



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate C - Smart Regulation and Work Programme  
SG.C.4 - Work Programme and Stakeholder Consultation

## MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE

Tuesday, 22 November 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 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.

The Chair opened the meeting proposing some adjustments in the agenda (point 1.3 and 2.1(a) to be taken under point 2.2).. The participants accepted these modifications.

#### **1. Latest developments around the ECI:**

##### ***ECI Budget***

The Chair explained that until last year the implementation of the ECI instrument had not been backed with any specific budget except the ISA and now ISA2 Programme, covering IT related projects, most notably the Commission online collection software (OCS).

The 2016 EU budget for the first time featured a specific ECI budget line (line 18 04 01 02) as a sub section of the previously existing budget line for the Europe for Citizens' Programme. Although this line initially had no money allocated to it in the 2016 budget, 640K were transferred thereto from the Europe for Citizens' Programme. These funds have been used in 2016 mostly for the studies and the IT developments, as explained below.

The draft 2017 EU budget foresees 840K under the ECI budget line. (no final decision on the budget was available at the time of the meeting).

#### **1.1. State of play of initiatives**

##### **1.1.1. Ongoing Initiatives:**

The Commission representative explained that there were four initiatives collecting statements of support from signatories including three initiatives registered since the previous Expert Group meeting of January 2016. The total number of initiatives that have been registered by the Commission has thus increased to 39.

The Commission representative provided details concerning the four open initiatives:

1. ["Let'sfly2Europe: Enable safe and legal access to Europe for refugees!"](#)
2. ["People4Soil: sign the citizens' initiative to save the soils of Europe!"](#)
3. ["More than Education - Shaping active and responsible citizens"](#)
4. ["Mum, Dad & Kids - European Citizens' Initiative to protect Marriage and Family"](#)

Based on publicly available information, the Commission representative mentioned the state of play of collection of the ongoing initiatives. Two of these initiatives ("Let'sfly2Europe: Enable safe and legal access to Europe for refugees!" and "More than Education - Shaping active and responsible citizens") are using or will use the Commission software and hosting servers for their online collection systems. The initiative "Mum, Dad & Kids - European Citizens' Initiative to protect Marriage and Family" uses the Commission software and private hosting servers, while the initiative "People4Soil: sign the citizens' initiative to save the soils of Europe!" uses both private software ("Open ECI") and private hosting servers.

#### **1.1.2. Closed Initiatives:**

The Commission representative explained that four initiatives had been closed since the last meeting.

Two of them had reached the end of collection period:

- ["Fair Transport Europe – equal treatment for all transport workers"](#) (without reaching the minimum support)
- ["Stop Plastic in the Sea"](#) – (at the time of the meeting the Commission had received no formal confirmation as to whether this initiative had reached sufficient support)

Two other had been withdrawn by the organisers before the end of collection period:

- ["Wake up Europe! Taking action to safeguard the European democratic project"](#) (original title in FR: "Wake up Europe! Agir pour préserver le projet démocratique européen)
- ["We want the WHO's recommendations to be followed. Cannabis must be decriminalised by regulation."](#) (original title in SV "Vi vill att WHO:s rekommendationer efterföljs. Cannabis ska bli avkriminaliserat med reglering")

#### **1.1.4. Follow up to the successful initiatives:**

The Commission representative explained the follow-up actions with regard to the successful initiatives:

##### **1. Right2Water**

The Commission announced in its annual Work Programme for 2017 adopted on 25/10/2016 the intention to come forward with a legislative proposal on minimum quality requirements for reused water and a REFIT revision of the Directive on drinking water as a follow-up inter alia to the European Citizens' Initiative "Right2Water".

It is the first time that a successful ECI has led to concrete legislative action from the Commission.

##### **2. Stop Vivisection**

On 6 and 7 December 2016 a scientific conference organised by the European Commission was to take place in Brussels, entitled "Non-Animal Approaches - The Way Forward" This conference had been announced in the European Commission Communication on the "Stop Vivisection" ECI as one of four actions in response to this initiative.

The other three ongoing actions are: (1) accelerating progress in the Three R's through knowledge sharing, (2) development, validation and implementation of new alternative approaches, (3) enforcement of compliance with the Three R's principle and alignment of relevant sector legislation. The conference will include a session to report on progress on these three actions.

#### **1.2. Recent judgements of the General Court on the admissibility of proposed initiatives:**

The Commission representative explained that since the last meeting of the expert group (January 2016), the Commission has not refused the registration of any proposed initiative. The latest refusal of a request for registration dates back to September 2014 (concerning the proposed ECI "Stop TTIP").

Since April 2012, out of the 59 requests for registration, the Commission has refused the registration of 20 proposed initiatives given that they manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

The information on the refused proposed initiatives and the decisions refusing registration are published in a dedicated tab of [the ECI Register website](#).

Six cases challenging the Commission's decisions refusing registration have been brought by the organisers of the proposed initiatives before the General Court of the EU (GCEU) They concern the following proposed ECIs: (i) "*One Million Signatures for a Europe of Solidarity*" (refusal: 06/09/2012); (ii) "*Right to Lifelong Care: Leading a life of dignity and independence is a fundamental right!*" (05/11/2013); (iii) "*Cohesion policy for the*

*equality of the regions and sustainability of the regional cultures*"(25/07/2013); (iv) "*Minority SafePack – one million signatures for diversity*" (13/09/2013); (v) "*Ethics for Animals and Kids*" (26/03/2014); and (vi) "*Stop TTIP*" (10/09/2014).

The General Court has rendered its judgements in three of these cases. The three judgements have confirmed the Commission decision not to register the proposed initiatives. Two of these judgements have been appealed before the Court of Justice of the EU.

The Commission representative explained the three judgements rendered by the GCEU:

- [\*T-450/12 Alexios Anagnostakis v Commission \["One Million Signatures for "A Europe of Solidarity"\]:\*](#)

In its ruling the General Court dismissed the action for annulment of the registration decision for this proposed initiative and confirmed the Commission decision to refuse registration of this proposal for a citizens' initiative.

The judgement is currently under appeal before the Court of Justice [*Case C-589/15: Appeal brought on 13 November 2015 by Alexios Anagnostakis against the judgment delivered on 30 September 2015 by the General Court (First Chamber) in Case T-450/12 Anagnostakis v Commission*].

- [\*Case T-44/14 \["Right to Lifelong Care: Leading a life of dignity and independence is a fundamental right!"\]:\*](#)

In its ruling the General Court dismissed the action for annulment of the registration decision for this proposed initiative and confirmed the Commission decision to refuse registration of this proposal for a citizens' initiative.

- [\*Case T-529/13 \["Cohesion policy for the equality of the regions and sustainability of the regional cultures"\]:\*](#)

In its ruling the General Court dismissed the action for annulment of the registration decision for this proposed initiative and confirmed the Commission decision to refuse registration of this proposal for a citizens' initiative.

The judgement is currently under appeal before the Court of Justice [*Case C-420/16: Appeal brought on 28 July 2016 by Balázs-Árpád Izsák and Attila Dabis against the judgment delivered on 10 May 2016 in Case T-529/13 Balázs-Árpád Izsák and Attila Dabis v European Commission*].

## **2. ECI review:**

### **2.1. State of play of the ECI Review:**

The Chair recalled that over the past 18 months, the ECI has been the subject of an informal review process, which was kicked off with the adoption of the [Commission Report of March 2015 on the application of the ECI Regulation](#) and has included input from the European Parliament, the Committee of the Regions, the Council Presidency, the European Ombudsman, the European Economic and Social Committee, the REFIT Platform and numerous stakeholders.

All these contributions converged in questioning the effectiveness and proportionality of the instrument in its current form and identifying provisions which could be simplified and made more user-friendly for all stakeholders involved.

The Commission representatives presented two new opinions on the ECI which have been addressed to the Commission since the last meeting of the Expert Group:

(a) [Opinion of the European Economic and Social Committee on the ECI](#)

The European Economic and Social Committee adopted its own initiative opinion on the ECI on 13 July 2016.

In the opinion the EESC pointed out that Europeans are at the heart of the European venture and the ECI could help overcome the democratic deficit by promoting active citizenship and participatory democracy.

The EESC considered that the ECI has not achieved its full potential because of the regulation which should be revised and thus proposed a list of modifications to be introduced in the ECI Regulation, and namely:

- (i) the modification of the initiative lifecycle timeline,
- (ii) the recognition of the legal status of the citizens' committees,
- (iii) the setting up of the one-stop-shop to support the organisers through the ECI process,
- (iv) the lowering of the minimum age for taking part in the ECI,
- (v) the transfer of the role of "mentor" for the ECI towards the EESC in order to resolve the alleged Commission conflict of interest between its role of "mentor" and of "judge",
- (vi) the reinforcement of the follow-up obligation with regard to the successful initiatives by setting a 12 months deadline for the Commission to prepare a legislative proposal following the end of campaign or supplying appropriate justification for the decision not to present a proposal. Should no proposal be presented, the EESC would hope that the European Parliament would bring pressure to bear on the Commission under Article 225 of the TFEU;

Moreover, The EESC highlighted those aspects of the functioning of the ECI which could be improved without reviewing the Regulation. It insisted on tackling them rapidly to avoid discouraging potential organisers and making the mechanism more effective and user-friendly. The EESC called in particular for the following measures to be implemented:

- (i) to adopt clear and straightforward procedures regarding the registration process, providing detailed answers and possible solutions when initiatives are declared inadmissible;
- (ii) to insist in negotiation with the Member States on the simplification, reduction and harmonisation of the personal data requirements specific for

each Member State. The EESC proposes in this context specifically limiting requests for personal identification documents and enabling all Europeans to sign the initiatives from their countries of residence;

(iii) to establish a free OCS system on a permanent basis in order to simplify the collection and cataloguing of statements of support as well as the checking of these statements by the national authorities. The Committee also calls for this tool to be made available to people with disabilities.

(iv) to provide the public with more information and raising awareness of the ECI mechanism and more specifically to publicise the follow-up to successful initiatives;

(v) to guarantee multilingualism and explore new methods of linking up the online collection of signatures with social and digital media in order to reach out to an ever larger audience;

(vi) in principle, to enable every EU citizen to organise an ECI by guaranteeing the option of covering a campaign's unavoidable expenses.

Finally, the EESC proposed to set up an institutional forum on the participation of European citizens, to become a permanent platform for discussion and debate at the Committee along the lines of the European Migration Forum, building on European Citizens' Initiative Day. The Committee could draft a specific, more detailed proposal in an own-initiative opinion.

The Commission representative explained that the official Commission reply to the EESC Opinion was about to be sent following broadly the line of the response given by the Commission to the European Parliament Resolution on the ECI.

(b) [\*REFIT Platform Opinion on the ECI\*](#)

The Commission representative presented the REFIT Platform Opinion on the ECI adopted on 27/28 June 2016.

The opinion of the REFIT Platform on the European Citizens' Initiative broadly echoes the challenges regarding the ECI identified by stakeholders and EU institutions and bodies over the past year. It considers that there is a "need to make the ECI more 'fit for purpose' through simpler requirements for the application of the existing system and through revision of the legal framework". It recommends that the Commission takes into consideration the issues identified by the Platform in the on-going review of the ECI, including **both simplification of the implementation of the ECI and the revision of the Regulation.**

The REFIT Platform Stakeholder Group considers that the main weaknesses of the tool concern:

- Its **lack of impact and lack of cost-effectiveness** given the efforts required to organise an ECI and the low certainty of impact;

- The **disproportionality of the identification and personal data requirements**, together with low user-friendliness of the online collection systems and the low level of awareness among citizens as regards the existence of the tool; and
- The **overall complexity and inflexibility of the ECI rules**, in particular as regards the timeline of the ECI lifecycle and the lack of harmonisation of personal data requirements.

In the subsequent tour de table, a number of Member States took the floor, questioning why the Commission has not to date decided to revise the ECI Regulation while all stakeholders converge in their opinion that a revision is needed.

## **2.2. State of play of improvements in the functioning of the ECI and communication activities;**

*Commission follow-up to the European Parliament resolution on the ECI adopted on 2 February 2016*

<http://www.europarl.europa.eu/oeil/spdoc.do?i=26201&j=0&l=en>

The Commission representative explained that the Commission adopted its reply to the EP Resolution on 2 February 2016 and has followed a similar line in its response to the other EU bodies.

While the Commission considers it too early to launch a legislative revision of the ECI Regulation at this stage, it has committed to a number of short-term measures relating to:

- The timeline for registration and collection
- Dialogue and assistance to organisers:
- The technical specifications for online collection
- Simplification of Annex III
- The use of eID
- Communication

Indeed a number of the requests from the other institutions do not require a revision of the ECI Regulation. The Commission has therefore decided to focus on these areas in the short-term. In particular the Commission has implemented and is implementing the following measures:

- Advice and support to potential organisers of ECIs and improvements in the registration for new initiatives aiming at giving organisers more time to set up their online collection systems and start to collect signatures;
- Improvements to the user-friendliness of the Commission online collection software provided free of charge to organisers of ECIs;

- An improved assistance service is being offered to the organisers for the setting up and certification of their online collection systems based on the free of charge hosting by the Commission;
- Three studies have been or are being launched:
  - A study to assess the scope for simplifying personal data requirements;
  - A study concerning the possibility for signatories to support an ECI in a simplified way, using electronic identification tools such as eID;
  - A study aimed at streamlining of the technical specifications for online collection systems,
- More measures are in preparation, notably in the domain of communication and awareness rising.

As regards Communication, the Commission already provides:

- extensive information on the ECI via [the ECI website](#) in all EU official languages,
- a point of contact providing answers to any questions from citizens on the ECI rules and procedures, in all official EU languages information and assistance, via the Europe Direct Contact Centre.
- web services providing all news on the ECI via an RSS feed mechanism in all EU official languages
- a brochure on the ECI in both paper and electronic version in all EU official languages
- press releases on registration of new initiatives

The following new actions are to be introduced:

- A reinforced cooperation with the network of Commission representations and the network of Europe Direct information centres;
- ECI awareness-raising actions on the margin of citizens' dialogues organised by the European Commission,
- Dissemination of ECI news via Commission social media

More actions are in preparation.

### **2.3. IT developments – ECI website and OCS software;**

The representative of the Commission introduced the reinforced DIGIT team working on the ECI and presented the recent and ongoing IT developments with a [PPT presentation](#) attached to the present report.

## **3. Presentation of Commission Studies on ECI**



### **3.1. Study on data requirements for the European Citizens' Initiative**

The Chair explained that this study had just been launched and would be carried out by Optimity Advisors, represented at the meeting by the project manager.

The broad objective of the study is to assess the scope for simplification of data requirements and related changes to verification mechanisms in the Member States under the current Regulation, in particular by identifying best practice, and developing alternative options should the Regulation be revised.

The project manager from Optimity Advisors presented the study objectives and implementation with a [PPT presentation](#) attached to the present report.

In the subsequent tour de table, a number of Member States representatives took the floor. They considered that the data requirements concerning their respective countries were necessary and could not be simplified. They specifically opposed the idea of using a "single minimum data set" for the ECI and expressed their concern as regards carrying out the exercise of verification and certification of collected statements of support, should the data be simplified. Following a question from a Member State representative, the Commission representative clarified that the study will take into account the new data protection legislative framework.

### **3.2. Study on the use of Electronic Identification (eID) for the European Citizens' Initiative**

The Chair explained that the objective of the study was to assess the potential use of eID in the context of the ECI with a view to simplifying the online collection of statements of support and making it more efficient and user-friendly. The study takes into consideration the challenges identified in the online collection process and systems for the ECI, and the benefits which could derive from the use of eID solutions.

The project manager from Everis (contractor for the study) presented the study objectives and implementation with a [PPT presentation](#) attached to the present report.

In the subsequent tour de table, representatives from a number of Member States took the floor and asked clarifications in relation to the objectives and implementation of the study. Several Member States representatives referred to elements in the common AT & DE & LU position paper addressed to the Commission in the context of the ECI review. One Member State expressed doubts as to the feasibility of using efficiently the eID, without modifying the ECI Regulation. One Member State representative also stressed the support for the option of using eIDAS framework and suggested to work more closely with the eIDAS expert group in order to take advantage of the expertise this group has already cumulated having worked on application of the eIDAS framework in different areas. Some Member States representatives also expressed their concern as to the workload resulting from the need to reply to questionnaires from different parallel studies at the same time.

### **3.3. Study on improvements to the technical specifications for online collection systems**

The representative of the Commission DIGIT service presented the study objectives with a [PPT presentation](#) attached to the present report. This study will be launched by the end of 2016.

In the subsequent tour de table, a number of Member States took the floor and considered that all possible scenarios should be considered, including those involving a revision of the current Regulation.

In concluding this point, the chair invited Member States to provide any further comments they may have on the studies in writing.