnerable and marginalised groups.
 - Adoption by the Commission on 28 May 2018 of a proposal for a Regulation on minimum requirements for water reuse.

The Commission presented the key elements of both proposals¹⁰.

- As regards the follow-up to the successful initiative entitled ‘Ban Glyphosate’ (full title: ‘Ban glyphosate and protect people and the environment from toxic pesticides’¹¹), the Commission highlighted the adoption on 11 April 2018 of a proposal on transparency and sustainability of the EU risk assessment and decision-making in the food law, in response to the second aim of the initiative. The Commission presented the key elements of the proposal¹².

⁴ <http://ec.europa.eu/citizens-initiative/public/initiatives/open/details/2017/000007>;

⁵ <http://ec.europa.eu/citizens-initiative/public/initiatives/obsolete/details/2017/000001>;

⁶ <http://ec.europa.eu/citizens-initiative/public/initiatives/obsolete/details/2017/000003>;

⁷ <http://ec.europa.eu/citizens-initiative/public/initiatives/obsolete/details/2017/000005>;

⁸ <http://ec.europa.eu/citizens-initiative/public/initiatives/open/details/2017/000006>;

⁹ <http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/2012/000003>;

¹⁰ <http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/follow-up/2012/000003/en?lg=en>;

¹¹ <http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/2017/000002>;

¹² <http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/follow-up/2012/000003/en?lg=en>;

Some Member States confirmed they had received for verification the statements of support collected by the organisers of the initiative ‘Minority SafePack – one million signatures for diversity in Europe’.

3.1.3. Recent judgements of the General Court

The Commission provided an update on the judgements of the General Court of the European Union concerning Regulation (EU) No 211/2011 on the citizens' initiative.

As summarised in the 2nd Report on the application of the Regulation¹³, since the entry into application of the Regulation in 2012 six citizens' committees have brought proceedings before the General Court against Commission decisions refusing the registration of their proposed initiatives. All these actions concern decisions adopted in the period 2012-2014.

The General Court confirmed the refusal decisions in four of these cases. Two of these four General Court judgements have been appealed before the Court of Justice of the EU. In two other cases, the Commission has registered the initiatives to comply with judgements, which the General Court of the EU made in 2017 concerning the proposed citizens' initiatives entitled. ‘Stop TTIP’ and ‘Minority SafePack’. An action for annulment was then introduced against the Commission decision of March 2017 to register the proposed initiative ‘Minority SafePack’.

The Commission also informed on the recent judgement rendered by the General Court of 23 April 2018 regarding the ‘One of Us’ European Citizens Initiative¹⁴.

3.1.4. Impact of Brexit on the implementation of the European Citizens’ Initiative

The Commission informed about the legal consequences which need to be considered when the United Kingdom becomes a third country following its foreseen withdrawal from the European Union on 30 March 2019, 00:00h (CET) ('the withdrawal date').

The draft Withdrawal Agreement agreed at negotiators' level between the EU and the United Kingdom and published on 19 March 2018 excludes the applicability in the United Kingdom of EU provisions governing the European citizens' initiative during the foreseen transition period¹⁵. Thus, as of the withdrawal date, the EU rules on the European citizens' initiative, and in particular Article 11(4) of the Treaty on European Union and the ECI Regulation will no longer apply to the United Kingdom.

The consequences for the organisation of the initiatives ongoing at the withdrawal date are explained in the notice to the stakeholders ‘Withdrawal of the United Kingdom and EU rules in the field of the European Citizens' Initiative’ published by the Commission on 13 April 2018¹⁶. The Commission explained these consequences focusing on organisers, signatories and online collection systems.

¹³ COM(2018) 157 final

¹⁴ Case T-561/14

¹⁵ https://ec.europa.eu/commission/publications/draft-agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community-0_en

¹⁶ <http://ec.europa.eu/citizens-initiative/public/implementation-national-level>

3.2. Amendment of Annex III to Regulation 211/2011

The Commission recalled the procedure applicable as regards the adoption of delegated acts modifying annexes to the ECI Regulation and the role of the statement of support forms laid down in Annex III of the ECI Regulation.

Referring to the draft delegated act circulated on 24 May 2018 and uploaded in the Expert Group Register, the Commission explained that the modifications foreseen aim to ensure the compliance of the privacy statement being part of the above mentioned forms with the requirements of the General Data Protection Regulation¹⁷. In accordance with the GDPR, the new privacy statement is to provide the initiative signatories with updated references to the applicable data protection legal framework, the information on the rights of the data subject relating to the processing of their data, including the right to lodge a complaint with a supervisory authority and the references to the contact details of the data controllers and the contact details of the data protection officer (if any).

The Commission further explained the timeline and milestones of the revision procedure including the Commission inter-service consultation and the consultation of the European Data Protection Supervisor in parallel with the consultation of the Member States in the Expert Group on the citizens' initiative.

The Commission invited the Member States to share their comments on the draft. These are outlined below:

- Following a question about the right of objection by citizens and on how to identify the data of individual citizens to be rectified, the Commission explained that the former does not apply in case of the personal data in the ECI statement of support forms and that regarding the latter, no change was proposed as to the procedure of processing requests from data subjects.
- A question was asked about whether the old forms would still be acceptable under the new rule. The Commission explained that this is not possible in the case at hand as the GDPR does not allow any transitional periods.
- Clarifications were also requested on the foreseen date of entry into application of the new privacy statement. The Commission explained that while the formal entry into force of the revised Annex III will only take place after the publication in the Official Journal following the adoption of the delegated act by the Commission and the two month allowed to the Council and the European Parliament for exercise of their right to object, the Commission will adapt its IT tools accordingly as soon as possible. Organisers will also be informed in due course.

3.3. Revision of the Regulation on the citizens' initiative

3.3.1. State of play of the inter-institutional discussions

The Commission informed on developments in the legislative procedure on the Commission proposal for a new Regulation on the ECI. The information focussed in particular on the elements of the proposal where cooperation between the Commission

¹⁷ Regulation (EU) 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) (OJ L 119 4.5.2016, p. 1).

and the Member States is foreseen in relation to the technical preparations for the new Regulation.

In the Council, there has been steady progress on this file already under the Estonian and Bulgarian Presidencies. The first article-by-article examination of the proposal has been carried out in the General Affairs Group (GAG). The discussions in the Council are ongoing.

In the Parliament, the proposal is being discussed in the Committee on Constitutional Affairs (AFCO). The Committees on Petitions (PETI) and Culture (CULT) are associated. The discussions in the AFCO committee are ongoing.

As regards other EU bodies, the European Social and Economic Committee delivered its opinion on the proposal at its plenary session on 14 March 2018 and the Committee of the Regions delivered its opinion at its plenary session on 22-23 March 2018.

3.3.2. Focus on IT aspects

The Commission informed about the IT aspects of the Commission's proposal for the new ECI regulation, which mainly regard 1) the future Central Online Collection System; and 2) the File Exchange Service. To this goal, the Commission invited Member States to volunteer to perform some preliminary testing that could be organised before the official testing phase planned in the second semester of 2019 with all Member States.

On the Central Online Collection System citizens will be able to support an initiative online either by filling the form or by using the eID of their respective country. For the validation of statements of support coming from the online form, Member States are responsible for checking the quality of the data, as it is currently the case, whereas for support via eIDAS, Member States will need to separately check the nationality given that is currently not an attribute of the eIDAS minimum data set. Member States will also be responsible for checking against the existence of possible duplicates which could be the case both on paper and on online forms (refer to the presentation¹⁸ for the duplicate check to perform).

The Commission also presented the system overview of IT protection of personal data. The main benefit of the End 2 End encryption of personal data is that the personal data are never left unencrypted and, as a consequence, if files are stolen or disclosed, they will not be readable. In order to implement the E2E encryption, the Commission advises to use the crypto tool distributed to Member States in the context of the European Parliament elections. As is the case for the European Parliament election, Member States would need to provide their public key to the Commission and will need to decrypt the file at their premises after download.

Furthermore, concerning the File Exchange Service for large file transfer, the key requirements include encryption, strong authentication, notifications, minimal impact on Member States. At the moment, the Commission is investigating several solutions i.e. sFTP, e-TrustEX, sCircaBC. The types of files planned to be exchanged with Member States via the EU file Exchange service, which would only regard successful initiatives, are electronic statements of support collected via online support form, scanned paper forms and administrative documents (Annex V). As far as electronic statements of

¹⁸ http://ec.europa.eu/citizens-initiative/files/ECI-expert-group-meeting-05-06-2018-Focus_on_IT_aspects.pptx

support are concerned, the format of files to be transmitted via the Central Platform to the Member States for successful initiatives will be xml files and no longer PDF.

3.4. Update on the ECI Communication Campaign

The purpose of this presentation was to inform the Expert Group about the objectives and activities of the recently launched three-year ECI awareness-raising campaign, with a particular focus on events scheduled to take place in Member States.

‘You Take the Initiative’ (#EUTakeTheInitiative) is the tagline of this ECI communication campaign; i.e. a new catchphrase to emphasise that the tool can allow for fresh perspectives from all over the EU to be brought to the attention of decision makers. Its specific objectives are: a) to increase awareness of the ECI and its usefulness as an instrument for citizen participation at EU level; b) empower multipliers in the Member States to autonomously promote the ECI.

The campaign is implemented with the support of an external partner, through a service contract. It includes the creation of different sets of materials, in particular videos (six videos are planned in 2018) disseminated via the social media, and other deliverables, including toolkits for multipliers across the EU. Most of the outputs will be available in all EU official languages, some of which can be customised according to local contexts and needs.

Events with potential multipliers will also be organised in all the Member States over the three years that the campaign will last, including seven Member States in 2018, starting with Bulgaria (the first event took place on 30 May in the context of the European Civic Days). An event of a higher calibre is also foreseen in Austria at the end of the year. Events will be held in ten other Member States during each of the following two years.

These events will be organised with the support of the EC Representations. Before each country event, stakeholder and media mappings are carried out. Follow-up with stakeholders and the media is also ensured after each event (i.e. direct contacts online or by phone).

A slide presentation on the communication campaign is available [online](#)¹⁹.

The ECI website also includes [a page dedicated to the communication campaign](#)²⁰, including all the available outputs.

3.5. Any other business

Update on the ECI online collaborative platform

The Commission gave an update on the implementation of the ECI collaborative Platform (branded “Forum”), which was launched on 22 May.

An overview of the objectives and functionalities (including how multilingualism is addressed) was provided; i.e. to learn more about the management of initiatives; to interact with the community of users via a discussion forum; to identify and establish contacts throughout the EU and to get direct support and advice from experts; etc.

¹⁹ http://ec.europa.eu/citizens-initiative/files/ECI-expert-group-meeting-05-06-2018-ECI_Communication.pptx

²⁰ <http://ec.europa.eu/citizens-initiative/public/communication>

The running of the platform is the responsibility of an external partner; i.e. through a service contract signed in December 2017 with a consortium made up of three organisations (ESN, ECAS, CARSA).

The website of the collaborative platform is: <https://ec.europa.eu/collab-eci>

Introduction to the AGM tool

The Commission gave a presentation on the new online system used by EU institutions to prepare and organise meetings; i.e. AGM.

The system offers an electronic workflow for invitations and reimbursements and will be used by the Secretariat-General of the Commission in the coming months. It will therefore apply for the next meeting of the Expert Group. It will make it easier for the participants to register their attendance via the correspondents and to submit their reimbursement files on-line through the tool. The participants in the meeting that are entitled to reimbursement will no longer need to bring the papers to the meeting when organised via AGM.

A slide presentation on AGM is available [online](#)²¹.

4. List of participants

- Representatives from the European Commission (Secretariat-General, Unit C4; Directorate-General for Informatics, Unit B2)
- Representatives of the following Member States:
Austria; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Ireland; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Portugal; Romania; Slovenia; Spain; Sweden; United Kingdom.
- Observers from the European Parliament (PETI Committee).

²¹ <http://ec.europa.eu/citizens-initiative/files/ECI-expert-group-meeting-05-06-2018-AGM.pptx>