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

# BRUSSELS, 2 JUNE 2017

## 1.    Approval of the agenda

The Chair (Charlotte Haentzel, acting Head of Unit, SG.C.4) presented the agenda of the meeting. The participants approved it and did not mention any points to be discussed under "Any other business".

## 2.    Nature of the meeting

The purpose of the meeting was to discuss with the national authorities competent under the Regulation on the citizens' initiative (Regulation (EU) No 211/2011) the recent developments around the European citizens' initiative (ECI) and the state of play of various ongoing studies. The meeting was non-public. Observers from the European Parliament were present at the meeting as well as consultants from the companies (Everis, Optimity Advisors, Tipik) in charge of the three studies discussed in the afternoon.

## 3.    List of points discussed

### 3.1.    Review of Regulation (EU) No 211/2011 on the citizens' initiative

The Deputy Secretary-General, Mr Jean-Eric Paquet, presented the state of play of the revision process following the announcement of First Vice-President Timmermans on 11 April of the Commission plans to launch a revision of the Regulation on the European citizens' initiative.
He explained that engaging with citizens is one of the priorities of this Commission. He mentioned several initiatives in this respect, notably the Better Regulation agenda offering more possibility for feedback from citizens and the citizens' dialogues that have been intensified with the debate on the future of Europe. In this context, it is a priority for the Commission to improve the functioning of the ECI instrument.

The objectives of the revision as described in the Roadmap published on 18 May are to: (i) making the ECI more accessible, less burdensome and easier to use for organisers and supporters (ii) achieving the full potential of the ECI as a tool to foster debate and citizen

participation at European level and bring the EU closer to its citizens. The roadmap is open for feedback until 15 June.

An open public consultation was launched on 24 May. It will be open until 16 August. The questionnaire covers all possible aspects of the ECI instrument. The contributions will feed into the revision process which will also build on the lessons learned in the five years since the entry into force of the ECI Regulation in 2012.

The Commission proposal should be adopted in the course of the year with the objective to have a final Regulation adopted by the European Parliament and the Council in late 2018 or in 2019.

In the meantime, work should continue to improve the instrument under the current Regulation. Mr Paquet explained the improvements already put in place by the Commission (reinforcement of the support to organisers, adoption of Commission decisions on registration at the level of the College and possibility of partial registration, improvements in the online collection software, online collaborative platform under development).

He also mentioned the renewed interest in the tool with the registration of six initiatives this year and the likelihood that one of them ("Ban glyphosate") reportedly reaching the required number of signatories soon.

Mr Paquet invited the participants to reply to the open public consultation and to disseminate the information of this consultation among their networks. The input will serve to elaborate the proposal and it is also an opportunity to raise the awareness of citizens about the tool.

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

The Commission representative explained that six initiatives have already been registered in the course of 2017 and eight initiatives were collecting statements of support, which is a clear improvement as regards registered and ongoing initiatives in comparison with the previous two years.

The Commission representative also explained that the Commission has implemented a number of improvements in the registration procedure under the current legal framework in order to make it more user-friendly for organisers, including in particular the following: (i) the decisions on the registration of proposed initiatives are now adopted by the Commission at College level; (ii) Commission decisions are adopted in all cases , both for confirming and refusing registration of proposed citizens' initiatives; and (iii) new partial registration approach allowing for partially admissible initiatives to be registered .

In this context, since September 2014 almost all of the new requests for registration have been registered by the Commission including the six new initiatives already registered in the course of 2017 (only one specific case had to be refused in this period, i.e. "Stop Brexit").

The eight initiatives currently collecting statements of support are the following:

1. "People4Soil: sign the citizens' initiative to save the soils of Europe!"

2. "More than education - Shaping active and responsible citizens"

3. "European Free Movement Instrument"

4. "Ban glyphosate and protect people and the environment from toxic pesticides"

5. "EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis"

6. "Minority SafePack – one million signatures for diversity in Europe"

7. "Retaining European Citizenship"

8. "Let us reduce the wage and economic differences that tear the EU apart!"

The Commission Decisions can be consulted in the ECI register.

The Commission representative explained that since the last meeting of the Expert Group, one initiative has ended the collection period: "Mum, Dad & Kids - European Citizens' Initiative to protect Marriage and Family". The initiative was registered on 11 December 2015 and therefore the collection period expired on 11 December 2016 as indicated in the ECI register website.

The Commission representative informed that the organisers of this initiative had requested an extension of the deadline for collection and confirmed that it had informed them that in application of the requirements under the ECI Regulation, the collection period starts with the date of registration of the initiative and the 12-month time period cannot be extended. Only the statements of support collected within this 12-month period can be considered valid (i.e. from 11 December 2015 to 11 December 2016). Therefore, any statements of support collected after the end of the collection period cannot be taken into consideration for the next steps of the procedure under the Regulation.

The Commission representative gave details as regards the situation of one of the eight ongoing initiatives "Ban glyphosate and protect people and the environment from toxic pesticides". The organisers of this initiative announced that they have already reached the thresholds in seven EU countries (AT, BE, DK, FR, DE, LU and NL) and expect to achieve one million statements of support across the EU soon.

The Commission representative explained that they could then submit their statements of support to the competent national authorities for verification at any time (organisers are not obliged to wait until the end of the 12 month collection period). National authorities should therefore be ready to proceed with the verification within 3 months from their request whenever this takes place.

The Commission representative indicated that the organisers of this initiative had difficulties to get in contact with some national authorities (BG, HR, CY, CZ, DK, EE, FR, LV, PL, UK) and therefore asked the participants to verify the contact details of their authorities in the ECI website and to communicate to the Commission any update needed as soon as possible.

The Commission representative recalled the main points of the guidelines developed with the group in 2013 and invited the participants to consult them for additional guidance on the verification procedure (http://ec.europa.eu/citizens-initiative/files/Guidelines-and-recommendations_130415.doc).

During the tour de table, several participants explained that they were already in contact with the organisers of the "Ban Glyphosate" initiative to organise the submission of the statements of support. Two participants (LU, DE) inquired about the forms used by the organisers for their collection on paper. They highlighted that the absence of a procedure in the Regulation for the approval of forms customised by the organisers was a shortcoming that should be addressed in the current revision process. Another participant (IE) explained that his authority showed flexibility and told the organisers that their customised forms would be acceptable.

Several delegations (AT, DE, ES) raised concerns about the fact that organisers might not collect enough statements of support to leave some margin for those that would be invalidated through the verification process. The Chair explained that organisers would be contacted to make sure that they are aware of the need to collect more than the required number and of the fact that they can submit a request for verification of statements of support only once in each country.

One participant (LU) asked about the electronic format in which organisers would submit their statements of support. SE reported that organisers told them that XML format would be used. The Commission representative reminded that organisers cannot be obliged to submit statements of support in a specific electronic format and those electronic files should be submitted encrypted to the authorities as required in Implementing Regulation 1179/2011. BE asked whether the validation tool developed by the Commission would accept the statements of support for this initiative. The Commission representative explained that given that organisers did not use the software developed by the Commission, there was no guarantee that their files would be supported. In reply to comments from participants, the Commission representative clarified that organisers can submit scanned copies of their statements of support and that more generally, national authorities should not impose on organisers additional requirements that are not foreseen in the ECI Regulation.

### 3.3. Recent judgements of the General Court

The Commission representative provided an update on the recent judgements of the General Court of the EU regarding Commission decisions refusing the registration of proposed citizens' initiatives.

Since the last meeting of the group, the General Court of the EU (GCEU) has rendered judgements as regards the following proposed initiatives: (i) "*Minority SafePack – one million signatures for diversity*" (date of refusal of registration: 13/09/2013); (ii) "*Ethics for Animals and Kids*" (date of refusal of registration: 26/03/2014); and (iii) "*Stop TTIP*" (date of refusal of registration: 10/09/2014).

The Commission representative explained that all these cases concerned Commission decisions dating back to 2013 and 2014 and provided a summary of the recent judgements. As regards "Minority SafePack", the Commission Decision of 2013 has been annulled by the judgement of the General Court of 3 February 2017 (case T-646/13). A new Commission Decision on the registration of the proposed citizens' initiative has already been adopted and is available in the ECI register website. With regard to the proposed citizens' initiative "*Ethics for Animals and Kids*", the General Court of 5 April 2017 has confirmed the Commission decision refusing the registration of the proposed initiative (case T-361/14). Finally, in the more recent case of the "Stop TTIP" initiative, the Commission decision adopted in 2014 has been annulled by the judgement of the General Court of 10 May 2017 (case T-754/14). The Commission explained that it will take the necessary measures to comply with the judgement.

The Commission representative also mentioned the complaint brought to the Ombudsman by the organisers of the initiative "Stop vivisection" (case 1609/2016/JAS) as regards the Commission's response and follow-up to this initiative that has reached the required number of statements of support. The Ombudsman concluded that there was no maladministration from the Commission.

### 3.4. IT developments – ECI Register website and OCS software

The representative of the Commission (DG DIGIT) presented the recent and planned IT developments with a PPT presentation.

One participant (SI) mentioned that other tools than captchas could be used to check that a person is not a robot. She mentioned some issues to decrypt the captcha in a software used by some organisers other than the one provided by the Commission.

The UK representative welcome the fact that the upcoming version of the Commission software will be compatible with mobiles and looks better. He spotted a technical issue in the test version demonstrated and regretted the high amount of personal data required to give support, highlighting that other technical verification means (e.g. based on IP addresses) could be used.

### 3.5. European Parliament Pilot Project – Collaborative Platform for the ECI

Following a Parliament proposal, a Pilot Project entitled "New technologies and information and communication technology (ICT) tools for the implementation and simplification of European Citizens' Initiatives (ECI)" has been attributed to the Commission Secretariat-General with the budget of €500K in 2017. This pilot project aims at building an online collaborative platform.

This platform would bring together organisers, citizens, experts (e.g. from IT Open Source community and citizens' organisations), civil society stakeholders, the Commission, etc. It would help interested citizens to find partners in order to form the

organisers' committee, formulate together the content of the proposed initiative, prepare the campaigns, learn about best practices from other organisers and exchange experience.

A survey was launched on the occasion of the ECI Day in order to get input on the needs of stakeholders and in particular of potential organisers of initiatives and refine the scope of the platform.

The platform should be set up in 2017 so that it is put in operation next year. The Parliament has recently proposed to extend the Pilot project for an additional year.

In addition, the Commission representative mentioned the specific budgetary line for ECI. The line will serve among other things to maintain and further develop IT tools and to carry out communication actions, for which the support of national authorities would be important.

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

The project manager from Optimity Advisors, the contractor in charge of this study, presented the state of play of the study and some preliminary findings based on a PPT presentation. He mentioned a few possible options that will be analysed in more detail. Some of them would be applicable under the current legal framework, others could be considered only in the context of the revision of the Regulation:
- the harmonisation of data requirements based on a minimum number of data;
- a central platform for the online collection;
- a "one-click" system according to which potential signatories should pre-register to support any initiative and would subsequently not need to give all their personal data each time they give support;
- a two-step approach according to which signatories would be asked to provide a limited number of personal data and would be contacted at the end of the collection process to give additional ones only if the initiative reaches the required number of statements of support;
- he explained that any option should also allow for the possibility to collect in paper form.

Several participants expressed their support for a central platform (EL, DE, AT, LU), which would make the process easier both for organisers and Member States. Several (AT, DE, LU, IE) considered that the harmonisation of the data requirements would not be feasible, due to the fact that Member States have different verification systems. One expert (LU) considered that harmonisation is likely to lead to an increase in the number of personal data required. He recalled that such one-fits-all approach could not be achieved in the context of the elections to the European Parliament or of eIDAS.

The Commission representative explained that elections and eIDAS are different from the ECI in the sense that contrary to elections and eIDAS, the ECI has no binding effect. Therefore another harmonised approach might be considered for the ECI. The Commission representative also suggested that a possible simplification would be to require only the last three digits of the personal identification (document) number instead of the full number.

Two experts (LU, DE) stressed that the analysis (comparison) of existing instruments at national and regional level should also take into account the fact that those instruments are different than the ECI.

### 3.7. Study on improvements to online collection systems and technical specifications for the ECI

The project manager from Everis, the contractor in charge of this study, presented the state of play of the study based on a PPT presentation. He focused on the objectives and the methodology that will be used as this study is still in an initial phase.

One participant (LU) stressed that, when comparing the options, the impacts on the different stakeholders should not be given the same weight - the impacts on organisers/citizens should be given more importance.

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

The project manager from Everis, the contractor in charge of this study, presented the results of the study based on a PPT presentation. The options assessed in the study are: electronically signed PDF; Integration of e-signature; Direct integration of national e-ID; Integration with the eIDAS framework; Prefilling user's data with EU Login; Prefilling user's data with Facebook.

The Commission representative clarified that any of those options could only be complementary to other ways of giving support and not as a stand-alone and unique solution to give support.

The contractor gave clarifications on several technical questions asked by participants. One participant (LU) considered that the most viable option would be the integration with the eIDAS framework as the online collection system would be connected to only one connector for all 28 Member States. He also indicated that a request to the eIDAS committee could be made to include 'nationality' as an additional attribute so that whether the signatory is an EU citizen can be verified.

The final report of the study will be shared with the participants.

## 4. Next steps

Participants were invited to provide comments on the three studies directly to the consultants in charge as soon as possible. They were also encouraged to contribute to the Public Consultation on the revision of the ECI Regulation before 16 August 2017 and to disseminate information about this Consultation in their networks so that the Commission gathers the broadest possible input.

Participants were also asked to verify the contact details provided in the ECI website/register as regards their competent authorities and to inform the Commission about any update needed.

**5.     Next meeting**

The Chair indicated that the next meeting would most likely take place after the adoption of the proposal by the Commission or slightly before so she insisted that input from the participants should be provided in written form before the next meeting.

**6.     List of participants**

- Representatives from the European Commission (Secretariat-General, Unit C.4 and the Deputy Secretary-General; Directorate-General for Informatics, Unit B.2)

- Representatives from the following countries:

Austria; Belgium; Croatia; Czech Republic; Estonia; Finland; France; Germany; Greece; Ireland; Lithuania; Luxembourg; Netherlands; Slovakia; Slovenia; Spain; Sweden; United Kingdom

- Observers from the European Parliament (Committee on Constitutional Affairs)

- Consultants from the companies (Everis, Optimity Advisors, Tipik) in charge of the three studies discussed