



## MINUTES OF THE MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE BRUSSELS, 15 DECEMBER 2017

### 1. Approval of the agenda

The Chair (Rudiger Boogert, 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);
- various technical aspects of the proposal for a Regulation on the European citizens' initiative adopted by the Commission in September 2017; and
- the upcoming online collaborative platform (pilot project).

The meeting was non-public. Observers from the European Parliament were present at the meeting.

### 3. List of points discussed

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

##### 3.1.1. State of play of citizens' initiatives

The Chair presented an update on registered/submitted initiatives since the last expert group meeting (i.e. 2 June). He mentioned the **successful initiative 'Ban glyphosate and protect people and the environment from toxic pesticides'** that was submitted to the Commission on 6 October with 1,070,865 valid statements from a total of 22 Member States (certificates from the 6 other Member States were sent after the submission by the organisers). The meeting with the Commission was held on 23 October. The Commission was represented by First Vice-President Timmermans and Commissioner Andriukaitis. A public hearing was organised at the European Parliament on 20 November with the presence of Commissioner Andriukaitis. The Commission adopted its [Communication](#) on the initiative on 12 December. In response to the initiative, the Commission notably

explained that it will not adopt a proposal to ban glyphosate-based herbicides as the decision to renew the approval of glyphosate for 5 years is fully justified. It will however present a legislative proposal by May 2018 with a view to improving transparency in scientific assessments and decision-making.

As regards the follow-up to a **previous successful initiative, 'Right2Water'**, it is to be noted that the European Pillar of Social Rights jointly signed by the European Parliament, the Council and the Commission on 17 November 2017, at the Social Summit for Fair Jobs and Growth in Gothenburg (Sweden) includes an explicit reference to the right of citizens to water and sanitation (principle 20 - Access to essential services). In addition, the Commission will adopt a proposal for a Revision of the Drinking Water Directive in early 2018, which is foreseen to include measures directly linked to the 'Right2Water' initiative.

The Chair then mentioned:

- the list of registered initiatives since June 2017:

- *'Stop Extremism'* (registered on 12 June 2017)
- *'Stop TTIP'* registered on 10 July following a judgement of the General Court.

- the list of registered initiatives before June 2017 for which the collection period is still ongoing:

- *'Let us reduce the wage and economic differences that tear the EU apart!'* (registered on 22/05/2017)
- *'Retaining European Citizenship'* (registered on 02/05/2017)
- *'Minority SafePack – one million signatures for diversity in Europe'* (registered on 03/04/2017)
- *'EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis'* (registered on 27/03/2017)
- *'European Free Movement Instrument'* (registered on 11/01/2017)

- the list of initiatives closed whose organisers have confirmed since the last meeting that they have not reached the one-million signatory threshold:

- *'People4Soil: sign the citizens' initiative to save the soils of Europe!'* (closed on 12/09/2017)
- *'Mum, Dad & Kids - European Citizens' Initiative to protect Marriage and Family'* (closed on 11/12/2016)

- the initiative for which the collection period is closed without confirmation from the organisers regarding whether they have reached the signatory threshold<sup>1</sup>:

- *'More than education - Shaping active and responsible citizens'* (closed on 06/10/2017)

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<sup>1</sup> Since the meeting, the organisers of this initiative have informed the Commission that they have not reached the required number of signatories.

### 3.1.2. Preparation for the report on the application of Regulation (EU) No 211/2011

The second triennial report from the Commission to the European Parliament and the Council (Art. 22 of Reg. 211/2011) will need to be adopted by the end of March 2018.

This report closely follows an already comprehensive assessment carried out in the run-up to the proposed revision. It will therefore build on this recent exercise and include additional considerations based on more up-to-date information on the functioning of the European Citizens' Initiative.

To complete the report, Member States were asked to provide data (if not yet done) on aspects such as the verification and certification of statements of support for the recently submitted initiative '*Ban glyphosate and protect people and the environment from toxic pesticides*' or information regarding the certification of online collection systems.

### 3.1.3. Recent judgements of the General Court

The Commission representative (SG C4) provided an update on the recent judgements of the General Court and the Court of Justice of the EU regarding Commission decisions refusing the registration of proposed citizens' initiatives.

In particular, since the last meeting of the group, on 12 September 2017, the Court of Justice of the EU rendered its judgement in the case concerning the proposed citizens' initiative '*One million signatures for a Europe of solidarity*' (case C-589/15). The judgement confirmed the Commission decision refusing the registration of the proposed initiative since it did not meet the requirements for registration under Regulation (EU) No 211/2011.

With regard to other initiatives, the organisers of the citizens' initiative '*One of Us*' have brought proceedings before the General Court of the EU for the annulment of the Commission communication adopted in response to the initiative (Case T-561/14). The procedure before the General Court in this case is pending.

The Commission also informed about the Ombudsman decision regarding the initiative '*Mum, Dad and Kids*' and the Commission's legal interpretation of the one-year period for collecting statements of support for a European Citizens' Initiative. The Ombudsman decision of 4 October 2017 has confirmed that, under the current rules laid down in Regulation (EU) No 211/2011, the 12-month period for the collection starts running from the date of the registration of the proposed initiative (Decision in case 1086/2017/PMC).

## **3.2. Revision of the Regulation on the citizens' initiative:**

### 3.2.1. Main elements of the Commission proposal and state of play of the interinstitutional discussions

The Commission provided an overview of the Commission proposal for a new Regulation on the European Citizens' Initiative (COM(2017)482).

The proposal was adopted on 13 September 2017 and sets out a comprehensive revision of the Regulation on the European Citizens' Initiative with the main objectives of making

the ECI more accessible, less burdensome and easier to use for organisers and supporters in order to achieve the full potential of the ECI as a tool to foster debate and citizen participation at Union level, and to bring the European Union closer to its citizens.

The Commission explained the main elements of the proposal to achieve these objectives including notably:

- Harmonising the minimum age of support for the ECI at 16 years of age to foster citizen participation at Union level especially among young European citizens (Article 2).
- Enhanced support to organisers through information and assistance measures: Commission helpdesk and dedicated ECI register and website are maintained; introduction of an online collaborative platform made available by the Commission and points of contact in the Member States (Article 4).
- New provisions regarding the setting-up of groups of organisers, the conditions of the liability for any damage caused in the organisation of an initiative, and the new possibility for organisers to create a legal entity in accordance with national law for the purposes of managing the initiative (Article 5).
- Improvements in the registration procedure including the possibility of partial registration of initiatives in cases where only part(s) of the initiative –including the main objectives– are not manifestly outside of the Commission powers to submit a proposal for a legal act for the purpose of implementing the Treaties (Article 6)
- Revision of the ECI timeline, including the right for organisers to choose the starting date of the 12-month collection period, within 3 months from the registration (Article 8).
- Simplified data requirements for signatories of initiatives via a unified approach based on nationality and on the basis of two options covering all Member States (Article 9).
- New central online collection system for the ECI set up and operated by the Commission and free of charge to organisers; and including also the possibility to support initiatives using eID (Article 10).
- Improvements in the examination phase including balanced representation of stakeholders concerned by the initiative and representation of other institutions and advisory bodies in the hearing and extension of examination phase from 3 to 5 months to allow more time for citizen participation and debate as well as for the preparation of the response (Article 15).
- New provision on communication activities in order to increase awareness of citizens to the European Citizens' Initiative (Article 17).

The Commission informed the group about the state of play regarding the discussions on the proposal with the co-legislators. In the Parliament, the First Vice-president presented the proposal to a joint meeting of the Committee on Constitutional Affairs (AFCO) and the Committee on Petitions (PETI) on 28 November 2017.

In the Council, the Commission presented the proposal to the General Affairs Group

(GAG) on 29 September. The article-by-article examination of the proposal has already started under the Estonian Presidency in the past weeks and will continue in January under the Bulgarian Presidency.

The advisory Committees, the European Economic and Social Committee and the Committee of the Regions, will also adopt opinions on the proposal.

During the tour de table, several Member States welcomed the Commission proposal and the improvements it will bring to the ECI. Concerns or reservations were however raised by several delegations, in particular as regards:

- the partial personal identification (document) number to be provided by signatories (the full number would be needed);
- the minimum age at 16;
- the possibility for legal entities to be organisers of initiatives while the group of organisers would still need to be constituted (one delegation raised concerns about the possible involvement of political entities);
- the time limit for the certification of individual online collection systems (one delegation proposed to extend it to two months);
- the statement of support form on paper (one delegation suggested adding provisions on the approval of forms);
- contact points in the Member States.

### 3.2.2. Online collection systems and technical specifications

The representative of the Commission (DIGIT B2) presented, based on a [PPT presentation](#), the provisions of the Commission proposal as regards the online collection systems, more precisely in relation to the submission of statements of support to Member States' competent authorities, the EU file exchange service and the electronic schema for the statements of support collected online.

The representative brought clarifications in reply to technical questions from various delegations.

One delegation questioned the need to maintain the individual online collection systems given the advantages of the central system as demonstrated in the study commissioned by the Commission.

### 3.2.3. Electronic Identification (eID) for the European Citizens' Initiative

The representative of the Commission (DIGIT B2) presented the provisions of the Commission proposal as regards the support to initiatives using eID based on a [PPT presentation](#).

The Commission representative clarified that only eID notified under the eIDAS framework would be usable by citizens to sign initiatives. Other eIDs would not be covered. In any case, the possibility to give support online via the form as foreseen in Annex III would remain available to all citizens.

The Commission representative also clarified that the verification of statements of support submitted via eID would remain necessary to verify the nationality of the citizen (in case the eID is available to non-nationals) and whether the signatory has not supported the initiative several times by different means (in paper/online via the form/via eID).

### 3.2.4. Data requirements for signatories

The representative of the Commission (SG C4) presented the conclusions of the recent study on signatories' data requirements as well as the provisions concerned in the Commission proposal based on a [PPT presentation](#).

One delegation raised issues as regards their capacity to verify the statements of support of their nationals living abroad.

### **3.3. Pilot Project – Online Collaborative Platform for the ECI: state of play and exchange of views**

An ECI collaborative platform is being established as part of a Pilot Project from the European Parliament "New technologies and information and communication technology (ICT) tools for the implementation and simplification of European Citizens' Initiative (ECI)", for which a budget of EUR 500,000 has been earmarked.

Whilst the objective of the Pilot Project is to improve the implementation of the European citizens' initiative more generally, the specific objective of the collaborative platform is to promote an ECI community of practice where organisers and citizens who are potential organisers can exchange views on the instrument in general, but also on specific issues related to the launch and running of initiatives.

The platform will include features such as a discussion forum (where horizontal aspects of the ECI or specific issues related to the ECI lifecycle can be debated); news and blog articles; an e-learning space including online tutorials; an advice and request mechanism; as well as a search function for citizens across Member States wanting to co-organise ECIs together, among others. Further development of the platform will be ensured using a participatory approach; i.e. users will have the possibility to provide inputs on ways to improve the platform (re. content, functionalities, etc.).

The Commission will make available the IT infrastructure whilst its day-to-day management will be entrusted with an external partner through a contract for services to be signed with the Commission, for which a procurement and contracting procedure was completed in December. The contract will cover a 12-month period and may be continued for another year.

After a preparation period of 3 months, the collaborative platform is expected to go live in early Spring 2018.

For the creation of the platform, inspiration was also taken from other similar tools in Member States. During the meeting, representatives of Finland and Estonia gave presentations of platforms set up in their countries to support citizens' initiatives and participation in public life; i.e.

- In the case of Finland: "[Demokratia.fi](#)", a platform for electronic participation combining different services (e.g. citizens' initiative; municipal initiative; youth initiative; etc.)

- In the case of Estonia: "[Rahvaalgatus.ee](http://Rahvaalgatus.ee)", a platform to support policy-making and everyday democracy.

### **3.4. Any other business**

The Commission informed the group of experts on a **communication campaign** on the citizens' initiative planned to start in April 2018 (to coincide with the launch of the collaborative platform). The campaign will include: the creation of tools and products to enhance the visibility of the instrument; promotion via social media targeting the general public; as well as the organisation of events in Member States focusing on potential multipliers.

### **4. Next meeting**

The Chair informed the participants that the next meeting has not yet been scheduled; the group will be informed in due course on the date of the next meeting.

### **5. List of participants**

- Representatives from the European Commission (Secretariat-General, Unit C4; Directorate-General for Informatics, Unit B2)

- Representatives from the following countries:

Austria; Belgium; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Ireland; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Portugal; Romania; Slovakia; Slovenia; Spain; Sweden; United Kingdom

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