

# EUROPEAN CITIZENS' INITIATIVES – A COMMENT ON THE ISSUES RAISED BY THE EUROPEAN COMMISSION GREEN PAPER

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## **Abstract**

*The European Commission issued a Green Paper on European Citizens' Initiatives (ECI) as enabled by the Treaty of Lisbon on November 11<sup>th</sup>, 2009 [1]. The questions addressed to the citizens together with their answers and issues raised in this and other papers will lead to a decision about the implementation of the ECI. The ECI is not primarily an e-Democracy project, but an electronic channel for signing ECIs is clearly indicated and also mentioned in Question 5 of the Green Book. This implementation will not only have a heavy impact on e-Democracy in Europe but also in other parts of the world. In this contribution we identify the major issues in the design of the European e-initiative and recommend ways to solve them. Using lessons learnt from e-government-projects in recent years, especially e-voting-projects, we do not focus on legal issues but on procedural issues relevant for the successful (IT)-implementation of such a system on the European level.*

## **1. A Possible Landmark towards e-Democracy- in the European Union**

The European Citizens' Initiative is not an e-Democracy-project. Nevertheless, it will probably be implemented in a way, which includes electronic channels; the Green Paper itself already points towards this opportunity in Question 5. A working e-Initiative-part of the implementation may lead the way to foster increased citizen involvement via electronic means in the Member States encouraging Member States to pursue their own e-Democracy-projects in accordance with Council of Europe Recommendation 2009(1) [3]. The Recommendation defines, for the much broader context of the Council of Europe, good practice principles for electronic citizen participation, many of whom also apply to conventional paper-based channels.

In our contribution we focus on the part of the Green Paper dealing with e-Democracy-relevant issues and outline possible solutions. Being well aware that the Green Paper was not intended to outline a primarily e-project, this comment will show the opportunities, but also possible obstacles involved in implementing the electronic version of the ECI. Note that some issues raised do not only affect an e-implementation, but are also highly relevant for the implementation of a paper-based system and warrant an in-depth analysis.

## 2. Question 1 And 2 of The Green Paper

### 2.1 European Citizens Living Abroad

#### 2.1.1 Administrative Responsibilities vs. Voter (=Supporter) Assignment

The Green Paper suggests that one third of the total number of Member States (Question 1 of the Green Paper) constitutes a “significant number of Member States” as required by the Treaty of Lisbon (see [1], p. 5). However, a significant number of citizens live outside their original Member State. The Green Paper postulates that also citizens living outside their country of origin shall be able to participate in an ECI. But for which Member States should this support be counted? In this context two questions have to be clearly distinguished:

- Where is the ECI physically signed, or, more precisely, under which Member State’s administrative authority (e.g., magistrates, embassies, polling stations) is the ECI signed?
- Which Member State is the signature assigned to?

In cases, where a citizen of one Member State lives in another Member State, both questions may be answered according to the place of residence<sup>1</sup> (“residence principle”) or the Member State of origin (“passport principle”) as shown in Figure 1.

	Residence principle	Passport principle
Administrative means for signing an ECI	The country of residence provides the means for physically stating the support of the ECI (e.g. local magistrates or post offices).	The country of origin provides the means of physically stating the support of the ECI (e.g. consulates, postal voting or an electronic system via the Internet).
Assignment of signature	The signature is counted for the country of residence.	The signature is counted for the Member State of origin. If the citizen holds two or more passports of Member States, a rule set ought to be defined for disambiguate the issue <sup>2</sup> .

**Fig. 1:** Residence and passport principle

#### 2.1.2 Administration of Signature Collection

As for the administrative means, the residence principle is clearly preferable in a paper-based system. Applying the passport principle to the collection of physical signatures would force citizens living in another Member State to go to their home country’s nearest consulate – which would make ECIs rather inaccessible to expatriates. Postal “voting” (i.e. sending a signed form of support for an ECI to an authority in the Member State of origin) will certainly be more accessible, but there is a

<sup>1</sup> For multiple residences we assume that, in analogy to solving the taxation issue, a solution for identifying a leading or main residence can be found without introducing new administrative procedures.

<sup>2</sup> Some Member States like e.g. Germany have altered their legislation recently so that EU Citizens applying for the German Citizenship need not to give up their prior citizenship (see [14]). Austria introduced a similar regulation in 2007 (see [15]). Given that development the issue of European Citizens with more than one passport / citizenship will become more important in the future.

substantial difference between postal voting and postal support for an ECI: Only registered voters who applied for postal ballots can obtain the postal ballot and send it back – the election authority hence knows its voters. Anybody however, may download the forms for supporting an ECI and send it to the appropriate authorities in his home country. It seems doubtful whether a sufficient degree of verification may be possible under these circumstances. At any rate, some kind of procedure would have to be devised to enable authorities to verify ECI support forms received from their citizens abroad who are not known in the current expatriate voter roll. The issue is real: Austria, for instance, does not know how many of its citizens live abroad [6] – let alone their identity. Similar problems may be expected in other Member States, too. Applying postal support under these circumstances may open the door to manipulation and may give the entire instrument of the ECI a bad reputation. On the other hand, the standard postal voting procedures may be applied to ECIs. This would require citizens, who wish to support an initiative to register with their home authorities to sign the initiative. This would counter fraud but would also affect the Members States' voter administration; given a regular flow of ECIs, this would create a administrative burden comparable to nation-wide elections – on a permanent basis. An additional way of solving this issue would be a proof of the citizen's identity by postal authorities as offered by Deutsche Post<sup>3</sup> and other postal authorities<sup>4</sup>. When opening an account with an online financial institution, this procedure is applied to fulfil the requirements of anti-money-laundering legislation.

There is also another administrative difference between postal voting and postal support of an ECI. When a citizen applies for postal voting, he is crossed off the conventional voter roll of his polling station and will hence not be able to cast a second vote. It is however perfectly possible to send in a postal support form for an ECI<sup>5</sup> (that in itself may be duplicated!) and support the ECI by a written signature at the local magistrate at the same time. Depending on the degree of automation of the voter roll, this duplicate check may be a considerable administrative effort far beyond postal voting. We would hence not support the notion that postal support of an ECI could be treated as a 1:1 replica of postal voting.

In an electronic system, however, matters are different. The electronic media may be offered practically everywhere in the Union. Here, the country of origin may have far better data on its own citizens and if digital smart cards or a digital identity linked to the country's passport or ID card are used, the master data for the citizen's identity would certainly be available in the home country's register. Hence, there may be the rather unfortunate possibility that in administrative matters, the residence principle is better applied to the paper media and the passport principle to the electronic media. We will return to this issue later.

### 2.1.3 Assignment of Signatures to Countries

The second question raised in Figure 1 is for which country the signature supporting an ECI should count. These issues apply to both the minimum number of Member States from which the citizens' support must come (see [1], p. 4) as well as to the minimum number of signatures per Member State (see [1], p. 5). The assignment of signatures for an ECI to a Member State may directly concern their eligibility, which can easily be shown by the example of a 17 year old German living in

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<sup>3</sup> See <http://www.deutschepost.de/dpag?xmlFile=1015469> for the so-called POSTIDENT services. Note that Deutsche Post charges normally €6,14 plus the fee for transporting the so identified letter, which could easily lead to total costs of 10 Euros per ECI-supporter.

<sup>4</sup> Due to postal serviced being opened to competition, it has to be ascertained whether the authentication services offered by private providers of postal services like e.g. UPS or FedEx would be sufficient from a legal point of view.

<sup>5</sup> Unless such forms have to be explicitly requested following standard postal voting procedures.

Austria, who according to the residence principle would be eligible to support the ECI (voting age in Austria is 16), according to the passport principle would not (voting age in Germany is 18). The same applies to the right of starting an initiative.

According to the Federal Ministry of Foreign Affairs of the Federal Republic of Germany, approx. 138,000 Germans have their domicile in Austria with an additional 84,000 Germans having a secondary domicile in Austria. On the other hand, approx. 189,000 Austrians permanently live in Germany [2]. Given a population – not an electorate - of approx. 8 millions in Austria, 189,000 Austrian expatriates in Germany would suffice to reach the 0.2%-criteria for the participation in Austria as proposed by the Green Paper.

If the residence principle is applied in this context, it should be clear that this does not apply to secondary abodes, such as weekend homes or holiday houses located in another Member State. Two additional matters have to be considered:

- In cases, where a person holds multiple citizenships from EU Member States, procedures should be found to prevent multiple support for an ECI by the same citizen and how to assign the support to one of the countries involved (for the electronic media we will suggest such procedures below).
- Providing guidelines on whether and how to enable citizens from Member States living outside the EU may participate in an ECI. It seems obvious that the electronic participation in ECIs as suggested by the Green Paper in Question 5 will be a way to ensure that the ECI is accessible also to expatriate citizens living outside the EU.

## **2.2. Full Translation of All Initiatives**

Currently, there are 23 different official languages in the Union [5]. If in a paper-based system following the residence principle, the original ECI text shall be made available to the citizens, who want to sign, it follows that official translations have to be made available as paper copies in each local administrative unit collecting signatures for the ECI. For obvious reasons of non-discrimination this means 23 copies times the number of administrative units per ECI. A rough estimate under the assumption of one administrative unit (town hall, magistrate branch etc.) per 10,000 inhabitants leads to 50,000 such units – times 23 copies giving 575,000 paper copies for each ECI. This issue does not apply to the passport principle, where only 50,000 copies would be needed per ECI (the figure disregards that there are Member States with several official languages).

Since the Green Paper does not seem to suggest a minimum threshold to start an ECI (such as a number of signatures that have to be provided in order to start an ECI), a massive flow of copies of ECI texts and of signature lists may reach the local authorities, which are to collect the paper signatures. To our knowledge, there is little experience with “no-threshold-to-start” initiatives, but the potential of such a massive flow is clearly there. Hence, we suggest that there should be some kind of electronic dissemination of ECI texts and signature lists for the local authorities to collect the signatures on paper.

In the electronic media, however, each national system collecting signatures could easily link to a number of official pages (possibly provided by the Commission for such purposes) providing the text of the ECI in all official languages. It should be clear that such Internet-based information does not make the above-mentioned paper copies redundant, as people cannot be expected to have Internet access.

This also answers the questions raised on the topic of requirements for organisers of such initiatives (see [1], p. 11) with the simple request that any organiser must provide full information in all 23 languages.

### **2.3. Collection, Verification and Authentication of Signatures**

As shown above, a significant share of the European Citizens do not live in their Member State of origin. The European Commission recognized this by writing that “any approach chosen would also need to allow EU citizens that reside outside their country of origin to support citizen’s initiatives.” in the Green Paper (see [1], p. 9). The European Commission believes that “Member States can draw on their experience in managing the right to vote of such citizens in European Parliament elections.” (ibid.). We do not think that this is sufficient for such initiatives, because:

- There is no evidence that in the European Parliament elections no citizen with a residence outside his own Member State did not vote twice. To verify that, an overall European check of the Member States’ voting rolls would be necessary.
- Only some Member States permit postal voting with largely different regulations. Austria as an example, dramatically lowered the requirements for postal voting after realising that a significantly high percentage of the postal votes had to be declared invalid because citizens made mistakes filling in the form printed on the outer envelope, such as their passport number or the date and time of putting the ballot into the envelope. Others forgot to sign the outer envelope [10].
- As mentioned before, Member States may not have an accurate address of their citizens living abroad. It seems doubtful whether voluntary self-registration is a viable solution; one may expect that only a very small fraction of citizens use such a service (see the Figures in [7]). The only certain data that can be provided, for instance for the elections to the European Parliament in Austria 2009 is the number of 21,090 citizens residing abroad who applied for postal voting (see [8]) out of 39,838 known to the election authorities (see [9]). This figure of “registered” expatriates must be seen in comparison to the number of Austrian citizens permanently living in Germany alone, 189,000.
- As the European Commission mentions in its Green Paper, Member States have different national regulations for time limits for the collection of signatures (see [1], p. 9). With a free choice whether to vote for European Parliament either in the Member State of Origin or in the Member State of Residence, as legal today, it is obvious that a citizen who changes its residence from Latvia (time to collect 30 days) to Spain (time to collect six months) can legally support the initiative twice without violating any law.

Therefore we think that the questions raised by the European Commission in the Green Paper on page 9 can be answered as follows:

**Question 5.1:** “Do you think that there should be a common set of procedural requirements for the collection, verification and authentication of signatures by Member States’ authorities at EU level?”

We believe that there should be a minimum set of requirements, which enable a European Institution, e.g. the Parliament or the Commission, to examine the signatures for duplicates on a European basis. A simple list provided with full name, date of birth and location of birth would lead to a sufficient level of safety, as it would enable the Commission to identify duplicates. If the data is

provided by the national administrations in electronic form, such a duplicate check is trivial. It should be noted that a certain number of duplicate supporters are legitimate, e.g. several people named “John Smith” may be born in London on the same day. After some time there would be statistical data on the percentage of duplicates to expect, if they exceed a certain threshold and/or the ECI surpassed the threshold only by a narrow margin, a closer investigation on the duplicates may be started.

**Question 5.2:** “To what extent should Member States be able to put in place specific provisions at national level?”

To any level, given there is no discrimination of EU citizens with other country of origin residing in the Member State nor of own nationals residing abroad, either in another Member State or outside the Union. In the electronic media, this would prohibit usage of country-specific smart cards or e-cards, to which non-nationals or nationals living abroad do not have easy access or no access at all.

#### 2.4. Transfer of Information between Member States and the Commission

**Question 5.3:** “Are specific procedures needed in order to ensure that EU citizens can support a citizens’ initiative regardless of their country of residence?”

To answer the question, consider Figure 1 for a paper-based system (including possible postal support of ECIs). There are four different combinations:

	Assignment by Residence principle	Assignment by Passport principle
Administration by Resident principle	Model 1	Model 2
Administration by Passport principle	Model 3	Model 4

**Fig. 2:** Residence and Passport principle in administration of the ECI and in assignment of supporting signatures

##### Model 1: Administrative: Resident principle / Assignment: Resident principle

This would facilitate local access to signing initiatives and would not require postal support. All signatures would be collected according to local eligibility standards (e.g. voting age) and would count for the respective country. Each Member State would eventually transfer its total number of signatures for the ECI to a central tally at the Commission. The Commission would however still have to carry out the duplicate check as outlined in Section 2.3.

This model however does not provide any solution for voters residing permanently outside the Union. This issue could however be solved by infrastructure provided by the Member State for its citizens abroad, where their support signatures may also be assigned (passport principle). Note that the resident principle can never apply to expatriates living outside the Union.

##### Model 2: Administrative: Resident principle / Assignment: Passport principle

This would again enable local access and would not require postal support. Voter eligibility has to be checked according to the country of origin, which may be difficult and requires training and a

regular update briefing on the current regulations in each of the Member States. The communication of the result to the Commission would have to be broken down by the Member State of origin of the supporters. The final tally for each Member State has to be computed by the Commission who also have to carry out the duplicate check.

The considerations for expatriate voters are similar to Model 1.

#### Model 3: Administrative: Passport principle / Assignment: Resident principle

This rule combination obviously does not make any sense, as it would make the Member State of origin responsible for administratively collecting signatures union- and worldwide<sup>6</sup>, which will then be attributed to the Member State of residence.

#### Model 4: Administrative: Passport principle / Assignment: Passport principle

Under this model, each Member State is responsible for its citizens and voter eligibility follows the rules of the respective Member State. This also applies to expatriates. Each Member State computes the national tally and reports the entire tally to the central Commission tally, where also the cross-Member State duplicate check is performed. This model facilitates the work of local administration entities as they only have to collect signatures from their own nationals in their own language/s. This ease of administration however comes at a price: This model would in all probability require postal ECI support to facilitate access for citizens residing in other Member States. As was shown in Section 2.3, this could – depending on the number of ECIs – place a considerable administrative burden on the administration of postal support signatures in the Member States.

Summarizing, we do not favour/reject any of these models (apart from Model 3), but we believe that a clear decision should be made which enables each citizen of the EU regardless of his / her residence to support an ECI without undue obstacles. We also admit that further research and analysis are necessary to find an optimal answer to this question.

## **2.5. Time Limits**

**Question 6.1:** “Should a time limit for the collection of signatures be fixed?”

We believe that for administrative reasons, a fixed time limit is clearly to be preferred. In addition, there also has to be a fixed date for deciding on the voter’s eligibility criteria, such as age or the expiry of non-eligibility due to criminal convictions. Here, a possible solution could be the date when the initiative was first filed with the Commission.

## **3. e-Initiatives**

### **3.1 General Remarks**

**Question 5.4:** “Should citizens be able to support a citizens’ initiative online? If, what security and authentication features should be foreseen?”

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<sup>6</sup> To illustrate that, imagine e.g. Italy collecting the signatures of Italians living in Germany and assigning them to Germany without any German authority being involved.

We would strongly agree to make ECI available online, as this would facilitate participation, attract additional citizen groups (e.g. younger citizens) and has the potential of interesting additional groups for political and social issues. The electronic media also provides additional service opportunities that may not be established that easily in the paper-based media, such as dissemination of information, discussion forums, streams in social media networks, such as twitter, or newsletter groups. This would enable a broader discussion process on the issues under consideration, not just the decision whether to support or not to support an initiative. Since many citizens have become familiar with social media in the Internet (“Web 2.0”), they would probably discuss the issues under consideration in said media. As an example, the power of these media was demonstrated in Austria, when student protests demanding more funds for universities were organised for months without direct support from political parties or the “official” student organisations, solely relying on social media, such as Twitter, ustream or Facebook (cf. [www.unsereuni.at](http://www.unsereuni.at)). To force these citizens to give their support signature via a paper signature list at the local magistrate would mean a media break and would have the potential to reduce the participation in the actual initiative. Also for many expatriate citizens, electronic media will be the only viable alternative to participate, in Model 4, this also applies to expatriates living inside the EU. We would therefore strongly advocate that ECIs are offered in the electronic media as well.

### 3.2. Basic System Design

Generally there are three ways to implement an e-ECI system:

- Leave it to the initiative: This would require strict standards for such systems to achieve the necessary degree of reproducibility, especially with regards to the authenticity of the supporters’ signatures. This variant would also give initiatives with better financial means a head start and impose unnecessary restrictions to starting and running an ECI.
- 27 national systems: Depending on whether the administration of the ECI follows the residence or the passport principle, EU citizens who live in another Member State would use the local e-ECI system or the system of their country of origin (see below).
- A system provided by the European Commission or another European Institution for an EU-wide ECI.

In any case, but particularly in the case of national systems, great care has to be taken not to build discriminatory obstacles, such as the use of proprietary national signature or citizen cards. An example of the potentially detrimental effects of technological choices on citizen participation was the first binding e-voting pilot conducted among Austrian students in May 2009. Participation in e-voting required the National Austrian Citizen Card and a compatible card reader. 10,000 of these card readers and the same number of card certificates were distributed for free among students. Nevertheless only 2,161 students out of an entire electorate of 230,000 (see [11]) eventually cast their vote electronically (less than 1%).<sup>7</sup> By comparison, a similar pilot conducted among students of the Univ. of Economics and Business Administration, Vienna by the research group [e-voting.at](http://e-voting.at) attracted 1,786 out of 22,000 students (8.1%) – even though this pilot was completely non-binding. The difference was, that the [e-voting.at](http://e-voting.at) pilot used the standard student login as the means of identification, the same login students use to register for lectures or to write online exams [13]. The authors therefore advance the refutable hypothesis that the means of identification strongly

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<sup>7</sup> The situation was not alleviated by reports of some NGOs that the technology was confusing and difficult to use, for an example, see <http://papierwahl.at/page/6/>

influence the acceptance of the instrument by the electorate.

The situation is different if an electronic ID is generally available (e.g. distributed in conjunction with the normal ID), such as the future German eID, and also readily accessible to the citizens. Once it is also available to residents from other Member States, such electronic IDs could in the future become a workable solution (see [12] for details) – providing such systems are available in all Member States.

On the other hand, a EU-wide e-ECI system operated under the auspices of the commission has several advantages:

- It would almost *ex definitione* be non-discriminatory.
- It would equally support the residence and passport principle in administration and vote assignment.
- It would strengthen the European character of the ECI.

### **3.3 Residence or Passport Principle in the Administration of the e-ECI**

Following the residence principle in an e-ECI would mean that, for instance, the Italian citizen living in Germany uses the German e-ECI system. This would either require that he is allowed to use his host country's eID or digital signature card – with the caveats mentioned in the last section – or that his credentials are checked against the voter roll or citizen data of his country of origin (here, Italy). This however would require 27 times 26 individual checking procedures – clearly not a viable way to collect ECI signatures digitally.

### **3.4 Residence or Passport Principle in the Assignment of Signatures**

The residence principle in the assignment of support signatures always implies two checks:

- The passport/citizenship of the signer
- The residence of the signer

In the paper media this means to provide two credentials when signing an initiative under the residence principle: The passport and – depending on the Member State – some kind of proof that one lives in the respective country. In the electronic media this requires two verification checks against the data of two Member States which increases the administrative overhead enormously. Hence, we would assume that the electronic media would be suitable for the passport principle in collecting signatures which can be achieved either by a national or an e-ECI system run by the EU.

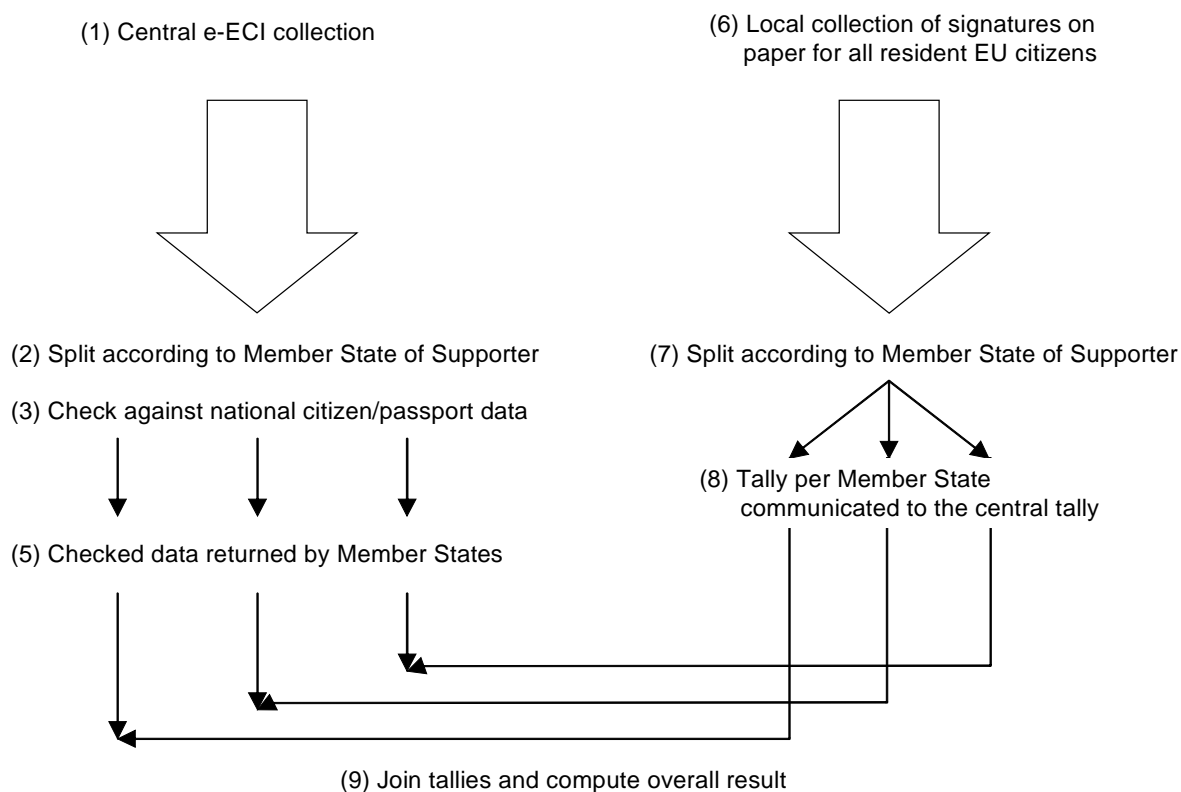
### **3.5 National or EU-wide e-ECI?**

Summarizing Sections 3.3 and 3.4, a national e-ECI approach would most efficiently follow Model 4: Collection via a national system and assignment of signatures according to the passport principle. This approach, however, would still need 27 separate systems, whereas a European e-ECI system would only have to be created once.

The most important drawback of a European e-ECI would be that the voter roll of the Member States would not be available. This could be overcome by the signature collection process (paper and electronic) depicted in Figures 3 and 4.

Consider Figure 3 for Model 2: The paper-based process in Step (6) is processed the conventional way in that the ID is locally checked by a magistrate or post office official depending on the national regulations on petitions. In the electronic media (Step 1), several petitions will usually be available in parallel, after selecting one, the citizen has to provide information that amounts to an ID. In the absence of a EU-wide means of identification this can only be a set of data, where one may be reasonably sure that only the citizen possesses this information: Full name/date of birth/place of birth/passport number (incl. the Member State)/other criteria.

If the support signatures were to be assigned to the Member State of residence (Model 1), the citizen using the e-ECI has to indicate the Member State of residence and additional checks (whether he really lives there) would apply. Therefore, the usage of either Model 2 or Model 4 would also recommend itself for the paper-based collection of signatures, if an e-ECI system shall be used. This is independent of whether a national or Commission e-ECI system is offered, as finally, any e-ECI system has to verify support signatures against the citizen/passport data of the Member State of origin.



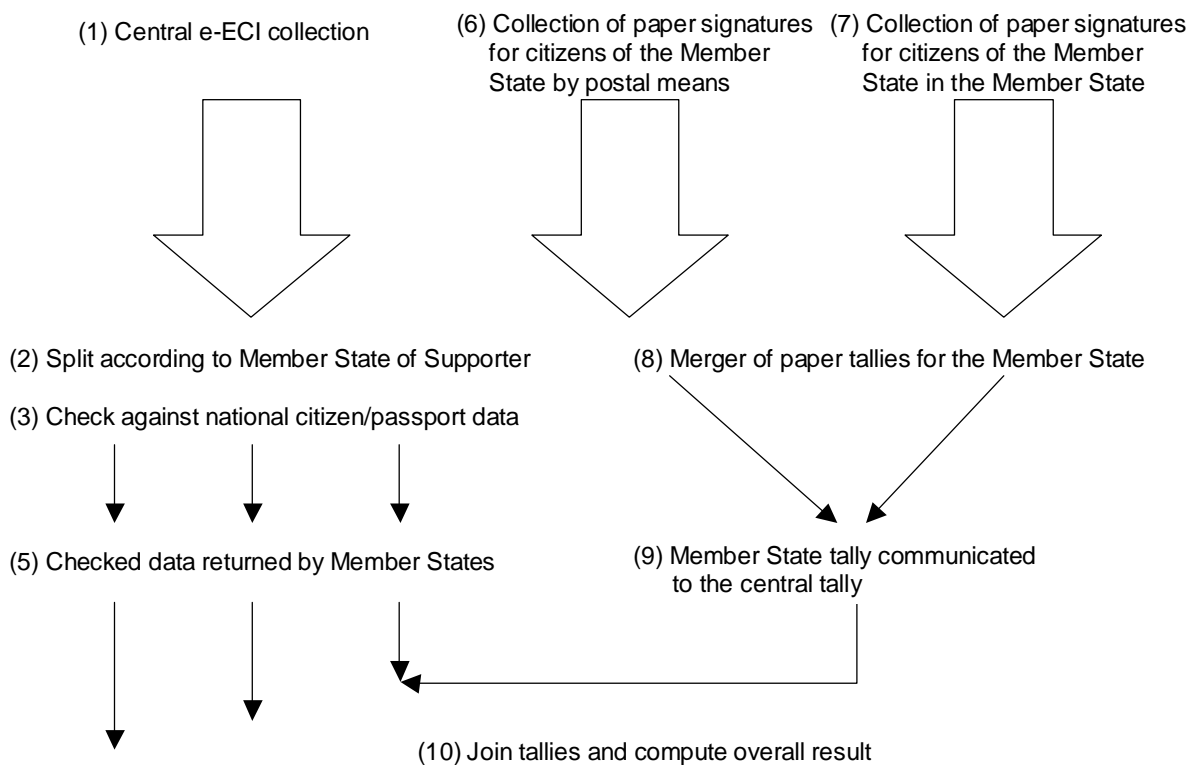
**Fig. 3:** e-ECI and paper signature according to Model 2 (signature collection according to residence principle, assignment according to passport principle)

Possible formal checks in Step (1) include formal correctness of the passport number depending on the Member State, uniqueness of the passport number entered, formally correct place of birth in the Member State indicated etc. Should the subsequent checking process in Step (3) fail for this support signature, the citizen may indicate contact details, e.g. email address, to notify the citizen if the subsequent identity check fails. This could also be extended to creating a proper account with the Commission's e-ECI system for future use, where the unique e-mail address may be used as identifier. This would enable the Commission to get into closer and more direct contact with citizens who have shown a tendency to engage in civic participation.

The central tally collected by electronic means is then split and sent to the national authorities responsible for maintaining the voter roll, where it is checked for authenticity and for duplicate signatures in the electronic media and on paper (Steps 2 and 3). Note that the duplicate check could also be processed in the final merger of the tally in Step (9). The degree of automation in this checking step depends on the automation of the national citizen and passport data plus the availability of an administration system for the paper-based process, which provides electronic information whether a voter signed the ECI on paper or not. The checked data is sent back, the cases with an issue will not be included in the overall tally, but the persons concerned are notified according to their data indicated in Step (1). A complaints procedure verifying these duplicates may be limited to cases where the ECI was not successful by a narrow margin, in all other cases, the issues would not make a difference and the procedure may also be omitted. Note that an efficient cross-country duplicate check can only be run on the EU level.

Meanwhile, the paper signatures are separated according to Member State of the signer and these separate tallies are communicated to the central Commission tally (Steps 7 and 8). Finally, the overall tally from the national paper collection tallies and the e-ECI tally are merged and the final result is computed.

The logic becomes simpler in Model 4 as depicted in Fig. 4. To be accessible to the citizens, Model 4 would also need a postal channel for the signature collection. The advantage in the paper media would be that each Member State communicates but one national tally for paper signatures, which is then joined with the e-ECI tally. In Step (8), the national tally would have to check for duplicates between channels (6) and (7).



**Fig. 4:** e-ECI and Model 4 (signature collection and assignment according to passport principle)

Again, we do not advocate/reject any of the above options, however, some design choices in the paper and the “e” media seem to be largely incompatible. The other design options have to be scrutinized for viability, non-discrimination and easy access to the citizens.

### **3.6 Implementation**

For the e-ECI system, the usual measures for maintaining privacy and system dependence should be set up, such as encrypting the data transfer between the citizen and the server, database encryption and manipulation protection (hash values) on the server, secure logging, redundant application servers, hot stand-by database server etc. These technologies are mostly industry standard and can be provided by any suitable service provider.

### **3.7. e-Initiative Seems to be Essential to Fulfil the European Parliament’s Requests**

The European Parliament resolution of May 7<sup>th</sup>, 2009, (see [4]) requested the European Commission to ensure several topics which, in our view, can in fact only be guaranteed by providing an electronic channel for such initiatives:

We understand Letter D to F of [4] in such a way, that a direct access from the EU citizens to the European Commission is established, without any “national vested interest” (quoted letter K of [4]) interfering.

Letter X of [4] states that “whereas the task of verifying the authenticity of statements of support cannot be carried out by the Commission and should therefore be fulfilled by the Member States; whereas, however, the obligations of the Member States in that regard extend only to initiatives within the framework of Article 11(4) TEU and under no circumstances to initiatives that are inadmissible on the above-mentioned grounds whereas it is therefore necessary for the Member States, even before beginning to collect statements of support, to have legal certainty as regards the admissibility of the citizens' initiative.”. We do believe that “the task of verifying the authenticity of statements of support” can be carried out by the European Commission – given an electronic signature channel as described above.

## **4. Conclusion**

We believe that both the ECI and its electronic variant constitute an important contribution not only to citizen participation and to participation by electronic means, but we are also satisfied that the ECI will foster a higher degree of identification of the individual citizen with the Union and its institutions.

The ECI, and particularly the e-ECI, has the potential of bridging the gap between citizens and European institutions and to enable the European citizen to actively – and directly – participate in the political discourse on the European level.

Nevertheless, careful design choices have to be made both on paper and in the digital media to avoid a feeling of being disenfranchised and marginalised in those people for whom this innovative participation channel is intended.

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