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Emily O' Reilly
European Ombudsman
1 avenue du President Robert Schuman
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Médiateur européen

10 FEV. 2014

Dear Emily O'Reilly

Date d'arrivée

Re: Own Initiative Inquiry: OI-9-2013-TN

Thank you for your letter dated 18 December 2013 regarding the European Citizens' Initiative (ECI) procedure. I am writing to you on behalf of the Supporting Better Dairy (Dairy Cow Welfare Directive) ECI, which was withdrawn in July 2012 due to numerous problems with the ECI process at that time. I hope the answers we provide to your questions will be informative and assist in making the ECI process smoother and more effective in truly delivering greater participatory democracy amongst the citizens of the EU.

In answer to the questions you raise

1. *Do you consider the citizens' initiative to be sufficiently well known among the general public so that citizens feel confident in signing initiatives. If not, what, in your view, could be done to raise awareness?*

No, I do not believe that the ECI is well known enough amongst the public. Whilst this in itself is not necessarily detrimental it becomes so when needing to explain to people the process (which is drawn out and complicated) and why so much information is needed (which is onerous and raises issues of data protection). I do not believe that enough noise was made about this procedure when it was introduced but am not sure what can now be done to improve it. Sadly I believe the task for that falls on the people who wish to undertake an ECI, and this is extremely unfortunate and adds to the difficulty in delivering a successful ECI.

2. *Please give your view on the information and guidance the Commission provided to you as an organizer of an initiative (on the Commission Website, in direct contacts, etc.)*

The basic information about setting up an ECI and the process, whilst hard to follow, was sufficient to understand in general terms what is required to undertake an initiative. However, when trying to find out more complex details, it can be confusing and frustrating. As an example: in the early stages of our initiative, we were trying to design paper petition forms for offline signature collection. Our aim was to design some eye-catching forms that contained the campaign logo. We designed a form and sent this off for approval, it was rejected. We made calls to discuss the form and based on those calls designed other ones. We then had those forms rejected too. After a few repeats of this process we were eventually informed that the only form we could use was the generic form produced by the Commission, a form that was uninspiring and did not allow for any explanation of the campaign or inspire individuals to sign. Furthermore, this form had space for multiple sign-ups and therefore posed issues of data protection given the large amount of personal data required to validate a signature. We found that although we did receive responses eventually, these responses could be slow and often required passing along the line until somebody with more

knowledge of that issue – something that seemed strange given the comparatively small amount of ECI's submitted at that time and the apparent keenness of the Commission to improve participatory democracy. These issues were part of a wider problem in that it was really unclear who's responsibility at the Commission the ECI process fell under. We had lots of questions about the smaller details of the process, like the paper forms example above, but there was no clear channel of communication for these types of issues. The process really needs an ECI help desk type function to help citizens with these more mundane process issues. (See appendix C for more information)

3. *Please give your view on the functionality and usefulness of the Commission's software for collecting signatures. In particular, please consider issues such as hosting of the online collection system and the online system's accessibility for visually impaired persons.*

At the time of the withdrawal of our ECI the software, whilst having been made available, did not actually work. This was a major consideration in us withdrawing our ECI. At the time of our withdrawal, only one ECI had managed to get the software to work for them and this had cost significant sums of money to that campaign. We believed that for us to achieve a similar working of the software that the cost to our campaign would be approximately \$50,000 – money that we did not have spare for fixing something that was fundamental to the entire ECI process. Given the limit of one year to collect the required number of signatures, we withdrew our ECI in order that we could use our own software and run a standard petition. It is staggering that the Commission did not use an existing software platform (such as those already used by change.org) and instead decided to develop an entirely new software that was untested (and unworkable) at the time the ECI launched. (See appendix A and B for further information).

4. *The Commission extended the deadline for the first initiatives to collect signatures because of problems getting its software for the online collection system up and running. Please comment on whether you consider that this extension of the deadline was sufficient and applied in a fair manner.*

Following our withdrawal, the ECI timeframe was extended and the Commission allowed petitions to be hosted on their own site. Whilst this was a positive step the sign up forms remained bland, uninspiring and lacking in detail and, we felt, unlikely to encourage people arriving on that page to sign the ECI. Whilst this was applied fairly in as far as it was applied to all ECIs, I believe that little consideration had been given to the legality of allowing this extension. For example, the ECI (as approved by various EU bodies) allows one year for signature collection. In the case of our ECI, the issue of introducing a Dairy Directive to ensure outdoor access to pasture would have been contentious and met with opposition from a number of bodies. If we had succeeded in gathering 1 million signatures but had taken more than one year, it is highly likely that the validity of our ECI would have been challenged by those bodies and caused serious delays – even annulment – to our proposal.

5. *Please give your view on the functionality and usefulness of the paper form to be used for collecting handwritten signatures.*

Please see example in point 2. Further to this example, different countries required different pieces of data. For example, in Finland (and other countries) you needed to just provide Country of Residence, whereas in Austria (and other countries) it is complete address; in Netherlands (and other countries) you need to provide 'name at birth', in Greece and Bulgaria you also have to provide father's name' too; In some countries you have to provide ID number whilst in others you didn't and in Italy you have to list the issuing location of the ID document in question. Not only does this mean that numerous formats of the forms are required when collecting signatures but also that the signatory is dissuaded from signing due to the sheer complexity of the form and the amount of information required. It is my understanding that the amount of data required to verify a signature would have been enough to defraud a person. Therefore it is difficult to leave petition forms circulating in public for signatures to be collected as they need to be protected by the organizers. (See appendix D for more information)

6. *Do you have any concerns or comments in relation to the treatment of personal data provided by citizens signing an initiative (either online or paper form)?*

We never got as far as submitting personal data / signatures for approval, but the large amounts of personal data required to verify a signature, and the duty imposed on the organizers of each ECI to protect it, meant that the process was fraught with danger and could have resulted in legal issues. (See appendix D)

7. *Do you have any concerns or comments as regards the possibilities (or lack thereof) of tracking the number of signatures obtained throughout the collection period?*

At the time we withdrew our ECI, it was not possible to track signature numbers without effectively hacking into your own petition to find out. I would hope that this has been amended but would suggest that every ECI on the site should have a widget that informs signatories and organizers how many people have signed – ideally including country breakdown to help assist with tracking campaign progress. (See appendix B)

8. *What is your experience as regards the contacts with different national authorities in relation to your initiative (for certification of the online collection system and certification of the number of valid statements of support)?*

We withdrew our ECI before there was much need to discuss the ECI. We did briefly contact the British Government to ask what paper forms they would accept (as part of the situation raised in point 2) and whilst they attempted to be helpful we got the impression that they had not received sufficient guidance from the Commission to provide a definite enough answer. And, even if they had, what was acceptable to them may not have been by other National Governments or the Commission.

9. *What changes to the ECI Regulation would you consider useful, if any?*

- a) Less onerous data requirement
- b) Clearer guidelines on what forms are and are not acceptable
- c) Longer period of time to collect signatures
- d) Uniform data requirements for every Member State (see example in point 5)
- e) Better support network at the Commission including dedicated ECI help desk
- f) Better promotion of the ECI procedure and of all ECIs by the Commission itself

10. *Please provide any other information or suggestions, in succinct form, that you would consider useful for improving the citizens' initiative procedure.*

Attached as two appendices are a summary of our frustration immediately after our withdrawal in summer 2012 (appendix A), a letter that was sent to the Commission by a number of ECIs in May 2012 (appendix B), a letter sent to the Commission regarding our withdrawal in July 2012 (appendix C) and a letter sent to the Ombudsman in July 2012 raising our concerns after our withdrawal (appendix D)

Yours sincerely



Annamaria Pisapia
Compassion in World Farming

Appendix A

What is the current situation? (Summer 2012)

The steering group (Ben and Jerry's, Compassion and WSPA) have met regularly over the last year to develop an effective campaign for securing an EU Dairy Cow Directive through the European Citizens' Initiative (ECI).

Since submitting the ECI in April 2012 (and the subsequent approval in May 2012) we have been pressing for the European Commission to provide the necessary software for online data collection, as it is bound to do by the Regulation. Over the past few weeks the focus of our regular meetings have increasingly highlighted the numerous problems that are inherent with the entire ECI process and have caused a lack of faith in the system as it currently operates.

We still believe the ECI is the right route in terms of ensuring substantive response from the Commission, and that this should still be the route at a later date. However, after long deliberation our coalition has decided to withdraw our proposal on the grounds that the ECI is currently not fit for purpose and that we would like to re-submit when all of the issues have been resolved to ensure the target of 1m signatures is not hindered.

We have written to the Commission to inform them of this decision.

The Supporting Better Dairy campaign will continue to lobby the European Union for an EU Directive on dairy welfare and hope to revisit the ECI when the European Commission address the core issues that are making this tool unworkable in its existing format. The ECI was meant to be a free, simple and effective tool. Our experience of it over the last months has been quite the opposite.

Why has this situation arisen?

The ECI currently does not work and the effort of making it work detracts from the ability to successfully campaign for a Dairy Cow Directive. The current problems with the system include:

A large amount of sensitive data is required for the signatures to be validated. This has the potential to put people off signing. When data is collected, it has to be 100% accurate. This means that far in excess of one million signatures need to be collected. With appropriate online software many of these systems can be overcome but at present the free online software that the European Commission was supposed to provide to organisers remains unavailable and it is unclear when it might become available. The Commission is attempting to find solutions but as the campaign has already launched we cannot wait indefinitely for the Commission to provide support.

Currently, only one collection paper form for signature collection has been given approval by the European Commission. This form has no branding and provides no motivation to encourage people to sign the ECI. Additionally, it is a multiple sign-up form as individual sign up forms, an effective campaigning tool, have not been permitted by the European Commission.

Data protection issues mean we can't distribute the petition leaflet widely as previous multi partner campaigns, such as the Universal Declaration of Animal Welfare and the 8 Hour Transport Campaign, have due to the amount of sensitive data included on these forms. Failure to protect that data could result in heavy fines to the organisers.

The software for online signature collection is extremely complex due to high data protection risks and is still unavailable for mainstream developers.

Additionally there is no easy way of tracking progress in terms of the number of signatures collected as paper forms would have to be manually counted and the online security system broken into.

Finally, verification in each country is extremely varied and the cost and time required would override the potential outcome of the Initiative and compromise the likelihood of success.

What are the next steps?

We will, in the next week or so, revisit our campaign plan in view of these changes so that we can further inspire & mobilise supporters, raise awareness and get everything in place for a successful campaign to get a European Directive to protect dairy cows. We will share this with you, as well as the relevant statements, factsheets and communications once they are available.

We still believe that the ECI, once the current problems we have experienced with it have been resolved, can be an effective tool for ensuring action from the European Commission to protect Europe's 23 million dairy cows. We will revisit this option once this has been shown to be the case

However, we will not do so until it has been shown that the problems we have faced can be overcome. We hope that you will be able to support us over the coming years in raising awareness of the need for dairy cow legislation and, when the time is right and all issues have been resolved by the European Commission, in securing 1million signatures in support of our ECI when the opportunity arises.

Appendix B (May 2012)

Dear Commissioner Sefcovic and relevant Cabinet Members

I am writing on behalf of the Citizens' Committee's of the ECI's listed below with regard to the online petition software provided by the European Commission for European Citizens' Initiatives which has been found to be unfit for purpose. We urgently need you to review this situation and address our concerns by June 4th

We submitted our proposals for a European Citizens' Initiative in April and have now received approval. Throughout the application process we were assured that the Commission would be providing appropriate software to support the online collection of signatures. Whilst we have engaged many enthused citizens across Europe on the issue, and created our campaign websites at www.happycows.eu, <http://www.right2water.eu/> we are having serious issues with the software provided by the Commission.

This situation is common across all of the above ECI Citizens' Committee's. The software has been found to be impossible to implement both from a technical and a compliancy perspective without enormous expenditure and effort. We believe this is against the ethos of this democratic tool and is proving a serious issue for our campaigning,

Our ability to collect a million signatures within the twelve months is being **significantly** hindered.

I am sure you will agree that this is unacceptable, and would ask that you take the following immediate steps that would ensure the European Citizens' Initiative is a democratic and accessible tool:

- Urgently make available a system that:
 - o Can be successfully used by ECI organisers and wide range of web developers which has been developed and tested using open source server and database applications
 - o Reduces the complexities of the regulation compliancy currently required or is provided with a free hosting platform that already meets all the regulations and allows ECI organisers to simply customise the public facing interface
 - o Is compliant with Web Content Accessibility Guidelines (WCAG) 2.0, compliance level AA, to ensure all European citizens have equal access to sign ECI's
- Extension of the online collection deadline:
 - o to allow for a full 12 months from when the system is fit for purpose and validated

We understand that one of the proposed Initiatives has submitted their online data collection system for approval. Please could this data system be assessed and validated as a priority so it can be established whether this is a feasible model that could be replicated, although we know this has been an extremely costly and time intensive procedure and does not resolve all the issues that will ultimately prevent the ECI process from being a democratic and empowering tool for the average European citizen.

We do believe that it is in all our interests that the ECI process is seen as a success. We are amongst the first people to have an ECI approved. For the whole process to be considered a success it is important that citizens of the EU feel empowered and have an opportunity to increase their participation in the

democratic process. These software issues represent a real reputational risk for the Commission that potentially undermines the democratic process. Ultimately this may act as a deterrent to others who are considering being involved in this process if they perceive it as flawed.

We thank you for your time and look forward to your urgent response.

Kind regards

Annamaria PISPAPIA (Rep ECI(2012)000004) www.happycows.eu

Jan Willem GOUDRIAAN (Rep ECI(2012)000003) <http://www.right2water.eu/>

Vincent CHAUVET (Rep ECI(2012)000002)

Florian Engel

More Onion E-campaigning and Website specialists www.more-onion.com

Appendix C (July 2012)

European Commission
European Citizens' Initiative (ECI) Unit

Subject: Withdrawal of the EU Directive on Dairy Cow Welfare (ECI(2012)000004)

Dear European Citizens' Initiative representatives,

Further to recent communications, we regret to inform you of our decision to withdraw the European Citizens' Initiative (ECI) on the EU Directive on Dairy Cow Welfare.

This decision has not been taken lightly but after long consideration we feel that the ECI, in its current format, presents too many risks for the organisers and the supporting organisations, as it is not yet fit for purpose.

Before detailing the reasons for our withdrawal we would like to make it clear that we hope to resubmit an ECI on the same issue in the future, once the risks have been minimised and the ECI is a workable tool. We still believe that in principle, the ECI is a strong instrument for European citizens to have a say in EU laws.

We also remain at the European Commission's disposal to discuss further the problems encountered, should our experience be useful to improve the mechanism.

The biggest challenge of the ECI we have encountered is overcoming the data protection risks given the high level of personal data that is required for both on-line and paper signature collection. As you know this risk factor is the main cause of the issues with the software implementation, but you may be less aware that this is also a huge obstacle to the paper collection too.

Implementing the ECI: signature collection hindered by unforeseen issues

When we first decided to apply for a European Citizens' Initiative in 2011 we knew that getting one million signatures in just one year was going to be a challenge, but one we all agreed could be achieved with the support of other NGOs across Europe and significant hard work and budgetary commitment from the three sponsoring organisations. From the ECI conference held in January, we understood that there were areas still to be ironed out, particularly around verification processes but we trusted the mechanism would be manageable.

When we submitted the application in April 2012 we did not realise the extent of the problems that we would encounter and the challenges to the feasibility of gathering one million signatures across the EU within the organisational constraints that have since become apparent. These issues have already delayed our campaign and will seriously hinder any chance of achieving the goal and could cost us unprecedented expense.

Online signature collection

On 29 May, three weeks after our ECI was approved to collect signatures, we filed a complaint letter about the software problems, which are now well known to the Commission. The EC responded by inviting us

along with other ECI organisers to discuss the ECI issues further on 16 June 2012 with DIGIT, SG and HR Commission departments and has since responded with a letter on 12 July outlining proposed support and extension.

Whilst we value the support given by the European Commission to overcome the problems encountered with the ECI it still remains unworkable for us.

The ongoing delays have for us been costly and problematic. We have undertaken a huge amount of work in trying to find solutions and the two options open – working with the Commission on implementing and hosting the software, or employing More Onion, the only ECI web developer accredited by the EC so far to collect online signatures would certainly entail further delay to our campaign. Added to this we know the system has never been tested before so its reliability and functionalities in a live situation are untested. With supporters and offices across Europe eager to start the campaign in earnest, we simply cannot risk further delay – or further cost of charitable funds on this unknown tool.

Paper signature collection

Until our ECI was approved we were unable to submit the paper forms for approval. Originally, we planned to largely collect paper signatures in a single signature postcard style form, which would be sent directly to our offices or presented to one of our staff or trained volunteers. This would have also been branded and given more information about the issue of dairy cows in order to motivate and inspire the citizen into signing the form. This form however was refused by the EC who, following at least eight different attempts, have made it clear they will only approve the template form proposed by the ECI. This form collects 10 signatures and has no reference, branding or detail about the sponsoring organisations, which greatly reduces the appeal for people to sign.

In addition to the format of the paper form, the level of sensitive personal data required exposes citizens to identify theft and fraud and leaves the ECI organisers liable for fines (in Germany the possible fine is 300,000 Euros) if data is not protected at every stage of the campaign.

This completely changes how we planned to collect signatures offline and puts us at huge data protection risk and potentially endless expense. The costs associated with ensuring thorough data protection measures are put in place to prevent or limit the risk of security breach of personal data collected on paper petitions could run into huge figures and a complex logistic operation would be needed across all 27 member states to protect data. It is not enough that the EC will protect the data once submitted at the end of the 12 month period the level of information needed changes all traditional forms of petition signature collecting.

We also have reason to believe that there could be difficulties with the verifying authorities as not all have made their intentions clear. The UK for example told us that they are considering writing by post to verify all signatures – at further cost to the organisers and risk of reduced numbers.

To conclude, we have undertaken extensive feasibility assessments, and come to the conclusion that the ECI as it stands today does not seem ready to collect one million signatures safely or at reasonable costs for organisers. In light of the strict data protection requirements, of the unavailability of a free online software and of the limitation imposed on the paper form to collect signatures, we believe that ECI might not yet be the most effective mechanism to achieve our campaign's objective which is to improve the welfare standards of European 23 Million dairy cows.

In addition to the promises made to improve the software and support existing ECI in implementation and hosting we believe the European Commission should seriously consider revising the data required. Many similar democratic tools are in existence across Europe, including the EU petition and many member states own government petition sites. None of these require the combination of personal data that carries such heavy risks yet are successful advocacy tools.

We would be very happy to discuss the issues outlined above if useful.

Yours sincerely,

Annamaria Pisapia, Citizens' Committee Rep

Supporting Better Dairy's coalition

Ilaria Ida, Social Mission Manager, Ben & Jerry's

Caroline Saunders, Food Business Manager, Compassion in World Farming

Annabel Davis, Campaigns Manager, World Society for the Protection of Animals

Appendix D (July 2012)

Dear Ombudsman,

I am writing to you on behalf of the Supporting Better Dairy Campaign, who are running the 'EU Dairy Cow Welfare Directive' European Citizens' Initiative (ECI(2012)000004), to highlight a number of issues that we are currently facing with the ECI process. These issues are seriously hindering our campaign, particularly the ability to collect signatures and to engage with supporters.

The ECI is a new tool developed by the European Commission to increase the democratic engagement of citizens with the decision making process within the EU. In short a European Citizens' Initiative is an invitation to the European Commission to propose legislation on matters where the EU has competence to legislate. A Citizens' Initiative has to be backed by at least one million EU citizens, coming from at least 7 out of the 27 member states. Our ECI is one of the first to be submitted and approved. However, since it came into place 1 April 2012, many unforeseen issues have arisen that will seriously hinder any chance of achieving the goal.

When our coalition first agreed on the European Citizens' Initiative in 2011 we knew getting one million signatures in just one year (around 3,000 a day) was going to be a challenge, but one we all agreed could be achieved with the support of other NGO's and significant hard work and commitment on our part.

However, at times we have experienced unclear guidance from the Commission about the ECI process and when we have received responses they have often been too late or resulted in further questions that have required further substantive responses.

All of the steps we have had to take to fit in with the process, as set out by the Commission, go against best campaigning practice and make the task of collecting 1 million signatures significantly harder. Due to uncertainty around when the online software will be available we are unable to plan any events. We cannot even be sure that we can begin collecting paper signatures now, as these may be voided at a later date due to the start date being delayed.

By way of background, I have set out a timeline of the work we have currently undertaken to get our campaign to its current position. This can be found in Annexe 1. As you will see from this timeline, a large amount of work and planning has been undertaken, at significant expense, to get to the point that we currently find ourselves in.

Data collection and protection:

The detail and complexity of data required by the EC on the signature forms is extreme. We feel this will make the collection of the volume of signatures required very challenging. We would question the necessity for the extent of data that is required.

The design of the paper signature collection forms is vital to the success of the ECI. We already know the data collected has to be 100% accurate and all 'fields' completed for a signature to be valid. However due to the extreme levels of data required (including date of birth – ID number – address etc), we must expect a percentage of the forms to be invalid due to incorrect data being supplied or the forms not being fully completed. As a result far in excess of 1 million signatures would need to be collected. The EC estimates a minimum of 1,250,000 signatures need to be collected but we estimate this to potentially be much higher – 2 to 3 million signatures needed due to the complexity of the data required. This will mean a significant drop off rate due insufficient data being supplied and forms therefore being invalid. This dramatically increases the demands upon the organising groups.

Despite designing a number of forms for paper signatures (eight in total), only one collection form has been given approval by the European Commission. This form has no branding and provides no motivation to encourage signatures. The boxes for data are very small. Additionally, no single signature forms or postcards have been allowed for individual signature collection by the European Commission. This creates

problems as any data is therefore going to be visible to other signatories and further concerns in terms of who would be liable for any lost data.

Data protection means we can't distribute the paper forms widely in their current format, i.e. with multiple signatures (unlike previous multi partner campaigns such as UDAW and 8hrs) and there is a risk of heavy fines to the organisers. This data protection aspect means we need to establish a complex and potentially costly logistical process to safeguard all data from point of signature.

Once systems are in place for collecting signatures, both online and offline, there is no easy way to track progress as paper forms would have to be manually counted and the online security system makes counting electronic signatures impossible, short of 'hacking' into our own account / systems.

If 1 million signatures are collected, the verification of those signatures in each country is extremely varied. New information from the UK Cabinet Office suggests additional cost will be incurred to organisers in order to validate UK signatures. The cost and time required to do this would compromise the likelihood of success.

Online Data Collection:

Article 6.2 Paragraph 4 of Regulation 211/2011, states that *"By 1 January 2012, the Commission shall set up and thereafter shall maintain open-source software incorporating the relevant technical and security features necessary for compliance with the provisions of this Regulation regarding the online collection systems. The software shall be made available free of charge."*

The European Commission promised free software would be available for all ECI organisers from 1st April. In reality the software is unusable by most web developers and only two European companies have invested the time and energy attempting to solve the problems. Yard Partners (responsible for developing www.happycows.eu) were unable to estimate how much it could end up costing so refrained from starting the work.

The main problems stem from the European Commission. The developers are hindered by meeting ever changing and new regulations; developers are hindered by discrepancies between member states and the Commission and; extremely high security measures (because of the excessive data collected) overcomplicates the implementation – hence there are only two developers willing to undertake this work. We have been informed that a solution could be developed for Supporting Better Dairy (at an estimated cost of 50,000 Euros to the organisers) this is a completely unacceptable solution. Although a delay in the start date has been put forward we feel that the unclear timetables around this make planning an effective campaign impossible.

We launched our campaign in June but have no viable online option available. A letter just received from the Commission (dated 12th July in response to our complaint letter from the end of May) states that they will host a limited number of online collection systems. If an ECI decides to accept this offer, signatures can be collected once the system has been certified in line with the regulation. The letter states that "In this event, Commission services will discuss directly with you the timeframe and modalities of use, and subsequently send you the detailed rules and conditions to be formally accepted for the use of this service." We were already faced with the issue of numerous countries have postponed their campaigns as they are reliant on digital activities. Whilst the proposal from the Commission is welcome in terms of addressing some of the online software issues it still provides no indication of when the campaign might begin collecting signatures and therefore detailed campaign planning remains an impossibility.

The feasibility of 1 million signatures has been seriously hampered by delay (which could in part be solved by an extension). However, the feasibility of 1 million signatures is still hindered by difficulties in varying verification process in each member state.

This system doesn't allow the best e-campaigning practices and, due to the way the approval of online software appears to work, would be launched untested.

Paper Signature Collection and Data Protection:

As mentioned above the level of personal data required by the ECI is way above any normal petition, campaign or public engagement. The combination of name, address, date of birth is considered sensitive information that, if falling into the wrong hands, puts people at risk of ID theft. In addition only 9 of the 27 member states do not also require ID number.

ECI organisers are responsible for thorough data protection measures and liable for fines (in Germany the possible fine is 300,000 Euros). It is also not clear if the liability falls with the ECI organisers (committee members) or the organiser's sponsors.

As a coalition we have had planned to largely collect paper signatures in a single signature postcard style form which would be sent or presented to a coalition official. This would also be branded and would motivate and inspire the citizen into signing the form. This would also make data protection far more straightforward. This form was refused by the European Commission and, following at least eight different attempts, the EC have made it clear they will only approve the template form proposed by the ECI. i.e. a form which collects 10 signatures and has no reference, branding or detail about the sponsoring organisations.

Steps need to be taken to ensure that we prevent or limit the risk of security breach of personal data collected on paper petitions and this provides yet another cost implication. Without mapping out the data protection journey across all 27 countries, or even just 7 target countries it is difficult to put an exact figure on this. But estimates for the UK alone total £805 + VAT+ postage and delivery charges (by secure and traceable postal method).

It is difficult to engage existing charity supporters to fill in and return the form, which is known as a successful campaign tactic. Additionally, there are extreme limitations on how we can collect signatures because all activities need to be accompanied by staff or trained volunteers due to the fact that forms cannot be left unattended because of these data protection issues.

Additionally, the ECI approved form appears not to have been agreed by all verifying bodies. The UK Cabinet office wants the email address to be included in the form. As an example, it is our understanding that if the EC do not amend the form accordingly, the UK will write to every signatory to confirm they signed the ECI and this cost will be passed on to organisers. Clearly the drop off rate and costs will be huge and neither the Citizen Committee nor the sponsors are able to cover these. The ECI was meant to be a free, simple and effective tool. Our experience of it is quite the opposite and we are seriously concerned that it will take a very long time for it to be fully operational

Next steps:

All of these issues were raised with the Commission at the meeting we attended in Brussels in June. Whilst the Commission has suggested some actions that would resolve some of the issues we continue to await the development of appropriate timelines in order for us to progress our campaign.

We believe that the ECI tool is the most effective way to bring about the changes that we need. However, in its current form, we believe that it is not fit for purpose and that it may be a significant period of time before the problems that exist are sufficiently ironed out for us to be able to use it effectively and have a reasonable chance of achieving 1 million signatures.

The opening wording to the Legislative Framework (Paragraph 2 of Regulation 211/2011) states, "The procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible. They should strike a judicious balance between rights and obligations." We do not believe that the current process meets this objective.

We thought it necessary to raise these issues with you now as we will be withdrawing our ECI but plan to resubmit it when the current problems have been resolved because, as previously mentioned, we do feel that this is the best chance to ensure the legislative changes we so dearly want to see for Europe's dairy cows. Furthermore, we feel it is the best route to increase democratic involvement in EU processes by ordinary citizens.

We have written to the Commission to inform them of this decision. But since a combination of faulty technology and over-burdensome bureaucracy are undermining a project which is supposed to strengthen the democratic accountability of the EU and its institutions, we thought that you should be made aware of the situation; and asked to intervene to ensure that the Commission undertakes its proper responsibilities, and that the way is opened for an ECI on Dairy Cow Welfare as soon as possible

Yours sincerely