



Final report

Key points discussed:

- This year's ECI Day once again gathered together the main players in the ECI, at both the level of the EU institutions (European Economic and Social Committee, European Parliament, European Commission, European Ombudsman, Council presidencies) and of the civil society partners (European Citizen Action Service, The ECI Campaign, Democracy International and many others). The attendees reiterated their support for the ECI and the urgent need for a new, simplified and more citizen-friendly regulation.
- The European Commission announced the launch of an online collaborative platform to provide information and support to current and potential ECI organisers.
- The European Commission's "Proposal for a Regulation of the European Parliament and of the Council on the European citizens' initiative", adopted in September 2017, was at the centre of the discussion during the conference. Although participants appreciated the technical improvements proposed by the European Commission, most of them regretted the lack of focus on the most political aspects of the ECI and in particular the follow-up to successful ECIs.
- The European Commission has recently passed legislation related to the demands of two successful ECIs (*Right2Water* and *Ban Glyphosate*); however, the measures proposed by the Commission were generally considered not adequate by the ECI organisers, institutions and other stakeholders.
- There was general agreement that the ECI is an important instrument for the democratic participation of EU citizens, but it needs to be drastically improved. The most problematic points are the insufficient follow-up by the Commission and other EU institutions, the scant attention given to unsuccessful ECIs and the lack of awareness among the general population about the ECI. It was frequently noted that the ECI is currently an agenda-setting tool, not an instrument of participatory democracy. It was argued that greater focus on the role of the Member States was needed, as well as greater involvement of the European Council.

OPENING SESSION

In his welcome speech, the president of the European Economic and Social Committee **Georges Dassis** underlined the importance of this year's ECI day, coming after the European Commission's proposal on a new European Citizens' Initiative Regulation. Mr Dassis stressed the importance of sharing responsibility among the institutions: the European Commission should not be the only body responsible for the dialogue with ECI organisers and supporters, and the EESC, which regularly invites ECI organisers to its plenary sessions and section meetings, could be a model for other institutions.

The first speaker to take the floor was **Frans Timmermans**, first vice-president of the European Commission. In his speech, he underlined that the ECI does have an impact on EU legislation (as the recently approved *proposal for a revised drinking water directive* demonstrated), but its potential has not yet been fully tapped: that is why the recent European Commission proposal was aimed at tackling barriers, complexities and difficulties faced by ECI organisers. Moreover, to tackle the lack of visibility of the ECI, the European Commission is both launching an online collaborative platform for (potential) ECI organisers, and starting a communication campaign to raise awareness about the ECI. In conclusion, Mr Timmermans said that the ECI must become a better known instrument, but it also needs to be reformed.

The floor was then given to **Mr Schöpflin**, rapporteur for the European Parliament's report on the ECI in 2015 and now rapporteur on the ECI reform. Mr Schöpflin underlined that an ECI can only invite the Commission to consider a certain legislative proposal. Nevertheless, there should be a presumption that the European Commission would seriously consider each successful ECI and follow up with an appropriate legislative proposal. This can be achieved through the establishment of certain practices, since in legal terms the European Commission retains its exclusive right of initiative. Mr Schöpflin declared himself in favour of improving the follow-up to ECIs, for example with a discussion in the European Parliament's plenary sessions.

Ms Panayotova, deputy minister for the 2018 Bulgarian presidency of the Council of the EU, was the next speaker to take the floor. Although the ECI is already a powerful tool of pan-European participation, she called for this instrument to be strengthened in several aspects: the information and guidance provided to ECI organisers should be improved, the requirements for setting up and supporting an initiative should be simplified, and the use of digital tools should be extended. Finally, it is important to provide a satisfactory follow-up to successful initiatives. Ms Panayotova said that the Commission proposal had been discussed intensively in the Council, which shares the aim to make the ECI more accessible and user-friendly. The idea of introducing an online collaborative platform was very much welcomed by the Member States, while the issue of the protection of personal data and the verification of the signatures by the Member States' authorities was still under discussion. She expressed the hope that an agreement would be reached in the Council by the end of the term.

Ms O'Reilly, the European Ombudsman, briefly reviewed the experience of the ECI in the past six years and underlined that in the light of the very low success rate of these initiatives, the appetite for ECIs might be waning. Ms O'Reilly then moved on to discuss the Commission's proposal. She welcomed the

idea of lowering the age limit for supporting ECIs from eighteen to sixteen years, but at the same time, she feared that the younger generation would get engaged only if signing was made as easy as a mouse click. Therefore lowering the barriers to supporting ECIs is crucial. She also pointed out that a more fundamental challenge is the gap between the expectations of the ECI organisers and the Commission's follow-up. Ms O'Reilly recommended three guiding principles (independence, transparency, and meaningful engagement with stakeholders and the wider public) which in her opinion should be applied to the Commission's handling of ECIs. In this regard, she welcomed the launch of the *Collaborative Platform*. Ms O'Reilly concluded her speech with a plea for more transparency in the funding and sponsorship information declared by ECI organisers, which is necessary to protect the ECI from abuse.

The speech by Ms O'Reilly was followed by a **question and answer** session with the official partners of the ECI Day. The questions touched upon the need for more institutional mechanisms to ensure a proper follow-up to ECIs; other instruments of participatory democracy that the EU could introduce; mechanisms to take stock of citizens' concerns expressed by non-successful ECIs; and the issue of a timely follow-up.

The floor was then given again to the speakers to reply.

Mr Timmermans underlined that many of the issues raised involve not only the Commission but also other institutions. Therefore he believed in the importance of dialogue with the European Parliament and the European Council. He also underlined the importance of the collaborative platform in order to keep the citizens engaged. On the matter of the follow-up to successful ECIs, he stated that the European Commission had responded to the extent of its possibilities and competences. He pointed out that the issues raised by the *Right2Water* campaign were extremely complex and required extensive consultations with the Member States. On the other hand, in the case of the *Ban Glyphosate* campaign, there was already an ongoing debate and increasing anxiety about the substances present in our food. As a final remark, he underlined that successful ECIs do not have the right to trigger legislation, even though there is a moral obligation on the side of the European Commission to take into very serious consideration successful ECIs.

In his reply, **Mr Schöpflin** suggested that there could be a follow-up at national level in all countries where an ECI reaches the required threshold, even if the Europe-level requirements are not met. Another proposal would be to organise local consultations on the subject of certain ECIs. Europe-level consultations could also be considered, but only for very specific and pressing questions.

Ms Panayotova, speaking now on behalf of Bulgaria, underlined that it believed in citizens' engagement and expressed the hope that the Austrian presidency would continue on these lines.

Ms O'Reilly wished that a debate around the ECI reform would happen also in the Member States, and not only at European level. She then stressed that if the ECI continued to lack relevance and impact in the eyes of the citizens, it would remain just a democratic decoration.

The floor was then given again to **Mr Dassis**. In his speech, he sketched the historical evolution of the EU towards a more democratic constitutional setting and underlined the role of the EESC in reducing the democratic deficit in Europe and in ensuring that citizens can express themselves.

The panel discussion then continued with **Mr Fuchs**, Austrian State Secretary at the Federal Ministry of Finance. He presented the experience of the Austrian state with *Volksbegehren*, a form of public initiative similar to the ECI, introduced in the 1960s. This tool had proved successful and is now widely used. He then mentioned that both the Commission and the Council had involved Austria in the process of reviewing the ECI regulation, and some of its feedback had in fact been adopted, for example the lowering of the minimum age to sign an ECI. In Austria, lowering the legal age for voting in 2007 had significantly enhanced participation. He concluded his speech by stressing that the EU is often accused of complexity and detachment from its citizens, and that a well-functioning ECI regulation could result in a big step forward in the democratic life of the Union.

The last speaker to take the floor was **Mr Vankov**, head of the "Regional Database" unit in the Directorate-General for Civil Registration and Administrative Services in the Bulgarian Ministry of Regional Development and Public Works. He explained the system used in Bulgaria for the verification of the signatures collected by ECI organisers. The system is based on a national identity number, which was introduced in the 1970s and since the 1990s is traceable through a national database. A similar signature verification system was already in place for referenda, which can be required if a certain number of signatures are collected. He then spelled out the advantages of using an electronic system of signature collection rather than relying on paper forms.

AFTERNOON SESSION: Working together: maximising the impact of the successful ECIs in view of the new ECI proposal

Mr Jahier, president of the EESC's Group III [appointed EESC president on 18.04.2018], opened the afternoon session of the ECI day. He reminded the audience that the original purpose of the ECI was to empower citizens, give them a voice and a sense of belonging, and he wondered how institutions and civil society could jointly improve this instrument. He paid tribute to the work of the EESC in enhancing the visibility of the ECI and in keeping it high on the political agenda. He then turned to some external challenges which could negatively impact civil action, namely increasing illiberalism, threats to democracy, fundamental rights and the rule of law – typically referred to as the "shrinking civic space". He ended his speech with the hope that institutions, civil society, citizens' groups and the EESC would work together for the common goal of active citizenship and effective participatory democracy.

The moderator **Ms Jóo**, rapporteur for the EESC's opinion on the ECI proposal, stressed the importance of exploring the potential of the cooperation between the institutions and CSOs for maximising the impact of ECIs. She then read a written contribution from the organisers of the successful ECI *Stop Vivisection*, who could not be present during the conference. They proposed a six-month negotiation process between representatives of the successful ECIs and relevant European Commission officials to find common ground and allow for some progress to be made.

The floor was then given to **Mr Terricabras**, member of the European Parliament / European Free Alliance. He started his speech by mentioning the very low number of successful ECIs and the decrease in registered ECIs through the years. These worrying figures show that the procedure is not working and that citizens are discouraged from participating due to burdensome procedures and lack of follow-up. In his opinion, the Commission's proposal fails to address the three key political aspects of the working of the ECI: the scope of an ECI, the legal check to register an ECI, and the follow-up. He concluded his speech with two suggestions: on one hand, the Commission could put forward a proposal for a legal act for each successful ECI, and provide a more detailed explanation whenever this is not possible; on the other hand the European Parliament could debate and vote on a possible legal act in response to every successful ECI. If there is no political majority backing an initiative, it would not be implemented, but at least the subject of the ECI would be debated, fulfilling one of the functions of the ECI as an agenda-setting tool.

The next speaker to take the floor was **Dr Organ**, from the Law School of the University of Liverpool, and EESC expert to the rapporteur for the opinion on the ECI. He focused his speech on some proposals to maximise the impact of the ECI. First, he called for a strong inter-institutional response to ECIs. Secondly, he suggested that the European Commission could commit itself to drawing up a legislative act. This does not mean giving up the right of initiative and does not imply obligation, but it would create more secure expectations. Thirdly, he stressed the importance of a plenary hearing at the European Parliament for successful ECIs, and suggested that a second hearing be introduced after the Commission's response. In his opinion, more funding should be made available for ECI organisers who need to travel to Brussels to attend those hearings. Finally, he called for ongoing engagement between successful ECIs and institutions, following the positive example set by the EESC. Echoing the statement of *Stop Vivisection*, he affirmed that a six-month negotiation period was needed. Furthermore, he believed that the option of Treaty change should stay on the table. In conclusion, he mentioned other possible measures to increase participatory democracy in the EU: an EU-level permanent citizens' committee (similar to local citizens' assemblies) could be created, EU-level referenda could be triggered by an ECI, and an ECI could activate an automatic consultation process with the Commission.

The floor was then given to **Ms Vancic**, European Programme Manager of *Democracy International*. She explained that eight out of the eleven proposals made by *Democracy International* for a revised ECI are found in the Commission's proposal. Nevertheless, *Democracy International* placed significant weight in key elements that were missing from the Commission's proposal. First of all, *Democracy International* had called for it to be made possible to propose Treaty changes through an ECI. Secondly, it would welcome a more substantial role for the Parliament, for example with a plenary vote on an ECI after the public hearing but before the Commission's response. The Parliament could also provide a platform early on for ECIs that collect a substantial number of signatures within six months. MEPs could take up the demands expressed by ECIs which did not reach the one million threshold. Another key aspect is the need to increase public awareness about the ECI. In this respect, *Democracy International* proposed that national parliaments be invited to public hearings, and that the ECI be presented in a tailored way to each country. The third missing piece in the Commission's proposal concerns the lack of political impact

of successful ECIs. Ms Vancic also called for the introduction of EU referenda triggered by successful ECIs.

It was then the turn of ECI organisers to take the floor: **Ms del Pino** (ECI *One of Us*), **Mr Sánchez Centellas** (ECI *Right2Water*), **Mr Schwartz** (ECI *Ban Glyphosate*), **Mr Bodor** (ECI *Minority Safepack*), **Mr Cermak** (ECI *Stop TTIP*), **Mr Bejot** (ECI *Welcoming Europe*), and **Dr Reimer** (ECI *Stop Extremism*). The ECI organisers underlined the excessive bureaucracy and complexity of the registration, data collection and validation of the statements of support. They also lamented the lack of certainty concerning legislative or non-legislative follow-up measures and the non-satisfactory response of the European Commission to successful ECIs. In particular, the organisers of *Right2Water* and *Ban Glyphosate* ECIs both stated that the legislative answer of the Commission was not in line with their demands. Many also stressed that ECI organisers need to reach out to the Member States and therefore engage in a closer dialogue with the Council. The lack of awareness around the ECI was also underlined as a problematic point. Since people are not aware of the existence of the ECI, organisers first need to explain what it is and how it is connected to EU citizens' rights. Many wished that the ECI could become more than an agenda-setting tool.

WORKSHOP 1: The ECI online collaborative platform: supporting the ECI community!

Organised by the ECAS, one of the members of the consortium in charge of running the online collaborative platform

The moderator, **Elisa Lironi**, Digital Democracy Manager at the *European Citizen Action Service (ECAS)*, introduced the workshop on the new online collaborative platform, the European Citizens' Initiative Forum, that will be launched in the coming weeks. The platform is intended to be a space for citizens to get practical information and advice about the European Citizens' Initiative, and to discuss any topics related to it.

Charlotte Rive, from the secretariat-general of the European Commission, explained that the forum is a pilot project that has been recently developed, hence collecting feedback on its usability is of the utmost importance. She said that the new European Citizens' Initiative Forum is aimed at providing tailor-made advice according to citizens' needs.

Pascal Herry, from the secretariat-general of the European Commission, remarked on the participatory approach of the forum. The ultimate goal of the forum, he said, is to create a space to facilitate citizens' attempts to participate in EU policy-making.

Simon Blackley, European Parliament Account Manager at the *European Service Network*, noted that there is a need to develop both the content and design of the forum in order to make it a usable tool. He stressed the importance of the dissemination and communication of the forum, and he asked for participants' help in this task.

Assya Kavrakova, Executive Director at *ECAS*, explained the role of ECAS in the project. She specified that the "seek advice" section will be tailor-made, providing personalised advice to EU citizens at their

request. This will be achieved with the participation of 20 legal experts from almost all 28 EU Member States.

Daniela Vancic, European Programme Manager at *Democracy International*, highlighted the campaigning and fundraising part of the project carried out by her organisation and noted that the aim of the forum is to provide citizens with tailor-made advice and practical information on European Citizens' Initiatives.

The **moderator** explained how to access the European Citizens' Initiative Forum and how to create an EU login account to begin the testing.

The participants worked together at different tables and each nominated a rapporteur. The workshop was divided into two different rounds of testing. After each round, the rapporteurs explained the pros and cons of the sections and functionalities tested. The **first round of testing** focused on the general design of the European Citizens' Initiative Forum and on the static material (the Guidance, Learn, News and Blog sections). The **second round of testing** concerned the interactive features, namely the Discuss, Connect and Seek Advice functionalities and the users were invited to submit proposals and enquiries. At the conclusion of the workshop, a questionnaire was provided to users in order to collect feedback and answer specific questions.

WORKSHOP 2: Pioneering participation: the reform of the ECI as a starting point for a more participatory European Union

Organised by The ECI Campaign and Bertelsmann Stiftung.

Maarten de Groot started by explaining the background of the workshop, and why *The ECI Campaign* had joined forces with *Bertelsmann Stiftung* in developing the workshop. *The ECI Campaign* believes that the full potential of the ECI can only be realised in an EU that is more fully democratised and empowers its citizens to become active and critical European citizens. Furthermore, *The ECI Campaign* very much believes in the complementarity of different forms and instruments of democracy: direct and indirect, participatory and deliberative, online and offline. Lastly, *The ECI Campaign* suggests that a successful ECI should be assessed by a randomly selected and demographically balanced group of EU citizens and both the European and the national parliaments should be more strongly involved in the follow-up on successful ECIs.

Dominik Hierlemann (*Bertelsmann Stiftung*) continued the introduction by sketching the general political landscape in Europe, demonstrating the relevance of the workshop topic. On the one hand, Europe was witnessing the rise of populist parties, illiberal trends and Euroscepticism in a considerable number of EU Member States. On the other hand, we were seeing new movements and political forces emerging, including notably the rise to power of French president Emmanuel Macron and his movement *La République en Marche*. One of the most interesting proposals of Macron's ambitious European

agenda is the Europe-wide organisation of "democratic conventions" – or what are now called "citizens' consultations" – in the run-up to, but separate from, the European elections of 2019.

After the introductory words, the panellists took the floor.

Valérie Gomez-Bassac (MP for *La République en Marche* and rapporteur for the citizens' consultations for the remaking of Europe) explained that the citizens' consultations have the aim of re-starting the conversation between Europe and its citizens, and to show the Union's relevance for citizens' everyday lives. Furthermore, she explained how the consultation process would work, combining both online and offline elements, and that all Member States are now on board and involved in its implementation. The public launch of the initiative is scheduled for April 17th.

Kalypto Nicolaidis (Professor of International Relations and Director of the Centre for International Studies at the University of Oxford) defined citizen participation – and the birth of the ECI instrument – as an object of struggle. She argued that the EU's political elite needs to overcome a certain form of "messianism" – the tendency to legitimise the EU, its way of working and functioning, by reference to its output or mission. Democracy is something to be harnessed, not channelled. She made a plea for the EU to be a guardian of the long-term, and claimed that a strong ECI and effective citizen participation more generally are necessary features of this long-term project.

Guillermo Martínez Suarez (member of the European Committee of the Regions and rapporteur for the EU Citizenship Report 2017) started by stating the main messages of the CoR's opinion about the Commission's proposal for ECI revision. He highlighted in particular that the Commission's proposal fails to address certain fundamental difficulties with the instrument, such as the perceived conflict of interest associated with the role of the Commission. Furthermore, he emphasised the importance of decentralisation, and connecting the ECI with local and regional democracy.

Niccolò Milanese (Director of *European Alternatives*) started his contribution by explaining that the EU has always been made and shaped by citizens, and that the European project has always been political. However, he called upon European citizens to become (more) strategic in their interventions, considering the limitations of top-down approaches like Macron's citizens' consultations. Referring to a recent article he co-authored with Lorenzo Marsili, he called upon citizens not to wait for politicians to realise the long-awaited democratic reforms, but to organise and bring it about ourselves as citizens. Specifically, he proposed "hacking" the upcoming European Parliament elections in 2019 by organising a parallel election of a constitutional assembly.

The panel discussion was concluded by means of a short Q&A with the audience, with questions on the design and limitations of Macron's citizens' consultations, the source of power in the EU and the Stop TTIP ECI.

In order to allow for more opportunities for interaction between the panellists and the participants, a world café was held. Participants split up into three groups. Each group was joined by one or two panellists, and small group discussions took place in three successive rounds. Each round dealt with one of the following questions:

1 - Are the current instruments for citizen participation at EU level sufficient?

2 - How can we strengthen citizen participation within the European Union?

3 - What are the main obstacles to the realisation of a more participatory and democratic European Union?

After each round, the participants changed groups, and after three rounds the different groups shared their main impressions and the outcomes of the discussion.

WORKSHOP 3: ECitizen: building synergies between the four recent ECIs addressing EU citizenship in order to contribute to deepening the debate on EU citizenship

Organised by Act4Free Movement.

The main objectives of the workshop were to promote synergies between the recent ECIs addressing EU citizenship (*Retaining European Citizenship*, *EU Citizenship for Europeans: United in diversity in spite of jus soli and jus sanguinis*, *More than Education – shaping active and responsible citizens*) with the addition of the input from an expert from academia in order to contribute to deepening the debate on EU citizenship. The workshop was part of a wider effort to explore the possibility of initiating a new ECI centred on the exercise of European citizenship as a transnational political practice. The aim was to understand the particularities, difficulties and mistakes made by the panelists in their ECIs in order to (a) contrast the conditions under which they operated to the new ones provided by the Commission's new ECI Regulation proposal; and (b) envisage the possible contours of an ECI on European citizenship.

The workshop started with an introduction by the moderator **Petar Markovic** (transnational academic and activist, GEM PhD School / University of Oxford, *Act4FreeMovement*). Then, the panel discussion took the form of four rounds focusing on the following topics:

Citizenship in flux. In the first round of the debate, Brexit featured as the most influential factor contributing to the recent transnational rise in interest in European citizenship, since it sends a forceful reminder of the latter being “a ‘fundamental’ status, in particular with people being used as ‘bargaining chips’ in the negotiations about the UK’s withdrawal” (**Tony Simpson**, *ECI: Retaining European Citizenship*).

Citizenship in practice. When asked about their experiences and challenges with running an ECI, the panelists discussed all of the phases from forming a committee to the Commission's follow up. The signature collection phase was emphasised as particularly challenging (**Elinne Mertens**, *AEGEE-Europe - European Students' Forum / ECI: More than Education – shaping active and responsible citizens*). All panelists echoed the main concern from the plenary session of ECI Day – namely that while technical improvements are valuable, the Commission will only make the ECI function better if it is to provide a tangible follow-up, preferably a legislative one. Otherwise, EU citizens will no longer have an incentive to organise ECIs.

Citizenship rebooted? The third round of the debate zoomed in on the EC Regulation proposal. The importance of cooperation among likeminded players concerned with EU citizenship was underlined in this context. It had come to the fore that some of the present organisers had cooperated after they had realised that there were ongoing ECIs with overlapping claims. However, the online collaborative platform will make those overlaps visible early on so that those involved can pool their energies early on and avoid overlap and conflict.

Citizenship transformed. When discussing the future of European citizenship, two main points surfaced. Firstly, that (a) EU citizenship will only exist in future inasmuch it emerges from the bottom up; (b) ideas to rekindle EU citizenship coming from the centrist camp like the French president's idea of conventions will not be fruitful since they reproduce inter-governmentalism. Instead, EU citizenship will be born out of transnational action, by establishing horizontal ties to other players in other EU countries (**Alvaro Oleart**, a PhD fellow at the Université libre de Bruxelles). Secondly, European citizenship is broadened by a pool of actors wider than the citizens themselves – courts (e.g. ECJ rulings on the *Stop TTIP ECI*) but also immigrants and non-Europeans demanding their rights (e.g. **Ed Alvarado**, *ECI: EU Citizenship for Europeans in spite of jus soli and jus sanguinis*).

Finally, for the concluding part of the workshop, all present were divided into two groups. One brainstormed on the material scope i.e. the topic of a hypothetical new ECI related to European citizenship under the new Regulation as proposed by the Commission; the other brainstormed on the strategically important players and the steps to be taken to achieve it. The suggested ECIs were:

1. To promote transnational lists for EP elections. Goal to bolster this demand already present in the public.
2. Permanent European citizenship: stemming from the ECJ view on Union citizenship as a fundamental status, demand the right to retain EU citizenship in spite of any Member State exit.