



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate A – Strategy, Better Regulation & Corporate Governance
SG.A.1 – Policy Priorities & Work Programme

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

30 APRIL 2020

1. Nature and objectives of the meeting

Due to the COVID-19-related confinement measures, this ad hoc meeting of the ECI expert group was held via video conference.

The Chair (Rudiger Boogert, Head of Unit, SG A.1) introduced the objective of the meeting; i.e. to gather the views of the Member States on ways to address the impact of the COVID-19 pandemic on the implementation of the different stages of the ECI lifecycle. These difficulties relate to issues that organisers are confronted with when organising campaigns to collect statements of support and when collecting paper statements of support, but also competent authorities in Member States and EU institutions when fulfilling their obligations in the framework of the verification and examination phases respectively.

Before the meeting, the Commission shared a note with the members of the Expert Group, outlining an approach for a Regulation on the relevant timelines in Regulation (EU) 2019/788 on the European citizens' initiative ('the ECI Regulation') in the context of the COVID-19 outbreak, which it considered as a robust option to address these issues.¹

To facilitate the discussion, participants were invited to send contributions ahead of the meeting by answering a number of questions structured around the main strands of the proposal presented by the Commission.

2. Points discussed

2.1. Presentation of the main elements of the Commission proposal

The Commission outlined the proposed approach to address the effects of the current pandemic according to the following three stages of the ECI lifecycle: the collection phase, the verification phase and the examination phase.

¹ Considering the temporary nature of the proposed elements presented in the outline at the Expert Group meeting, the Commission proposal that was adopted on 20 May 2020 (C(2020)221) is a proposal for a Regulation that lays down temporary measures concerning the time limits for the collection, verification and examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak. The proposal covers the elements as presented in the outline to the expert group with certain adaptations.

- Concerning the collection phase:

The proposal would cater for a first extension of a specific duration for initiatives whose collection was already ongoing on 11 March 2020 (when the World Health Organisation (WHO) announced that the COVID-19 outbreak became a pandemic). A proportionate extension would be applied for initiatives that started their collection after 11 March 2020 but before the act would become applicable.

The Commission would be empowered to adopt an implementing act to further extend the collection periods of ongoing initiatives (successive extensions of three months each) in case the confinement measures taken by Member States (based on certain conditions, e.g. the number of Member State represent a certain percentage of the EU population) in response to the pandemic are maintained after the end of this first extension. The same empowerment would apply in the event of a new outbreak that would prevent organisers from reasonably performing their campaigning activities to the same extent.

These implementing powers would be based on objective criteria and limited in time.

- Concerning the verification phase:

It was proposed to introduce a specific derogation to cater for the possibility to extend the verification period by a Member State in case confinement measures affect the functioning of competent national authorities in charge of verifying and certifying the statements of support collected by organisers. In case such exceptional circumstance occurs, the legal period of three months could be extended to allow these administrations to perform their tasks to target.

- Concerning the examination phase:

A derogation would enable the EU institutions to fulfil their legal obligations by extending certain time limits, in particular those related to the meeting between the Commission and the organisers of valid initiatives (to be held within a month of the submission of the initiative for examination) and to the public hearing organised by the Parliament (for which a deadline of three months from the submission date is set). The organisation of such events may be difficult within the time limits set by the ECI Regulation in the context of measures put in place in response to the COVID-19 pandemic in the country where the institutions intend to organise these events. In such a case, the European institutions should be allowed to deviate from the abovementioned time limits and organise the events as soon as the public health situation in that country again allows for organising them.

- Other aspects:

In case the collection period, the verification period and/or the examination periods is/are extended, the data retention period should be extended accordingly.

A retro-activity clause may be needed to cater for the initiatives that were in the collection phase before the date of entry into application of the act.

The proposed act would be limited in time; e.g. until end 2022.

2.2. Discussion of the main elements of the Commission proposal on the basis of questions submitted to Member States ahead of the meeting

General outcome of the discussion:

There was a general positive reception by the participants of the approach to secure the proposed extensions through a legislative act to provide the necessary legal certainty to the organisers of ongoing initiatives and thereby to ensure during the COVID-19 crisis the effectiveness of the ECI tool as one of the main participatory democracy instruments at Union level.

The different elements of the proposal (related to the possibility for extensions in the periods of collection, verification and examination) were also generally well-received.

Member States' experts also supported the need for a Commission empowerment in the proposal to adopt further implementing acts in case a further extension of the collection period of ongoing initiatives is needed, provided that such empowerment is based on objective criteria.

The overall majority was also in support of a specific provision that would allow Member States, in exceptional cases, an extension of the period for verification, as well as an extension of the period for examination if the European institutions cannot organise the mandatory meetings and public hearings with the organisers due to the confinement measures in place in the country of their seat (i.e. Belgium).

Summary of specific comments/questions:

Member States provided positive feedback on the idea to limit the proposal to the COVID-19 pandemic.

Regarding the empowerment powers of the Commission, some Member States stressed the need to ensure these should be based on clear and specific criteria, as well as the need to set a limit on the total successive extensions to be granted to organisers for the collection of statements of support. The Commission clarified that the legal basis for this empowerment would be included in the proposal itself.

For a successful management of any additional extensions, the importance of setting up adequate communication between the Member States and the Commission on the state of play of confinement measures throughout the EU was also emphasised.

No Member State signalled issues related to the verification of statements of support in the context of the current pandemic (very little activity generally speaking in this phase at the moment). However, they did not exclude possible issues in the event of any upcoming submission of requests from organisers to verify statements of support collected that might justify derogations to extend timelines. Specific work patterns (work in shifts, telework etc.) set up during confinement periods may not be suitable to continue verification as normal (in particular when high numbers of statements of support and/or paper forms are involved). Moreover, these verification tasks may come in addition to other unforeseen and challenging activities which administrations may need to launch to address the effects of the pandemic in other areas of public life.

Possible derogations for the verification period would be specific to the Member States based on their specific situations. It is expected Member States facing difficulties in performing these verification tasks would pro-actively contact the Commission.

The Commission clarified that the proposal would also cover the initiatives registered under Regulation (EU) No 211/2011 ('the old ECI Regulation').

Information on the procedure is outlined under 'Next Steps' below.

2.3. Next steps

The adoption of the Commission proposal is expected by mid-May 2020.

3. List of participants

- Representatives from the European Commission (Secretariat-General, Unit A1)

- Representatives of the following Member States:

Austria; Belgium; Croatia; Czechia; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Ireland; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Poland, Portugal; Romania; Slovakia; Slovenia; Spain, Sweden

- Observers from the European Parliament (AFCO and PETI Committees).