



MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE

2 December 2014

SUMMARY REPORT

This meeting was chaired by Carmen PREISING, Head of Unit C.4. "Work Programme and Stakeholder Consultation", Secretariat-General, European Commission.

1. LATEST DEVELOPMENTS AROUND THE ECI

The Chair presented the state of play of the ECI. She noted that, in total, since 1st April 2012, the Commission had received 46 requests for registration. Among them, two proposed citizens' initiatives were collecting. 20 requests for registration had been refused by the Commission while five proposed citizens' initiatives have withdrawn. All other initiatives were closed (18). Among the closed ones, two had been submitted and answered by the Commission ("Right2Water" and "One of us") as already presented in the meeting of 12 June. A third one, "Stop vivisection", was expected to be submitted to the Commission soon.

Based on publicly available information, the Chair mentioned the state of play of collection of the ongoing initiatives ("New Deal 4 Europe"; "An end to front companies") and indicated that these two initiatives are using or will use the Commission servers to host their online collection systems.

The Chair also announced that the second edition of the guide to the ECI was published on the ECI website. Due to budgetary constraints, the printing has been more limited than expected so in some cases, the Commission could not deliver of the totality of the copies requested by Member States.

The Chair recalled the situation with respect to the EU Pilot cases and that Member States are advised to send their draft laws to the Commission before their adoption, to anticipate on possible issues with their content.

2. PRESENTATION BY THE LUXEMBURGISH AUTHORITY ON THEIR PROCEDURE TO VERIFY PAPER STATEMENTS OF SUPPORT

The Luxemburgish expert presented the method used by Luxembourg to check paper statements of support, based on an Optical Character Recognition tool. With this method, the

verification of 5000 paper statements of support for an initiative requires only one person during 1.5 day.

He explained that the automatic recognition of unconstrained handwriting text and the fully automatic validation of paper statements of support did not work well and that, in view of improving automated processing of paper statements, it could be useful to redesign the forms set out in Annex III to the Regulation with automated processing in mind and to restrict the variants of paper forms.

In the ensuing discussion, one Member State asked the Commission about the state of play as regards the development of an OCR tool as part of the validation tool. The Commission explained that so far, no satisfactory open source tool could be identified and that it is now looking for alternative solutions that would help Member States in the verification of paper statements of support. However given the low rate of use of the validation tool and the existence of paid solutions, the Commission would check with the Member States whether any proposed method could answer a real need, before developing such additional features in the validation tool.

Following questions from some experts, the Chair stressed that the ESTAT survey on random sampling still needs to be improved. The Chair would come back to the Member States as soon as a useful output would be ready to be shared.

3. POSSIBLE REVISION OF ANNEXES TO THE REGULATION

The Commission intends to launch in early 2015 the procedure aiming to modify, through a delegated act, Annexes III, V and VII of the Regulation. A modification of Annex III would reply to requests received from some Member States to change the data to be provided by signatories:

- Malta asked to add the Residence document in the list of documents to be provided by EU citizens residing in Malta;
- Sweden asked to remove the date and place of birth of the signatories from their data requirements;
- Latvia requested to remove the name at birth, date and place of birth of the signatories from their data requirements.

The Chair added that it would also be desirable that all citizens can exercise their right to sign statements of support. Currently, however, Irish and British citizens resident in Bulgaria, the Czech Republic, France, Austria and Portugal as well as outside the EU are excluded. The Commission acknowledged that there are various constraints for Member States, depending on their national law and practice, which can limit their ability to verify statements of support and thanked those Member States who have already simplified their requirements, thus contributing to an improvement of the situation.

The Irish expert confirmed that Ireland had no intention to allow their citizens living outside Ireland to use the Irish form since they would not be able to verify their statements of support. The British expert added that the United Kingdom is analysing the issue but might come to a similar conclusion as Ireland.

The Chair encouraged once again the Member States to reflect further on their data requirements. She asked Member States who wished to do so to send any formal request for simplifying their signatories' requirements by the end of January 2015. She also underlined

that the issue of diverging data requirements would certainly be one of the main points in the discussions around the review.

Concerning Annex V, which includes the form allowing organisers to send statements of support to the competent authorities for verification and certification, the Commission proposed to add the following additional information to be provided by organisers:

- The total number of statements of support that have been collected;
- The number of Member States where the threshold is exceeded.

The objective is to clarify that, in line with Article 8(1) of the Regulation, organisers must have reached the necessary number of statements of support to be able to request the competent national authorities to proceed with their verification. This modification aims to oblige organisers to take the responsibility to declare and confirm that they have collected the required number of statements of support. In addition, on the same form, the organisers should confirm that they have collected statements of support in accordance with Article 5 of the Regulation. Finally, in a spirit of simplification, only one of the contact persons (the representative or substitute) should be required to sign the form, not both.

For Annex VII, the same simplification would be introduced so that only one of the contact persons must sign the form.

Several Member States welcome the changes in Annex V. No other comments were made on the proposed modifications of the Annexes.

4. REVIEW 2015

The Chair explained that as foreseen in the Regulation on the citizens' initiative, the Commission will present a report by 1st April 2015. It will mainly be a factual report, taking stock of the situation after three years of application of the Regulation. In principle, the report could be the first step towards a more in-depth process aiming to further assess whether there is a need to revise the ECI rules. The Chair indicated that the scope of the report that will be presented in April and the overall approach would still need to be discussed and confirmed at political level.

The report will take into account, among other elements, the studies already carried out by some stakeholders, in particular the study commissioned by the Petitions and Constitutional Affairs Committees in the European Parliament as well as an own-initiative inquiry launched by the European Ombudsman. The Chair summarised the findings of these two reports as follows :

Ombudsman's own-initiative inquiry

On 18 December 2013, the European Ombudsman launched an own-initiative inquiry into the functioning of the ECI procedure with the objective of encouraging and supporting efforts to improve the procedure. The Ombudsman sent the results of her inquiry to the Commission on 15 July 2014, after having consulted the ECI organisers and other interested parties. The Ombudsman recommended specific improvements in the way the Commission analyses the ECI, both at the stage of registration and at the stage of final response to a successful initiative.

As regards the suggestions collected from the ECI organisers, the Ombudsman emphasised recommendations such as: to make permanent the Commission hosting service; to harmonise the scope of data required from signatories while ensuring that also all EU citizens living abroad can sign; to lengthen the collection time and allow the ECI organisers to choose the launch date for collecting statements of support; to give legal status to the citizens' committee; and to simplify procedures and to offer better technical and legal assistance to the organisers.

The Commission replied on 6 October 2014, explaining specifically whether it agreed with each point of the Ombudsman recommendations, and if not, why; which actions it has already taken in order to improve the functioning of the tool, and which recommendations require actually a modification of the ECI Regulation in order to be put in place.

The Chair explained that this reply was currently being examined by the Ombudsman and would subsequently be published on the Ombudsman website.

EP study

The study commissioned by the European Parliament in the end of 2013 was finalised in May 2014 and presented to the two EP Committees during the autumn.

Based on a large stakeholder consultation and critical analysis by expert panels, the Study consists of two parts: an analysis of the obstacles and potential solutions in the implementation of the ECI and concrete recommendations to improve the status quo.

Most of the proposed recommendations coincide with those identified by the Ombudsman. The study should now serve as a starting point for a European Parliament Own-initiative Report, which will be prepared by the Constitutional Affairs Committee (AFCO). A hearing is also expected to be organised by AFCO in the first quarter 2015.

Commission study on online collection

In addition, the Chair announced that the Secretariat-General in cooperation with the Directorate-General for Informatics (DIGIT) has launched a study on online collection via the ISA programme (Interoperability Solutions for Administrations), one of the objectives of this programme being the analysis of Information and Communication Technology (ICT) impacts of EU legislation.

The objective of the study is notably to analyse the current situation as regards the online collection and reflect on the future of the temporary hosting solution offered by the Commission to organisers. It may also serve as a starting point in the reflections around a possible review of the ECI Regulation as regards the online collection process. The Chair thanked the Member States who sent information on existing online collection tools in their countries and who accepted to contribute to the study.

Member States' positions

The Commission then shortly presented the results of the questionnaire addressed to the experts previous to this meeting. Replies were received from 24 Member States, among which 14 commented on the application of the Regulation. The comments mainly referred to:

- the online collection process and the certification of online collection systems;

- the verification of statements of support and the related content of the statement of support form (Annex III),
- the various deadlines imposed by the Regulation (e.g. timing and deadline for certifying online collection systems, deadline for collecting statements of support, deadline for destroying statements of support).

This presentation was followed by an exchange of views.

Two Member States insisted on the need to provide a centralised solution for the online collection and to encourage the support via electronic signature. One of them also proposed to revise the technical specifications for online systems.

One Member State underlined the need to find a comprehensive solution concerning the revision of Annex III in order to remove the issue of excluded citizens.

In reply to a question raised by an expert, the Chair explained that even if the temporary hosting solution by the Commission becomes permanent, the certification of each system will still be required given the current Regulation.

One Member State insisted on the fact that the citizens' initiative should preserve its civic character and that Member States should have the opportunity to present their views before the Commission decides on a possible revision. The Chair indicated that any decision concerning a possible revision would only be taken after April 2015 and be based on clear evidence to be sought via various better regulation tools.

The Chair invited Member States who wished so to provide any additional comments in writing to the Commission.

5. ANY OTHER BUSINESS AND NEXT STEPS

The Chair announced that the next meeting of the Expert Group should take place after the presentation of the report, in April 2015.