



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate G
SG-G-4
General Institutional Issues

MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE

17 September 2013

SUMMARY REPORT

The meeting was chaired by Mr Mário TENREIRO, Head of Unit G.4 "General institutional issues", Secretariat General, European Commission.

1. STATE OF PLAY

1.1. STATE OF PLAY BY THE COMMISSION

The Chair presented the state of play of initiatives. He noted that, in total since 1st April 2012, the Commission had received 38 requests for registration. Among them, 17 proposed citizens' initiatives were currently registered. 12 requests for registration had been refused by the Commission, while six proposed citizens' initiatives had withdrawn (four of those had re-registered). Three requests were still under examination by the Commission.

The Commission had regularly informed the Member States by email about the initiatives registered and the registration requests refused, in accordance with the [guidelines](#).

The Chair regretted that despite the Commission's efforts to explain the rules of the European Citizens' Initiative (ECI), a lot of requests for registration had to be refused because the proposed initiatives were manifestly outside the Commission's powers.

Of the proposed initiatives that were collecting statements of support, the Chair indicated that one, 'Right2Water', claimed to have collected over 1,8 million statements of support, among which 400,000 on paper, and started to submit them to the competent authorities in the Member States for verification. The thresholds would be reached in 13 countries.

Among the Member States represented, five indicated that they had not yet received the statements of support for verification, among which two would receive them on 20th September.

The Chair 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. No such information had been circulated as regards the 1st submitted initiative.

The Chair also mentioned the initiative entitled "One of us" which had also announced that they have reached the required number of statements of support, including the thresholds in 11 countries. According to the information received from organisers, they intend to collect until 1st November and to submit the statements of support for verification afterwards, in the course of November.

The Chair reminded the delegations about the three options proposed for the verification of statements of support collected between the end of the formal 12-month period and the 1st November for the first initiatives (please see the [summary report of the meeting of 4 March 2013](#) for more details). He asked the eight Member States that had not yet informed the Commission about their choice to do so as soon as possible. Four of them announced their choice during the meeting. Three Member States put a reservation on their choice, explaining that they may re-assess their position if it appeared that their initial choice raises issues in practice.

Specific forms had been prepared in order to facilitate the communication of the information needed on the results of the verification for options ii and iii between the competent authorities, the Commission and the organisers. The Chair explained that the Commission could provide the translations of these forms in the languages needed.

Finally, the Chair indicated that the delegated regulation modifying Annexes II and III of the Regulation on the citizens' initiative (Regulation (EU) No 211/2011; hereafter 'the Regulation') was to be published on 18 September, meaning that it would enter into force on 8th October.

1.2. STATE OF PLAY IN THE MEMBER STATES

The Chair indicated that all Member States had by now informed the Commission of the provisions adopted to implement the Regulation, or, in certain cases, signalled to the Commission that there was no need to adopt specific provisions.

The national provisions were available on CIRCABC¹ and all of them, except a few ones recently received by the Commission, were published on the ECI website. The most recent ones would soon be published on the ECI website as well.

EU Pilot letters had been sent to 13 Member States but most cases had by now been closed or should be closed shortly. Discussions were still on-going with only a few Member States.

The Chair highlighted that four Member States were still expected to inform the Commission about further provisions. One of these Member States answered that the law concerned had been adopted by their Parliament before the summer and would enter into force within one month.

One Member State asked when the Commission intended to adopt a new delegated act modifying Annex III to the Regulation as they would like to modify some data requirements for signatories. The Chair answered that it could hardly happen before one

¹ <https://circabc.europa.eu/w/browse/ee315281-eeec-4510-922c-c40491409a78>

year given the technical work involved to update the various IT tools. Thus, it would be preferable to gather a few more requests before launching a new procedure.

2. VERIFICATION OF STATEMENTS OF SUPPORT

2.1. PRESENTATION BY THE COMMISSION ON THE GUIDING PRINCIPLES

The Chair recalled the guiding principles around the verification of statements of support, as explained in previous meetings and in the guidelines. Some points have been clarified, following questions that the Commission had recently received from organisers or competent authorities, namely:

- the form available in Annex V of the Regulation to be submitted by the organisers together with the statements of support is to be signed by the contact persons but this does not imply that only the contact persons can submit the statements of support to the authorities;
- in case of online collection, organisers must submit a copy of the certificate for their online collection system; Member States' competent authorities cannot require the original or a translation (the model for the certificate is available in Annex IV of the Regulation and can therefore be consulted in any of the official EU languages);
- the certificate must be issued even if the threshold in the Member State concerned has not been reached.

The Chair underlined that, as a general principle, it is always advisable to give the benefit of the doubt to organisers, in particular when reading the statements of support (in case of missing or unreadable data) or when extrapolating the results.

This general presentation was followed by a presentation of the validation tool developed by the Commission Directorate-General for Informatics (DIGIT) in order to help Member States with the verification of statements of support.

A first tool had been developed by Germany who shared it with the Commission and the other Member States under the EUPL license. The Commission further developed the tool to adapt it to the needs of the other interested Member States. The Chair thanked Germany for their spirit of cooperation and invited the other Member States to also share their tools and know-how on the topic.

The tool was released on Joinup in July and another version will be released by the end of September in order to take account of the comments received from Member States. By the end of the year, another version will include more possibilities of customisation (e.g. to adapt the validation rules). Further developments are foreseen in 2014 in relation to the electronic signatures and the possibility to handle PDF files.

Further explanations were given on how to concretely use the tool.

In reply to questions, it was explained how to get a login and password and it was confirmed that the sampling parameters can be adapted in the tool.

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

AND 2.3 EXCHANGE OF VIEWS

The Chair invited the Member States to keep in mind the aim of the Regulation when verifying the statements of support: the statements of support must provide Member States sufficient information in order to certify the statements of support in a comfortable way. In that sense, small mistakes or inaccuracies that do not question the genuineness of the citizen's statement should be disregarded.

As regards the date of the statements of support, the objective is to be sure that the statements of support have been collected during the period allowed to collect for the initiative concerned. Concerning the "Right2water" initiative, there is no doubt that they have been collected before the deadline given that they submitted the statements of support for verification before it is expired. In this case, an unreadable date should not be a reason for invalidating a statement of support.

The Chair also recalled that the competent authorities must take into account the possible changes in address in their verification.

After this introduction, the Chair invited the delegations to present their views and share their preliminary findings.

Several delegations underlined the very good cooperation with the organisers of the "Right2water" initiative and the fact that the latter had been very strict and already deleted a lot of statements of support for which the data provided were not clear enough according to them.

One Member State enquired about the number of XML files that are supposed to be handed in by the organisers of the "Right2water" initiative. DIGIT explained that there is at least one file per language used to sign the form and possibly more in case the data was too heavy to fit in only one file or if the organisers exported the statements of support in several times.

One Member State explained that whereas the statements of support collected online would not create any difficulty, the huge number of statements of support collected on paper (around 170.000) would constitute a challenge, first of all to count them. Their results would be known after a 2-month procedure, the verification being decentralised to population officers around the country.

One Member State indicated that they were in contact with two initiatives: "Right2water" and "One of us" and did not expect any particular difficulty except the fact that the service in charge will also have to deal with elections at the end of September.

Another delegation explained that the quality of the statements of support was good, in paper and online and that they intend to verify all of them (excluding random sampling). After a first check in the online statements of support, they expect to invalidate around 3% of the statements.

Three other Member States presented how many statements of support they received (in paper/online) and how they broadly intended to proceed. No particular difficulty was raised.

However, several technical issues were raised: one Member State indicated that several lines were empty in the XML files received from the organisers; another noticed that fields are incomplete in the online statements of support in XML format. The first issue was already being analysed by the colleagues responsible in DIGIT who were present at the meeting. The second one will also be analysed while the Chair invited all delegations to contact the DIGIT colleagues for assistance as soon as they detect any technical issue.

The Chair thanked the Member States for their useful contributions and concluded that the Member States had not until now encountered any stumbling block that would prevent them from certifying the number of valid statements of support within the three months foreseen in the Regulation. He specified that if needed another meeting of the expert group could be organised during the process.

3. ANY OTHER BUSINESS

1. One Member State proposed to add a new paragraph in the standard text of the certificate of conformity of an online collection system provided in Annex IV of the Regulation. This proposal was previously sent by email to the group. The new paragraph would indicate that the certifying authority cannot be held liable for the online collection system certified and that the certificate does not constitute any warranty.

Another Member State which had already argued against by email explained its position in detail. In particular, he explained that the certificate is not a general statement of the security of the system but certifies its conformity with a set of specific requirements, that organisers are already fully made aware of their responsibilities and that the certificate is issued at a precise moment without prejudging of any misuse or incident that might take place afterwards.

The Chair confirmed that the Commission favoured the arguments of the latter and signalled that for the time being, the current text of the certificate had not raised any difficulty. In reply to a question, he clarified that organisers remain liable for their online collection system after its certification.

During the exchange of views, the question of the tight time period allowed (one month) to certify was also raised. It was clarified that any possible change in the text of the Annex could not have any impact on the time period foreseen in Article 6(3) of the Regulation or on the scope of the verification to be done.

It was decided to leave this point open.

2. A delegation raised the question of the possibility to use OCR tools for the paper statements of support, explaining that it could at least help to scan and count the lines. It asked the Commission whether the next developments of the validation tool could include such a tool. DIGIT took note of the request and invited Member States to share their tools should they have any.

Another Member State will test an OCR tool on the paper statements of support they received and will inform the group of the results of this experimentation.

4. NEXT STEPS

The Chair concluded the meeting by announcing that the next meeting would take place in January, unless a meeting appeared to be required earlier, before the end of the verification process by the Member States. In the meantime, the Chair requested the delegations to contact the Commission in case of questions or technical issues, to share information within the group in accordance with the guidelines and, last but not least, to inform the Commission when their respective certificates are ready.