



MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE

12 June 2014

SUMMARY REPORT

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

After three initiatives having recently gathered over one million signatories, the aim of this Expert Group meeting was to share best practices and discuss issues encountered during the verification process of the statements of support by the Member States.

1. INTRODUCTION: IMPLEMENTATION OF THE ECI REGULATION

1.1. STATE OF PLAY PRESENTED BY THE COMMISSION

Elizabeth GOLBERG, Director of the Directorate C "Smart Regulation and Work Programme", Secretariat-General (SG), introduced the meeting, outlining the key role of the Member States (MS) in the verification process of the statements of support. Indeed, an initiative can only be submitted to the Commission if the MS previously certify that it collected at least 1Mio statements of support. After two years of implementation, Ms GOLBERG invited the MS to share their experience. She also mentioned the new changes within the SG: the ECI now belongs to the Smart Regulation and Work Programme Directorate, as the instrument has been fully integrated in the working process of the Commission.

The Chair presented the whole team working in the ECI team in Unit C.4., enlarged by two persons this year.

The Chair presented the state of play of initiatives. She noted that, in total, since 1st April 2012, the Commission had received 42 requests for registration. Among them, 7 proposed citizens' initiatives were collecting. 18 requests for registration have been refused by the Commission while 3 proposed citizens' initiatives have withdrawn. All other initiatives are closed (14). Among the closed ones, 2 have been submitted and answered by the Commission ("Right2Water" and "One of us"). A third one, "Stop vivisection", is expected to be submitted to the Commission soon.

At the time of the meeting, there was no request for registration pending but some were expected to be received during the summer.

The Chair announced that an RSS feed had been added on the ECI website¹. Experts can now subscribe to the feed and follow more easily what is new on the website (new registered initiatives, end of collection periods, initiatives submitted, etc.).

Based on publicly available information, the Commission mentioned the state of play of collection of the ongoing initiatives.

The Chair indicated that all initiatives currently registered were using or will use the Commission's servers. The Chair however cautioned that this may not always be the case with future initiatives.

The Chair informed the MS that given the change in the number of Members of the European Parliament, the minimum number of signatories per member state had to be modified accordingly. A delegated act modifying Annex I of the Regulation had therefore been adopted by the Commission on 12 March 2014 and would apply to all initiatives registered by the Commission from 1st July 2014.

The Chair indicated that, on the basis of the replies to the questionnaire, the page of the ECI website on the competent national authorities had been consequently updated (contact details, etc.)². In particular, it is now indicated that all authorities accept statements of support in XML format.

The Chair underlined that the Commission has been receiving an increasing number of questions and complaints from stakeholders, due to the fact that some EU citizens were still unable to give their support to an ECI. This mostly concerned citizens who had moved away from their country of origin and could no longer sign the statement of support forms of that country (the case of IE and the UK), while they were neither entitled to sign the statement of support forms of their country of residence. In that regard, the Commission circulated an improved version of the table that sums-up which country form signatories can use depending of their citizenship and residence, for any final comments by Member States before its publication. The Chair stressed that the Commission would welcome all moves that would simplify the data requirements and that would reduce the number of EU citizens unable to support proposed initiatives.

Finally, the Chair reminded that a new version of the ECI guide³ was in preparation and that Member States were welcome to contribute to its distribution. All orders from Member States should be sent to the Commission as soon as possible.

1.2. STATE OF PLAY FROM MEMBER STATES' PERSPECTIVE

¹ <http://ec.europa.eu/citizens-initiative/public/eci.rss?lang=en>

² <http://ec.europa.eu/citizens-initiative/public/implementation-national-level>

³ <http://ec.europa.eu/citizens-initiative/files/guide-eci-en.pdf>

The Chair indicated that additional and/or modifying provisions had been adopted by some MS to implement the Regulation on the citizens' initiative (Regulation (EU) No 211/2011; hereafter 'the Regulation'). They had been circulated to all MS and published on CIRCABC and the ECI website. Provisions recently received from one Member State still needed to be circulated and published on the ECI website.

EU Pilot letters had been sent to 14 MS. The Chair explained that all cases had either already been closed or should be soon closed.

The Chair asked MS to inform the Commission if and when further provisions are adopted in accordance with the Regulation and if possible to informally provide the Commission with the draft laws to anticipate on possible issues with their content.

After this introduction, the Chair invited the delegations to present any general comments on the current state of play of the ECI.

Some MS underlined their concerns about the high amount of unreadable and/ or missing data on statements of support collected in paper form.

One Member State underlined the significant discrepancies between the personal data asked by the MS to signatories and pleaded for a uniform approach in this respect. The Chair recalled that, in its original draft of the ECI Regulation, the Commission had proposed common requirements to be applied by all MS. The verification of statements of support by Member States implies that they have the necessary data to do so. However, the Chair noted that some MS seem not to verify some of the personal data they are asking for. In view of this, she invited MS to work towards simplification and consider requesting modifications in Annex III of the ECI Regulation (Annex III of the Regulation can be modified through a Commission delegated act upon request from the MS concerned).

2. VERIFICATION OF STATEMENTS OF SUPPORT

2.1. STATE OF PLAY PRESENTED BY THE COMMISSION

The Commission presented the main results of the verification process by the MS based on the replies to the questionnaire previously sent by the Commission. The main objective was to give an overview on how the verification process took place for the three initiatives that reached the one million threshold: "Right2Water", "One of Us" and "Stop Vivisection".

- Submission of the statements of support:

The Commission noted the different formats of submission used by the organisers (in person, by post or email), underlining that statements of support have mainly been submitted to the national authorities partly on paper and partly in electronic form.

Most statements of support submitted in electronic form were in XML format.

The Commission noted that many MS provided specific guidance in addition to the Commission's ECI website and therefore suggested the possibility to work on common guidelines to be addressed to the organisers.

The Commission reminded the participants that according to the guidelines, the first Member State authority to receive a request for the verification of statements of support should immediately inform the Commission and the other MS authorities, by email or via CIRCABC.

- Verification methods:

17 MS use random sampling methods (of which 4 only for statements of support collected in paper form and one only for statements of support collected electronically) and 11 MS check all statements of support. The Commission mentioned an ongoing Eurostat study on sampling methods, to be finalised by the end of June. Based on the results of this study, a discussion on the sampling methods used by the MS may be scheduled for the next meeting.

As regards the format of the paper statements of support, the Commission recalled that some improvements had been done last year in the version made available to organisers on the ECI website, compared to the first version mainly used by the organisers of the first three initiatives. The Commission also indicated that some more customisation compliant with the ECI Regulation may be possible if requested by the MS concerned.

The Commission invited the MS to reconsider their data requirements for signatories towards further simplification. The Commission underlined that when MS do not in practice verify some of the data they ask signatories to provide, they can ask the Commission to propose a modification of their data requirements.

If several MS declared having checked all the statements of support by hand, a majority of MS has been able to carry out some automatic checks (at least for online collected statements of support). In that regard, the Commission recalled its recommendation to check manually all statements of support considered as invalid after the automatic check.;

- Outcome of the verification:

The Commission presented the results (in percentage) of the verification of the collected statements of support for the three initiatives, distinguishing between the results for the statements of support collected in paper form and the ones for the statements of support collected online.

The Commission depicted the main grounds for invalidation (wrong data leading to the impossibility to identify the signatory, multiple statements of support from the same signatory, too many missing data leading to the impossibility to identify the signatory, less than minimum age, non EU-citizen, missing signature on paper, unreadable data) but specified at the same time that the information provided by MS was at this stage not precise enough to assert which among these grounds justified the highest number of invalid statements of support.

Finally, the Commission recommended that MS send a copy of the certificate via email to the representative and the substitute (and also to the Commission), to facilitate the work of the organisers who need to gather the MS certificates (or copies) in order to submit their initiative to the Commission.

2.2. TOUR DE TABLE: PROCEDURES IMPLEMENTED BY THE MEMBER STATES

An exchange of views took place on the procedure to verify statements of support. The main issues discussed concerned:

- the significant amount of unreadable or missing data on the statements of support collected in paper form, which could explain why the results of the validation for the paper statements of support are generally worse than the ones of the online collected statements of support. Several possible improvements in the presentation of the statements of support form were suggested to improve their readability and avoid omissions, as well as to facilitate the random sampling (e.g. numbering the statements of support);
- the importance of a good communication with the organisers, and in this respect, the advantage of having, among the organisers, a contact point based in each MS;
- the possibility of using Optical Character Recognition (OCR) to facilitate the verification of the paper statements of support. To date, two MS have experienced such methods. The current statement of support form would however not allow for good results with such method;
- the conversion of the XML files received from the organisers into another format (e.g. XLS);
- as regards multiple statements of support from the same signatory, one Member State suggested to add more checks in the Online Collection Software (currently only the statements of support perfectly identical are refused by the tool).

Some suggestions for improvement of the ECI Regulation were also formulated (see below under point 3).

2.3. EXCHANGE OF VIEWS ON ISSUES ENCOUNTERED DURING THE VERIFICATION PROCESS

The Commission shared with the group answers provided to various questions raised bilaterally by one or several MS as well as other issues raised by ECI organisers. These concerned:

- the question of who is entitled to sign Annex V to the Regulation in order to request the verification of the statements of support;
- the fact that, legally speaking, MS' authorities are not obliged to verify statements of support of an initiative that did not gather the one million signature mark (article 8(1) of the Regulation). At the same time, the Commission recalled that national authorities are obliged

to verify statements of support of initiatives having collected one million signatures even if the initiative did not reach the threshold in the country;

- the fact that copies of the certificate of the online collection system must be accepted by MS authorities as organisers have only one original.;

- possible discrepancies between the number of statements of support announced by the organisers and the number eventually verified by the authority; in these cases it is recommended to double-check with the organisers that all files have been submitted for verification;

- possible issues with the date of signing as well as the date of birth of signatories (linked to the default year in the Online Collection Software);

- the erroneous submission by the organisers of some forms that should have been submitted to another Member State;

- the time periods allowed for organisers and the national authorities to retain the personal data contained in the statements of support;

- the need by the MS to comply with the model for the certificate set out in Annex VI of the Regulation, the possibility to issue an additional explanatory document attached to it and to whom this certificate should be addressed.

2.4. VALIDATION TOOL DEVELOPED BY THE COMMISSION, BASED ON THE TOOL MADE BY BUNDESVERWALTUNGSAMT (Federal Office of Administration, Germany): PRESENTATION AND EXCHANGE OF VIEWS

The Commission Directorate-General for Informatics (DIGIT) presented the validation tool developed by the Commission under the ISA programme (Interoperability Solutions for European Public Administrations) in order to help MS with the verification of statements of support. DIGIT explained the process that led to the development of this tool, its functionalities, its recent and future improvements and he invited MS to further test it, use it and help to improve it according to their needs.

In reply to questions from several MS, it was explained that the OCR functionality in the tool was to be developed in the course of this year.

DIGIT also explained that they are working on further development of the Online Collection Software to integrate the possibility for citizens to give their support using their e-ID. DIGIT made a call for volunteers to work on a pilot application to which four MS responded positively.

3. OUTLOOK: REVIEW 2015

The Chair recalled that the Commission has to publish a report by April 2015 assessing the implementation of the ECI. This report might then lead to a revision of the Regulation. The Commission is already gathering stakeholders' contributions as inputs for this report. Different issues will need to be addressed related in particular to process (including technical

issues related to the online collection), timing (the various deadlines included in the Regulation) and broader elements of aim and impact of the instrument.

The Chair explained that all comments and suggestions on the ECI Regulation made during the meeting would also feed this process:

Some of these comments concerned the Annexes to the Regulation that can be modified through Commission delegated acts: Annex III (statement of support forms) and Annex V (form for requesting the verification of statements of support to the MS authorities) in particular. Concerning Annex III, the Commission invited again the MS to propose in writing the wishes for modifications, especially in order to simplify data requirements. As regards Annex V, clarifications might be needed as to who can sign this form and the fact that the organisers should have reached in total the required number of statements of support for requesting such verification. The process of amending these two Annexes could be launched by the end of the year.

Others, such as changing the deadlines imposed on national authorities for destroying personal data after the verification process, the obligation for organisers to submit electronically statements of support collected online or any additional conditions for asking the certification of an online collection system (e.g. prior registration of the initiative with the Commission), would require amendments to the Regulation.

One Member State underlined the importance to also reflect on the technical specifications for online collection systems (Commission Implementing Regulation (EU) No 1179/2011) on the occasion of this review.

In reply to a Member State's question, the Chair confirmed that further information would be sent to MS as regards the statistics necessary for the report and further discussion in the group.

4. ANY OTHER BUSINESS AND NEXT STEPS

The Commission announced that the next meeting of the Expert Group should take place in autumn 2014, and would be mainly focused on the review of the Regulation.