



The Chair of the EESC's ECI ad hoc Group **Kinga Joó** started the session by presenting the work this Group, which monitors the development of the ECI and steers the EESC's position on the ECI. The Committee has issued several opinions on the rules governing the instrument and the EESC is very happy that the new ECI regulation has taken on board many of its suggestions. The EESC also invites organisers to its meetings: Ms Joó was proud to say that all four initiatives that were going to be discussed in the panel had been invited to speak at the EESC's plenary session.

Ms Joó pointed out that the opening session already set the scene to that second session, recalling the importance of impact in any participatory process. The year 2021 had seen the first two pieces of legislation inspired by the ECI taking effect: **Carmen Preising**, Deputy Head of Cabinet of Commissioner Sinkevičius and former Head of Unit in charge of the ECI (European Commission), and **Helmut Burtcher-Schaden**, organiser of the ECIs *Ban glyphosate and protect people and the environment from toxic pesticides* and *Save bees and farmers/Towards a bee-friendly agriculture for a healthy environment*, were present to talk about those successes. **Loránt Vincze**, Member of the European Parliament and organiser of the ECI *Minority Safepack – one million signatures for diversity in Europe*, and **Vincent Chauvet**, Mayor of Autun (France), Member of the European Committee of the Regions and organiser of the *Single Communication Tariff Act* ECI, were also invited to share their experience with the ECI instrument.

### **Presentation by Carmen Preising**

Ms Preising underlined the importance of the ECI Days in promoting the ECI and raising awareness, and of the role played by the EESC in the ECI instrument. Especially in the early days, the EESC had been critical in helping implement the ECI, reaching out, organising events and supporting the ECI organisers.

Ms Preising explained that the *Right to Water* ECI had been the first successful ECI to be submitted to the Commission. It had required a lot of pioneering work. The *Right to Water* ECI had been registered shortly after the launch of the ECI in 2012. The collection of signatures had ended in November 2013 and the ECI had been submitted to the Commission in December. It had gathered around 1.7 million signatures, mostly in Germany, Greece and Slovenia; the public service trade unions had pushed for *Right2Water*. The request submitted to the Commission had been to propose legislation

implementing the human right to water and sanitation, to guarantee access to water and to stop the liberalisation of water services.

After submission of the successful initiative, a meeting had been held in February 2014 between its organisers and the Commission, and the first-ever hearing in the European Parliament. In March 2014, the first Commission Communication replying to a successful ECI had been published. In its Communication, the Commission had recognised the importance of water as a public good of fundamental value to all EU citizens. The reply had detailed that, to secure and improve access to water and sanitation, there were three crucial elements: quality, physical accessibility and affordability. The Communication had announced a number of concrete actions: notably, more effective implementation of water legislation, the launch of a public consultation on the EU Drinking Water Directive in the following year, actions to improve transparency for urban waste water and drinking water data management, actions to explore ideas of how to benchmark water quality, the establishment of a structured dialogue with stakeholders on the transparency of the water sector, actions to stimulate innovative approaches for development assistance and to advocate access to safe drinking water and sanitation as a priority area for the future SDGs. In parallel, water had also been excluded from the scope of the EU Concessions Directive. However, the Commission's reply had also been very clear that the implementation of the human right to water was a competence of the Member States. The reply could be considered as partially positive at that time. The reactions to the Communication had been mixed, but the *Right2Water* organisers had been happy overall, seeing this reply as a first step.

Ms Preising remembered that, some months later, a resolution by the European Parliament had criticised the Commission's reply, but what had been really important had been how the Commission had actually followed up on what it had announced in its Communication. Focusing on internal matters, and more precisely on announcements related to the Drinking Water Directive, she explained that the Commission had launched a public consultation in 2014, and an evaluation of the EU Drinking Water Directive had begun in 2015, with the results becoming available in 2017 and the Commission concluding that the Directive had been very effective but it had also had some weaknesses. The Commission had then decided to revise the Directive: the idea had been to address the main topics raised by the ECI, combined with the shortcomings identified in the evaluation. An impact assessment had considered several options to achieve the objectives and, finally, in February 2018 the Commission had tabled a proposal for the revision of the Directive, including a new article on improved access to water, in particular for marginalised and vulnerable communities. In September 2018, the European Parliament adopted its report and in March 2019 it had concluded its first reading. After the European elections, trialogues among the EU institutions had taken place between October and December 2019. The European Parliament had voted for the second reading in December 2020. The revised Directive had then immediately been published in the Official Journal and the Member States had until January 2023 to transpose it into national legislation.

Ms Preising pointed out that the new article on access to water, combined with provisions on monitoring and implementation in the Drinking Water Directive, was a concrete deliverable of the *Right2Water* ECI: the initiative had a very strong impact. This example of success also showed ECIs that they needed to be patient and that expectations had to be managed.

### **Presentation by Helmut Burtscher-Schaden**

Mr Burtscher-Schaden said he had good memories of his first ECI launched in 2017, *Ban glyphosate and protect people and the environment from toxic pesticides*, but also of *Save bees and farmers/Towards a bee-friendly agriculture for a healthy environment*, his current ECI. Mr Burtscher-

Schaden wanted to point out two things from his experience: firstly, getting 1 million people to sign an ECI was not easy and there was no guarantee that you would be successful in the end; secondly, it was worth a try because the effort could pay off. This was exactly what had happened with the *Ban glyphosate* ECI. The Commission had responded to its demands to reform the EU authorisation process for pesticides with a legal proposal to amend the EU General Food Law so that all scientific studies that industries submitted to the authorities to demonstrate that their products were safe had to be proactively published early on in the authorisation process. This would enable scientific scrutiny from independent third parties' scientists.

It had been a paradigm shift because for more than forty years decisions on the approval of pesticides in the EU had been based on studies that had been kept under wraps by pesticides manufacturers and other industries. This had changed on 27 March 2021 in the EU as a result of the *Ban glyphosate* ECI, not only for pesticides but for all food-related matters.

Mr Burtscher-Schaden described the following decisive factors for this success:

- The topic had been discussed in the media and had interested and affected people.
- Presenting more demands increased the probability that at least one of them would be met. The EU decision-makers had considered one of *Ban glyphosate*'s three demands (to make the pesticides authorisation process transparent) to be a meaningful demand. It was clear that transparency was key to rebuilding trust in the EU authorities.
- There needed to be support from strong partners to acquire the necessary resources and mobilising power. The success of *Ban glyphosate* had been facilitated by ten NGOs: thanks to their technical expertise and campaigning skills, the initiative had gathered 1 million signatures in four and a half months.
- There had to be a commitment and the necessary expertise to accompany the legislative process if the Commission replied positively by adopting a proposal. Talking to MEPs and informing the Member States had been important factors in *Ban glyphosate* leading to a meaningful legislative decision in the end.

Mr Burtscher-Schaden explained that *Ban glyphosate* had wanted to have its first public hearing in the European Parliament before the EU decision on the reapproval or banning of glyphosate in autumn 2017. Mr Burtscher-Schaden admitted that, after the reauthorisation of glyphosate that year – a clear no to *Ban glyphosate*'s first demand – he had not expected much from the Commission's answer to the initiative's other demands. But then, in April 2018, the Commission had adopted a legal proposal for the EU Transparency Regulation. It had been a nice surprise for Mr Burtscher-Schaden because it had actually contained provisions on the transparency of food safety studies corresponding to their demand.

However, there had been a high risk of the proposal being completely revised by the European Parliament due to the strong opposition of industry.

Receiving support from ClientEarth's lawyers and from the Commission and having a willing ear from the Council had been crucial in rebutting arguments from industry and achieving success. In Mr Burtscher-Schaden's view, the current glyphosate reauthorisation process would be the acid test for the implementation of the new Transparency Regulation.

### **Presentation by Loránt Vincze**

*Minority Safepack – one million signatures for diversity in Europe* had been a success in terms of collected signatures, but its organisers had not considered the European Commission's reply satisfying

at all. This initiative had been the first to be examined under the new regulation, with more opportunities to debate it in the European Parliament but also in national parliaments.

Mr Vincze assessed the difficulties of organising an initiative, describing the period after collecting the signatures as the most challenging. It had been difficult to convince the European Commission and the Court of Justice about the topic raised by *Minority Safepack*. The initiative had begun in 2017, but initially the Commission had refused its registration, so *Minority Safepack* had launched an appeal to the Court of Justice. The Commission's decision had been annulled on the grounds that it had manifestly not contained sufficient information to enable the applicant to ascertain the reasons for the refusal. After negotiating, the Commission had decided to register nine of *Minority Safepack's* eleven proposals, so the initiative had started collecting signatures in March 2017. The ECI had received more than 1 million certified signatures from 11 Member States and had then obtained a successful hearing in the European Parliament in October 2020. In December 2020, there had been a supportive European Parliament resolution: 75% of the house had called on the Commission to propose legislative acts on the initiative – this momentum had been linked to the new ECI regulation, since it had enabled the European Parliament to have debates and make decisions on ECIs. Nevertheless, in January 2021 the Commission had made its decision refusing to take forward any of the proposals for legal action. In March 2021, the organisers had attacked this Communication in the General Court of the EU.

Mr Vincze's general takeaway from the experience was that the Commission had still not found a good way to fit the ECI instrument into its near-monopoly on proposing legislation. This option which was given to EU citizens was not fully enabled by the Commission, although there was a highly supportive and professional ECI team within the Commission that Mr Vincze wanted to congratulate. Mr Vincze really wished there was a proper dialogue with the Commission: he described its reply as nothing more than a list of current Commission actions in areas not even related to *Minority Safepack*. The European Parliament, on the other hand, had always attached great importance to the ECI tool. The European Parliament had been very influential before the Commission's review of the 2011 ECI regulation and the adoption of the new regulation in 2019. Another report on citizens' dialogues and citizens' participation in EU decision-making was currently being drawn up by the European Parliament that contained several parts referring to the ECI. In Mr Vincze's view, in 2024 the EU should fully review the functioning of the instrument. The Commission had to have clearer criteria for its political decisions: he pointed out that the main source of political shortcomings was the Commission's reluctance to accept ideas from outside. Mr Vincze was glad to have had dialogue with the EESC throughout the previous year because the Committee was a committed partner.

### **Presentation by Vincent Chauvet**

The *Single Communication Tariff Act* ECI, despite not reaching 1 million signatures, had attracted the Commission's attention and influenced policy-making regarding the abolition of roaming fees. Unfortunately, Mr Chauvet could not participate in person, but he sent a video message.

Mr Chauvet explained that he had launched *Single Communication Tariff Act* with a group of friends when he had been a university student. They had been motivated by a desire to both test the new instrument from the Lisbon Treaty and put an end to mobile phone roaming charges. Few initiatives had been launched in the first few months, which had made the Commission consider changes in the implementation of the 2011 ECI regulation. *Single Communication Tariff Act* had struggled to install the data collection software and handle data protection matters. Mr Chauvet pointed out that the EESC – especially its former president Henri Malosse – had been very quick to support ECIs. Mr Chauvet was pleased to see that this support from the EESC had continued. The initiative had made

some progress thanks to European media, such as Euractiv, Belgian media and radio. There was a need for the ECIs to bring about a citizens' lobby. Telecommunications companies, their employees' unions and large corporations had been against their initiative, but there had also been a few allies: a few start-ups and virtual operators, as well as the precious support of the EESC. The Commission had also been supportive: even if the framework had been constrained, the initiative had been met with good will from the EU institutions.

The initiative had not collected 1 million signatures, but Commissioner Neelie Kroes had backed it. The initiative had also mobilised people thanks to social networks and they had promoted their cause among MEPs. This lobbying had put some friendly pressure on the legislators, the Commission and the European Parliament to accelerate discussions. In the end, the initiative had won its case.

According to Mr Chauvet, today the ECI tool was still not well known and was under-used, even though it was really simple to use and did not require financial means. As rapporteur for the Environment Committee in the CoR, Mr Chauvet believed the ECI had a real role to play in certain areas, like climate issues. That was why it was extremely important to continue to promote this tool, perhaps by allowing people aged 16 and over to sign or by organising adverts and larger-scale promotion with local television authorities.

### **Q&A with the audience**

**Ms Joó** asked two questions from the audience to Mr Vincze: "Do you think that the European Parliament should always have a plenary debate and a follow-up resolution after the European Commission's Communication on an initiative?" and "The Commission has a tendency to dismiss legal act proposals of ECI organisers and European Parliament resolutions – see *Minority Safepack* – how can we change this?". Ms Joó added a third question: "Does it make sense for initiative organisers to focus their attention on getting support from national parliaments?".

With regard to the plenary debate and follow-up resolution by the European Parliament, **Mr Vincze** said that *Minority Safepack* had been the first to have a plenary debate and a resolution from the house, but after the Commission's decision there had not yet been a proposal for a plenary debate and follow-up resolution. In Mr Vincze's view, a plenary debate after the public hearing was important and perhaps should be mandatory, but then it was always for the political groups and the Conference of Presidents to decide what items to put on the European Parliament's political agenda. If a follow-up debate was made a rule, there would be very little time between the two events. This issue could be considered in the revision of the ECI regulation.

Mr Vincze pointed out that the success for the citizens, the instrument and the EU as a whole is to have legal act proposals based on the ECI. Simply having a discussion on a matter doesn't need so intense investment in time, energy and money than was needed to organise an ECI campaign.

Regarding the support of national parliaments, Mr Vincze considered input from regions and Member States to be important because it could broaden the spectrum of political opinions on a ECI. In the case of *Minority Safepack*, it had been really important that the German parliament had unanimously decided to support the initiative, as had the Dutch, Hungarian and many regional parliaments. Even together, their calls had been dismissed, so it had not had the desired effect but it had not been in vain. It had created the opportunity to have a debate and to put this issue on the agenda.

**Ms Joó** turned to Mr Burtscher-Schaden for two questions: "How can the ECI improve its visibility and publicity?" and "When the Commission has adopted a proposal, what should ECI organisers do to make sure the legislative process still take into account their requests?".

**Mr Burtscher-Schaden** thought there was much room for improvement all across Europe on the public visibility of the ECI. One reason why it was so difficult to get 1 million signatures for an ECI was that it was more complicated to sign than other petitions; a lot of details had to be provided in order to sign. It would be helpful to advertise the tool to raise awareness of it.

Mr Burtscher-Schaden explained it was not enough to get a legal proposal by the Commission; you still had to work to make the proposal a success. In the case of *Ban glyphosate*, the initiative had faced opposition from industry, which had had major support in part of the European Parliament, but *Ban glyphosate* had also had supporters. Mr Burtscher-Schaden believed that, in a situation like this, it was very important that the people who had organised the ECI fought together and got support from other NGOs. Ultimately, you also needed luck.

**Ms Joó** then asked a few guiding questions to Ms Preising: "How well would you say Commissioners are aware of ongoing ECIs? Is there some kind of screening process in place, within the Commission, that would give chances for initiatives to be taken up although they do not reach the 1 million signatures?".

**Ms Preising** underlined that it was not just ECIs achieving 1 million signatures that could have an impact. The ECI was, and would remain, an agenda-setting tool: there was no automatic result at the end – the Commission's final decision was a political one. However, the process of collecting signatures was already absolutely crucial. Commissioners were all informed when an ECI was registered. After registration (based on purely legal aspects), there was no formal screening process but it was up to the Commissioners and their cabinets to identify ECIs relevant to their work and to monitor them and discussions about them. As someone who monitored ECIs, Ms Preising stressed that they were very interesting and inspiring. She used the example of the *Green Garden Roof Tops* ECI, which had been registered recently. Almost at the same time, it had been announced that 2022 would be proposed as the European Year of Greener Cities.

Ms Preising did not want the session to end with the negative impression that the European Commission was not responsive because she believed there were a lot of ECIs which had proven the opposite. She explained that, when examining a successful ECI, the Commission looked at existing legislation, whether there were any gaps or whether it had been poorly implemented, took into account the subsidiarity and proportionality principles and whether it fitted with the Commission's political priorities. Finally, timing was also an important factor in the success of an ECI.