



MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE

Tuesday, 19 January 2016

Report

The meeting was chaired by Carmen PREISING, Head of Unit SG - C.4. "Work Programme and Stakeholder Consultation". The Commission was represented by members of the ECI team in the Secretariat General, DG CNECT and DG DIGIT. The European Parliament was represented by two observers from the AFCO and PETI Committees, in line with the rules of the Framework Agreement.

1. Latest developments around the ECI:

1.1. State of play of the initiatives:

Open Initiatives:

The Commission representative explained that since April 2012, the Commission has registered a total of 36¹ proposed initiatives (out of 56 requests handled). Six initiatives were registered in 2015. Five of them are currently collecting statements of support from signatories:

["Mum, Dad & Kids - European Citizens' Initiative to protect Marriage and Family"](#): The initiative, registered on 11/12/2015, calls for a "horizontally applicable regulation that defines the meaning of marriage and family for EU law".

["Wake up Europe ! Taking action to safeguard the European democratic project"](#): The initiative, registered on 30/11/2015, calls for the Commission to refer the situation in Hungary to the Council pursuant to Article 7 TUE, in order to preserve the European values as defined in Article 2 TEU.

["We want the WHO's recommendations to be followed. Cannabis must be decriminalised by regulation"](#): The initiative, registered on 30/11/2015 calls for Cannabis to be decriminalised and regulated for medicinal and recreational use within the EU.

¹ Four initiatives have been registered for the 2nd time after being withdrawn during the collection period

["STOP PLASTIC IN THE SEA"](#): The initiative, registered on 19/10/201, calls for adoption of the legal framework on the plastic waste, preventing its presence in the sea.

["Fair Transport Europe – equal treatment for all transport workers"](#): The initiative, registered on 14/09/2015, calls for strengthening the legal framework to prevent social dumping practices and to ensure equal treatment of workers irrespectively of their country of origin in the transport sector.

The sixth initiative registered in 2015 (on 09/02/2015)- ["On The Wire"](#) (original title in French: "A l'écoute") calling for the legal strengthening of the communication privacy between private individuals and more specifically of the lawyer-client communications considered as a pre-requisite for the rights of defence was withdrawn by its organisers on 22/10/2015.

Successful Initiatives:

As regards the successful initiatives, the Commission representative explained the follow up actions that are ongoing as regards two of the initiatives:

["Right2Water"](#):

General follow-up

- At its plenary session meeting on 15/10/2014, the European Economic and Social Committee adopted its opinion on the Commission's Communication in reply to the Right2Water initiative.
- The European Parliament adopted an own-initiative report on the follow up to the European citizens' initiative Right2Water on 08/09/2015.

Implementation and review of existing EU legislation – latest developments:

- A public consultation on the Quality of Drinking Water in the EU was carried out between June and September 2014.
- As foreseen under the REFIT actions in the Commission Work Programme 2015, work is under way on the evaluation of the Drinking Water Directive.
- In line with the requirements of Article 19(2) of the Water Framework Directive the Commission will prepare a review thereof.

Transparency and benchmarking

- Stakeholder meetings on benchmarking of water quality and services took place on 09/09/2014 and 12/10/2015 in Brussels. This stakeholder dialogue aims to increase transparency on performance of water and sanitation services.

Development cooperation and sustainable development

- The Commission identified 'water and sanitation' as a key priority area for the post-2015 development framework in its Communication "A Decent life for all : from vision to collective action" (COM(2014) 335) adopted on 02/06/2014.

- The EU efforts have substantially contributed to maintaining the universal access to water and sanitation in the list of Sustainable Development Goals in the "2030 Agenda for Sustainable Development" (Goal 6: Ensure availability and sustainable management of water and sanitation for all), adopted by the UN General Assembly on 25/09/2015.
- The European Commission is also working with different partners to stimulate innovative approaches for development assistance (e.g. support to partnerships between water operators and to public-public partnerships), promote sharing of best practices between Member States (e.g. on solidarity instruments) and identify new opportunities for cooperation.

"Stop Vivisection":

In its response to this initiative, the Commission committed to a number of further actions towards the goal of phasing out animal testing. The Commission representative explained that it had made progress on a number of these actions and in particular was planning a Scientific Conference in December 2016, which would also involve the ECI organisers.

One of Us

Finally, as regards the "One of us" initiative, the Commission replied in its Communication² that it didn't intend to follow-up on the organisers' requests, since it considered the existing legal framework to be adequate. The organisers have brought an action for annulment to the General Court of the EU (Case T-561/14).

Next initiatives

The Commission representative mentioned that to their knowledge no on-going or closed initiative was close to the 1-million threshold at this stage.

1.2. Refusals for registration and first ECI judgement

The Commission representative provided a brief update on Commission decisions refusing the registration of proposed initiatives and cases challenging the Commission decisions on registration. In 2015 the Commission has not refused the registration of any proposed initiative. Since April 2012, out of the 56 requests for registration, the Commission refused the registration of 20 proposed initiatives. A total of 6 cases challenging the Commission's decisions refusing registration have been brought before the General Court of the European Union (GCEU).

The General Court rendered on 30 September 2015 its first judgement on the refusal of registration in case T-450/12 (Alexios Anagnostakis v Commission). In its judgement, the Court dismissed the action on annulment and confirmed the Commission decision not to register the proposed initiative. The case is currently under appeal before the Court of Justice of the EU.

1.3. IT projects – new Home page of the ECI website and the upcoming release of the Commission OCS software (version 1.8.);

² COM(2014) 355 final

The Commission representative gave a brief presentation of the latest release of the ECI website (version 1.7.3) on 13 January 2016, stressing the fact that it is a fully multi-lingual website (in 23 languages). The main novelties, directly addressing concerns echoed by stakeholders, were:

- User interface improvements (simplified look and feel, big icons, more mobile-friendly)
- Simplification of the different type of ECIs (Open, Successful and Archived [Withdrawn & Insufficient support]) from 6 to 4
- Possibility of giving your support to an initiative from the list of open ECIs
- General front-end maintenance and back-office improvements

He explained that during the year 2015, 6 versions of the ECI website were delivered. These were related to the update of Annex III, V & VII (V 1.7.1 & 1.7.2), a technical release (V 1.7.0), the introduction of an ECI survey functionality (V 1.6.5) and two maintenance releases (V 1.6.4 & V1.6.6).

He presented the latest developments of the Online Collection Software (OCS) (new version 1.7 released on 17 November 2015), stressing the fact that it is an open-source development and that every release is accompanied with a security study. This new version of OCS is especially dedicated to a new feature for remote services. This will allow third party applications to get data from OCS instances (i.e. total number of collected statement of support and per country).

Finally he gave a brief presentation of the forthcoming software developments, notably the ECI remote services and the OCS mobile, to be released during 2016.

1.4. First online collection system based on a software developed by a 3rd party.

The Commission representative informed participants that, for the first time, organisers of an initiative, "Fair Transport for Europe", have set up an online collection system, which is not based on the Commission software. She explained that the Commission had been in touch with organisers concerning some issues relating to the software.

2. ECI review

2.1. State of play of the ECI Review including:

- (a) Council Presidency Note summarising the discussions held in the Council General Affairs Group (GAG), on the ECI and on the Commission Report, 4 June 2015;**

This item was explained in the previous meeting.

(b) Opinion of the Committee of Regions;

The Commission representative made a brief presentation of the own-initiative opinion on the ECI (rapporteur: Mr. van den Brande (BE/EPP)), which was adopted by the Committee of Regions (CoR) in October 2015.

The Committee calls on the Commission to revise the ECI Regulation without delay in order to address the identified barriers in the ECI but also to resolve as quickly as possible the problems in the functioning of the ECI which do not require changes in the Regulation to prevent deterrence of potential organisers.

The opinion contains a number of more specific requests which would require the revision of the Regulation, including primarily the following:

- externalisation of the admissibility check of proposed ECIs and admissibility of ECIs which aim at concrete changes of the EU Treaty;
- flexibility for organisers to choose the starting date of the collection period and extension of this period to 18 months;
- request to the Commission to come forward with a legislative proposal within a year if it replies positively to a successful ECI; and
- a legal status for the citizens' committees to mitigate the risk of personal liability and to facilitate campaigning.

The opinion also contains a set of actions which could be considered in order to improve the functioning of the ECI under the current rules, including the following main areas:

- communication actions to enhance awareness on the ECI and more decentralised communication involving the regional and local authorities;
- establishment of an inter-institutional information point on the ECI and an ECI help-desk distinct from the EU institutions;
- financial support for ECI organisers; and
- request for the Member States to take all necessary steps to simplify the personal data requirements and to harmonise the requirements across the EU.

(c) Resolution of the European Parliament

The Commission representative presented the European Parliament resolution on the ECI adopted on 28 October 2015³. The resolution outlines the Parliament position as regards the implementation of the ECI Regulation and contains a broad set of calls for actions and specific requests and proposals. The resolution obtained broad support in the plenary vote in the Parliament.

As regards the specific proposals and requests contained in the resolution, the Parliament calls *inter alia* for the revision of the ECI Regulation, the Commission Implementing Regulation laying down the technical specifications for online collection systems and for the amendment of a number of specific provisions in the current Regulation. The resolution also contains a set of proposals which could be implemented under the existing legal instrument, including *inter alia* measures in the following main areas: (i) advice and support as regards proposals for registration; (ii) collection of statements of support; (iii) simplification of the personal data requirements; (iv) communication, funding, and transparency measures in relation to the ECIs.

(d) Opinion of the European Economic and Social Committee.

³ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2015-0382>

The chair mentioned that the EESC was planning to prepare an own-initiative Opinion on the ECI. A public hearing was scheduled to take place on 22 February⁴. The work of the EESC on the ECI would also be presented and discussed at the annual event of the "ECI Day" of 2016 scheduled on 20 April⁵.

Concluding this point, the chair explained that the Commission's replies to the EP resolution and CoR Opinion were in the process of being finalised and adopted by the College. She underlined that the Commission remains fully committed to make the ECI work so it reaches its full potential. The Commission considers, however, that only three years after the effective entry into application of the ECI Regulation, it is still too early to launch a legislative revision. Nevertheless, as part of its ongoing assessment of the functioning of the instrument, the Commission would continue its reflections in 2016, taking into account also the forthcoming contributions to the review process such as the Opinion of the EESC. She underlined that in the meantime, the Commission is considering further improvements to be implemented in several of the key areas highlighted in the resolution of the European Parliament and in the Opinion of the Committee of the Region (see below – point 2.3.1).

2.2. Presentation of the AT/LU/DE contributions;

The representatives of AT, LU and DE presented their common position paper on potential improvements to the ECI. See annex.

2.3. Areas for improvement in the functioning of the ECI;

Building on the presentation made by AT/LU/DE, the Commission representative outlined some possible issues that could be considered in the short term in order to address some of the concerns raised by stakeholders and institutions on the functioning of the ECI:

1) Use of electronic identification - eID

The use of eID could facilitate and simplify the process of signing up to an ECI. Since the adoption of the ECI Regulation there have been developments in the field of electronic identification in the Member States and also at EU level with the adoption of the eIDAS Regulation. Whilst it should remain possible for citizens from all Member States to continue to support an ECI through traditional paper and electronic means, ways to allow for the use of eID to support an initiative should be considered. Indeed, signing up to an initiative using eID would have the following clear benefits since: (i) it would avoid citizens from having to enter sensitive data in the online collection system; (ii) it would facilitate verification of statements of support by Member States since those signed with eID would be considered as having been de facto verified; and (iii) it would also reduce complexity for organisers as regards the online collection of statements of support.

The Commission representative underlined however that before considering possible ways of integrating the use of eID in the statement of support forms in Annex III of the Regulation and in the online collection software, it would be useful to get feedback from the Member States, which use eID, on the following questions:

⁴ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-eci-more-impact>

⁵ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-eci-day-2016>

- Whilst it is clear that eID would allow for automatic authentication of signatories, could the requirements of Article 3(4) of the Regulation relating to age and European citizenship be integrated in this authentication or would this data need to be collected and verified separately?
- What would be the technical feasibility of foreseeing eID in the Online Collection software? Could a centralized authentication system be foreseen or would the OCS need to redirect signatories towards a Member State eID authentication platform?

2) Revision of the technical specifications for online collection systems (Implementing Regulation (EU) No. 1179/2011)

One of the main difficulties faced by organisers when launching their initiative is to set up their online collection system and get it certified. It is time consuming and resource intensive for organisers, the Member State certifying the system and the European Commission when its software and hosting is used.

Whilst it is crucial to maintain an adequate security level given the sensitivity of much of the data provided by signatories the scope for simplifying the technical specifications and procedures required by Commission Regulation (EU) No. 1179/2011 should be assessed. The suggestions made in the common AT-DE-LU position paper should be taken into account in that regard. Moreover it could be foreseen to provide for further simplification and waive certain requirements where the Commission software and hosting is used.

3) Simplification of Annex III

One of the key obstacles identified by stakeholders as well as the European Parliament and Committee of the Regions concerns the divergences between the conditions and personal data required from signatories by the different Member States and the extensive data requirements foreseen by a majority of Member States. Indeed such requirements are considered disproportionate in relation to the non-binding nature of the instrument and can discourage citizens from signing up to an initiative.

Whilst Member States have justified these requirements as necessary in order for them to be in a position to verify the statements of support at the end of the process, an assessment should be carried out in order to identify ways of carrying appropriate verifications, as foreseen in the Regulation, which require fewer and/or less sensitive data. In particular, the Commission representative suggested that Member States could exchange best practice to identify different ways of verifying statements of support based on lesser data, and carry out an assessment of their own system with the proportionality and cost/benefit of the requirements in mind.

The Commission representative therefore asked for feedback from the Member States on the following questions:

- Can Member States confirm that all collected data is actually used and necessary for the purpose of verification?
- Have alternative approaches been considered that would require less data?

Moreover the Commission representative underlined that one of the problems that should be addressed urgently is that of citizens that are nationals of certain Member States and

resident in other Member States and that cannot sign up to an ECI due to the data requirements.

Finally, the Commission representative mentioned that for readability purposes it could be considered to amend Annex III in order to foresee a separate form for each Member State.

4) Other actions foreseen

In order to address concerns raised as regards lack of awareness by citizens of the ECI, the Commission explained that it is considering possible awareness raising and information activities in cooperation with its representation offices and local Europe Direct Centres in the Member States. At EU level, cooperation between the Commission and other EU institutions (European Parliament) and bodies (EESC, CoR) could be enhanced.

In this context, cooperation with the Member States and reinforced involvement of national authorities in these awareness-raising actions at national level could also be considered.

2.4. Tour de table

1) eID

A number of Member States (FI, DK, LV, AT, DE, IT LU) took the floor to support the idea of using eID for signing up to initiatives. However not all MS considered that age and nationality could automatically be verified under their current systems. Nevertheless, it was considered that additional data could be requested under the eIDAS Regulation and that this issue was therefore worth pursuing.

The Commission representative concluded by asking Member States to provide further input on this issue and suggested that a specific expert meeting could be organised for this purpose.

2) Revision of the technical specifications for online collection systems (Implementing Regulation (EU) No. 1179/2011)

Member States that took the floor considered that this issue was also worth pursuing but that it was important to maintain adequate security standards.

3) Simplification of Annex III

AT considered that all data required for their country was necessary in order to allow them to verify the statements of support. LV was willing to reconsider the data necessary. They also requested that if Annex III is amended, then two separate boxes should be provided for the date of signature and the actual signature.

4) Other actions

DE welcomed the suggested actions on communication and awareness-raising and expressed its support for such initiatives.

Conclusion: The chair concluded by requesting written feed-back from the Member States experts on these issues by mid February and underlined that the Commission would continue to look into these issues.

3. Possible revision of Annex III to the ECI Regulation

The Chair renewed the invitation to the Member State to revise their data requirements in order to further simplify the system and ensure that no citizens are excluded.

The UK took the floor to mention that they are considering a change in the data requirements in order to allow UK nationals living abroad to sign-up to initiatives.