European Citizens' Initiatives (ECIs): A case for orientation or re-orientation?

Report of the *seminar organized on the 19th of March 2013*

The aim of this seminar was to discuss the state of play of the European Citizens' Initiative through three different aspects: better communication and dissemination of the tool, creation of a helpdesk for ECIs organisers and proposals for the revision of the Regulation in 2015. The conference was organised in order to formulate recommendations for a bigger event on ECIs on 9 April. 70 participants were in attendance.

Assessment of the first year of ECIs in operation

Bruno Kauffmann assessed the state of play with ECIs one year after their launch, concluding that progress has been better than expected but weaker than requested. 27 ECIs have been launched, raising over 1.6 million signatures.

Maintaining the momentum of ECIs is essential. The most successful examples have used both paper and online signature registration. Communication is a crucial factor, strongly influenced by the issue of languages. The number of languages used differs between ECIs and between official documents and broader dissemination. As for the Commission's own communication, Kauffmann noted a gradual increase in the visibility of ECIs on the website, as well as the delay, but eventual success, in setting up a central online signature registration system. He was critical of the level of information provided by the EU's national and regional information offices.

Looking ahead, Kauffmann questioned how the European Institutions will eventually react to successful ECIs before concluding that the first year had provided useful practical experience that, with effective reform of the regulation, can make the ECI a more effective tool in the future.

The participants raised some questions regarding the costs of campaigning, particularly related to establishing an independent system for online signature collection. Improvements to these systems, in particular to increase user-friendliness, need to be made. The importance of infrastructure is underlined by the success of national initiatives in Austria, where the infrastructure is state-run.

As far as geographical and political distribution of ECIs is concerned, results indicate that it has thus far not been used as a reactive tool. No strong correlation is found with countries with experience of participatory democracy or a high representation of minority groups. Overall, ECIs have not met the Commission's optimistic targets set the previous year.

Proposals to bring ECIs to citizens and citizens to ECIs

Maria Laura Franciosi introduced the panel, who shed light on the experiences of the first organisers and on specific communication needs for ECIs. Concerns regarding practical aspects of campaigning were raised by ECI organisers, underlining recurrent problems are still present.

Pablo Sanchez Cantellas, from *Water is a human right*, the first ECI to successfully gather 1 million signatures, outlined the campaign's success factors and the many stumbling blocks encountered during the process. This ECI benefited from a strong starting base of an already well-developed political issue and major mobilization in a highly populated member state, Germany.

Cantellas pointed to the importance of communication and, in particular, the need to be in touch with the different national needs of the countries targeted, as no issue has total EU homogeneity. National differences are also evident in signature collection systems and demands, underling the lack of a unified European political culture and European citizenship.

While his campaign has been successful in receiving media interest, Cantellas recognises the high costs of translation, which in his case limited the number of languages used on the ECI's website. The lack of citizens' understanding of the tool can also be problematic, as exemplified by urban authorities sending letters of support, rather than signatures. In other cases, the over-complication and rigidness of the paper signature form leads to genuine signatures being discarded. Cantellas called for a more unified and user-friendly infrastructure, before raising concerns regarding the validation of signatures by Member States; the next stage of the process, which his initiative will soon be the first to experience.

Philippe Cayla, *Let me vote*, explained how his broad organisation, Européens Sans Frontières, successfully simplified their proposals to form the ECI *Let me vote*. He concurred with Cantellas that a common sense of European citizenship is missing. His intervention again focused on technical difficulties, including the constraints of security management issues, the lack of user-friendliness of the online signature collection system, the long delays experienced when waiting for responses and problem-solving and the need for specialists to manage the technology at a cost usually out of the reach of ECI organisers.

Mario Tenreiro, from the Commission's Secretariat General affirmed that ECIs can connect with citizens, as demonstrated by *Water is a human right*, which is a much-needed success story.

Tenreiro claimed progress had been made on technical issues but recognised the need for further work. Extensive discussions in the ensuing Q&A eventually resulted in an agreement from the Commission to simplify the procedure and weaken the Captcha (a type of test used in computing as an attempt to ensure that the response is generated by a human being.), while recognising the need for balance with effective data protection, which is central to maintaining public trust in ECIs.

Tenreiro also raised concerns regarding the signature verification phase that is about to be tested for the first time. The Commission is putting general guidelines in place with the aim of ensuring the process runs smoothly and that verification is not too strict.

Recommendations
- Strong and improved signature-gathering infrastructure from the Commission. This includes simplification of the Commission's online signature registration system.
- Greater help with translation, possibly by using the Commission's resources, to enable ECIs to communicate with citizens across the member states.

- A common and unified sense of European citizenship should be developed; ECIs can play a role in this process.

Proposals to create a supportive infrastructure for organisers of ECIs

Assya Kavrakova introduced the panel, representing the different potential sources of support for ECIs: the media, civil society organisations and the European institutions.

Charlotte Rive, European Commission, explained the support offered by the European Commission, encompassing the website, the advice point Europe Direct, language assistance with inconsistencies in official ECI texts and the online collection system hosted by the Commission in Luxembourg, along with the associated technical assistance. As the ultimate addressee of the ECI, support cannot go beyond procedural aspects. The Commission will continue to host the facility for online signature collection for as long as market alternatives are not viable.

Christophe Leclercq, co-founder of *Initiative.eu*, called upon civil society to do more to assist ECIs. Pre-launch assessment of whether ECIs have the potential to succeed, as well as organisational and communication assistance should be provided through a civil society help desk. The ECI project is behind its targets: opportunities to take advantage of the 2014 European Parliamentary elections and tackle social issues in Southern Europe, for instance, have so far not been seized. If ECIs are not successful in the hands of the Commission, the European Parliament should be considered as an alternative.

Daniel Schily, Democracy International, and other representatives of civil society organizations concerned with democracy in the audience supported the notion that they should unite and cooperate more regarding ECIs. Schily also called upon the Commission to assist citizens, as well as ECI organisers, by providing resources to ensure communication in all EU languages.

No new ECIs will be registered imminently but several are in the pipeline, while one rejected ECI has begun litigation procedures.

Recommendations
- Greater cooperation and unity between civil society organisations resulting, for instance, in the creation of a civil society help desk.

- Translation assistance from the Commission to improve ECIs' communication across member states.

Proposals for revision of the regulation in 2015

Johannes Pichler, of Austrian Institute for European Law and Justice, introduced the panel, who discussed whether soft reform or radical reconstruction should be called for when the regulation is revised.

Sylvia-Yvonne Kaufmann, Chairwoman of Europa-Union Berlin, called for soft reform focused on simplifying signature-collection procedures, enhancing translation provision and broadening eligibility.

Alexander Prosser of Vienna University, by contrast, called for more fundamental reforms. Article 3 of the regulation currently gives ECIs no discernable governance structure, thus exposing members of the Citizens' Committee to unlimited liability. Mario Tenreiro warned scaremongering regarding liability could be extremely damaging to ECIs. Meanwhile, the incoherence of Annex III of the Treaty of Lisbon denies certain European citizens the opportunity to sign ECIs; a right which is also not explicitly protected by the Treaty of Lisbon.

Carsten Berg, from ECI Campaign, underlined that the ECI project needs more than 12 months (18 months would be ideal), with at last double that required to make a fair assessment of the results. He made a number of recommendations in line with previous speakers and called for the ECI to be more binding.

Building upon the suggestions of the 3 panellists, further recommendations from the audience included obliging the EU and member states to inform the public about their ECI rights, ensuring there is a single point of data protection control and introducing transparency rules.

Johannes Pichler further underlined the lack of progress of the instrument vis-à-vis European citizens. In his view, the Commission should make sure that the instrument is really addressed to citizens and that ECI organizers would be listened, with their proposals, anyway.

The following 10 points, based on ECAS recommendations made before the seminar, reflect the discussion and focus, in particular, on the development of the debate during the 3rd panel. The recommendations are divided between soft revision and hard revision of the regulation. Soft revision would entail only small changes to the regulation and hard revision would require substantial amendments to the regulation.

Soft revision

1) **Better communication and outreach to citizens**
   The EU Institutions and Member States should start a dissemination and information campaign to inform citizens of this new right.
2) **Extension of the period of signature collection**
   The regulation should extend the period from 12 months to 18 or 24 months based on the experience of current ECI organizers.
3) **Establishment of an independent civil society help-desk**
   An independent civil society help-desk dedicated to ECIs should provide more personalized assistance on translation and advice on legal issues, campaigning and communication strategies
4) **Availability of multilingual websites and training programmes on ECIs**
   Training programs and information, as well as educational material, should be available for ECIs organizers and organizers to-be in order to educate citizens on this new right.
5) **Increase the transparency on the process of decision**

The Regulation should foresee more transparency in the decision-making process as well as more transparency should be demanded for funding of ECIs.

Hard revision

1) **Foresee a reimbursement scheme for ECI organisers**
   A start-up fund should allow ECI organisers to test their ideas, pilot signature collection and design the necessary tools before registration, provided they stand a reasonable chance of success.

2) **Internalization of the Online Collection Signature and the server by the Commission**
   The Commission should be entitled, under the regulation, to set up and maintain a server for the online collection of signatures to be offered to ECI organizers, as a right.

3) **Simplification of the collection of signatures by creating uniformity of the requirements across Europe**
   A major simplification of the regulation should reduce the multiplicity of different national requirements for signature collection and, in particular, the use of ID or passport numbers, which is a real deterrent.

4) **Enlargement of access to sign an ECI**
   The new regulation should lower the age of eligibility to allow citizens over 16 and third country nationals, legally resident in the EU, to sign for an ECI. The regulation should also make sure that European citizens resident in other member states will be allowed to sign an ECI.

5) **Clarification of EU data protection law**
   The new regulation should clarify the role of the citizens' committees and whether the citizens committee should comply with a single data protection authority or whether they are subject to data protection rules in each and every member states they are collecting signatures.

Besides these 10 points, more hard revisions were called for by some of the participants. Those included the possibility of allowing ECIs to propose Treaty changes, binding the Commission to legislate when an ECI has successfully collected at least 1 million signatures and even transferring the instrument from the Commission to the European Parliament.

Conclusions

Gerald Häfner, MEP Rapporteur on ECI 211/2011 Regulation, brought the event to a close by applauding discussion and analysis of ECI developments. He encouraged the creation of an internet portal with information on all existing and upcoming initiatives. Häfner also called upon ECI organisers to interact and cooperate more, while recognising the need for a new budget line and fresh funds for the ECI project.

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