Final report

Summary of the major developments:

- The European Commission announced that it would revise ECI Regulation 11/2011. The first vice-president of the European Commission, Frans Timmermans, declared himself committed to submitting a new proposal in autumn 2017.

- The European Commission reiterated its openness to the ECI and its desire to help this instrument succeed – it now allowed for partial registration of the admissible elements of ECI proposals.

- Following a proposal from the Parliament, the Commission would implement a pilot project in 2017/2018 aimed at setting up an online collaborative platform to offer support and advice as regards the organisation of initiatives (the survey was distributed among the participants and was available online on the ECI DAY 2017 website).

- The EU institutions and other bodies present were as follows: European Economic and Social Committee; European Parliament; European Committee of the Regions; civil society partners (European Citizens Action Service, The ECI Campaign, Democracy International, Initiative and Referendum Institute Europe, People2Power and others). The attendees reiterated their support for the ECI and the urgent need for a new, simplified and more citizen-friendly regulation.

- It was argued that greater focus on the role of the Member States and their regions was needed, as grass-root citizens' initiatives required first and foremost a positive local and national administrative environment that took a greater interest in the ECI as a tool and recognised the important and indispensable contribution made by active citizens to policy making.

OPENING SESSION

In his welcome speech, the president of the European Economic and Social Committee **Georges Dassis** reconfirmed his institutional commitment to the ECI and mentioned the difficulties associated with this instrument in its current form. He made it very clear that a tool allowing citizens to send specific messages to the institutions was indispensable to every healthy political system. Mr Dassis also expressed a clear concern about the Council's (i.e. the Member States') reluctance to discuss the ECI, and the fact that Member States left it up to the European Union to shoulder the burden of such an important, multi-level instrument alone. Finally, he addressed vice-president Timmermans directly, asking the European Commission to revise the regulation in order to make the ECI more accessible.

Alberto Alemanno delivered a passionate key-note speech about the changing nature of society, in which the political life of citizens was no longer limited to election periods; rather, people were filled with the constant need and will to get involved. He observed that the ECI could be a very empowering instrument; however, it had been overlooked by its founders. It had the potential to fill the civic empowerment gap between election periods, but in order for it to achieve its full effect, a successful ECI needed to become the norm rather than an exception, in order to encourage citizens to use it. Mr Alemanno also insisted on the individual responsibility of each citizen, and set out his own theory about citizens' lobbying. In order to succeed, citizens needed to act like citizens and not like consumers. They needed to learn about existing advocacy tools in order to carry out legitimate activity that would strengthen democracy, set the agenda and hold their elected representatives accountable. Mr Alemanno concluded by saying that even if the existing tools were not yet fully efficient and had not yet reached their potential, it was still up to citizens to use them and thus to protect those possibilities that had already been granted or could be granted in the future.

On behalf of the European Parliament, **Soraya Post** stated strongly that the institutions could not expect citizens to adapt to their programmes – it was the programmes that needed to be adapted in order for citizens to be able to use them. She said that fundamental rights were not cherished quite as much as the EU's foundations, and the EU should become more citizen-orientated rather than focusing on Member States and governments. By showcasing the Roma situation in Europe, she also reminded everyone that citizen participation was about inclusion.

In his speech, **Markku Markkula**, president of the European Committee of the Regions, focused on the local level. He repeated that there was still a lot of room for improvement in enabling local and regional authorities to engage more at EU level – not only listening but also taking action. He also encouraged local authorities to collaborate via partnerships, and expressed his belief that cities and city-driven initiatives made the EU stronger. Finally, he called upon the local and regional authorities to engage citizens in order to bring the EU dimension closer to their homes.

The first vice-president of the European Commission, **Frans Timmermans,** summed up the contributions from his predecessors in a charismatic speech about social change. According to Mr Timmermans, the institutions had not yet succeeded in adapting to a post-paternalist policy and a

society that was idealistic but no longer ideological. The general public were no longer content to trust in the ability of elected candidates to represent them fully; rather, they wanted to see how they were represented on a daily basis and know about what was being done on their behalf. He also made a clear distinction between citizens (with rights and responsibilities) and consumers (with rights only). He confirmed that there were shortcomings in the European public sphere, but there was also hope. The greatest contemporary challenge was to encourage young people to engage in a political structure that had brought peace. Mr Timmermans also tried to answer the question of why the EU was making people uncomfortable. He said that it was because people understood that we were all linked and inter-dependent, which could be an especially uncomfortable thought in times of crisis. He then focused on ECI-related developments in the European Commission, and mentioned:

- the ongoing water legislation following up on the ECI Right2Water;
- hosting the online collection system and updating its interface, mobile version etc.
- allowing for partial registration of only the admissible elements of ECI proposals;
- launching the ECI platform survey to set up an online collaborative platform;

In his final words, Mr Timmermans announced that after five years, the Commission now had enough experience to revise the ECI regulation and launch the process, most likely in autumn 2017. He made it very clear that the success of the revision was dependent on the sense of responsibility of national leaders who must also recognise their role in the ECI. He concluded by declaring himself a true believer in an open, diverse society.

THEME 1: ECI SUCCESS STORIES

Bruno Kaufmann, moderator of the session, briefly introduced the background of the ECI by describing it as the basic infrastructure for citizens' participation. He then went on to interview the speakers of the panel to learn more about campaigners' motivations and institutional developments.

STOP TTIP & CETA, represented by **Michel Cermak**:
- The initiative was submitted in 2014, but rejected as an ECI. The organisers found it very difficult to reach out to the president of the Commission, Jean-Claude Juncker, and felt that civil society initiatives were discriminated against. The fact that their initiative was rejected helped them to raise awareness about the issue; however, most political advisers ignored them.
- He did not see this experience as positive because in the end they did not manage to stop either CETA or TTIP, despite massive support from citizens. He believed that, because the campaign was not recognized as an ECI, in the end it had no actual power or impact.

Right2Water, represented by **Pablo Sanchez Centellas**:
- The organisers of the first successful ECI expected the Commission to be more ambitious about its water legislation. They won a big majority in a report by the European Parliament on the right to water.

- They would like to have a clear declaration from the Commission on water rights, particularly in the wake of important developments in some Member States – for instance, Slovenia changed its constitution to include the right to water and the Irish Parliament was in the process of discussing this issue.
- Mr Sanches described the process of change as slow but growing.

Michel Sponar, deputy head of unit, "Marine Environment & Water Industry", European Commission Directorate-General for Environment:
- His unit was currently working on the new water directive.
- It was now at the stage of consulting specific stakeholders for the final consolidation.

Tomas Soria Esteban and **Olga Kurpisz**, Secretariat-General of the European Commission:
- The Commission (DG DIGIT) had improved the online collection system and produced a mobile version. It was also running two studies on e-ID for signatures and data collection by Member States.
- Following the proposal from the European Parliament, the Commission was going to launch an online collaborative platform as a pilot project in 2017/2018, based on the contributions from different institutions and stakeholders.

James Organ, Law School, University of Liverpool: the Commission could increase the number of registrations (to acquire more sample cases and experience for analysis) and it could also provide more support to organisers. There was a strong political need to recognize the important role of citizens' initiatives.

Heike Aghte, organiser of the ECI "30 km/h – making streets liveable!":
- She was satisfied to see that the new developments were coming along quickly – for example, the new updated software and simpler conditions for ECI registration.
- Another notable improvement was the fact that more time was given to the organisers between registration and starting to collect signatures.
- A third positive element was the growing visibility of citizens' movements in the media.

Glyn Hughes, organiser of the ECI European Free Movement Instrument, mentioned some administrative difficulties, such as the number of documents and details required to register an ECI and to prove who is who on the initiative's committee.

Franck de Boer, organiser of the ECI Minority SafePack: their initiative was refused in 2012 but they took the Commission's decision to the Court, which annulled it in February 2017. The organisers resubmitted the ECI proposal, which was registered in the admissible part. He confirmed that it was important to understand fully the institutional setup and competences.

Cattaneo Tiziano, organiser of the ECI People4Soil: This was a real grass-roots initiative with all the associated difficulties of capacity and network building. They started at a basic level; however, following six months of campaigning, their initiative was making good progress.

Xavier Dutoit, organiser of the ECI Stop Glyphosate: This was one of the biggest campaigns, with lots of partners and nearly 700 000 signatures within the first three months registration. The key elements to success were: a large number of partners, public awareness of the subjects and high-quality, user-friendly software to collect the signatures.

THEME 2: CITIZEN PARTICIPATION – ECI AND BEYOND[1]

The moderator **Janice Thomson,** a Public Engagement Consultant, introduced the participatory workshop "Citizen participation – ECI and beyond", which aimed to explore the different approaches of citizen participation that could be considered complementary to the ECI tool.

Johanna Pańkowska from AEGEE gave a general presentation of her organisation and the ECI "More than Education", registered by the Commission in June 2016. In particular, they aimed to fight for civic education by carrying out civic education. She explained the strategical approach adopted by the campaign organisers and shared the different struggles that they had experienced during the various phases of the process.
Theme of the workshop: using the ECI for civic education

Raphael Kies, research associate at the University of Luxembourg, focused his speech on the EU consultations launched by the Commission and presented the findings of the study he had carried out on this specific topic. In particular, he identified some "golden rules" that, according to him, should be followed by the Commission in order to improve EU consultations and promote more inclusive and participatory consultation procedures. One of these rules consisted of involving and reaching out to lay citizens who were not usually interested in EU affairs. This could be achieved by organising consultations in each Member State on specific issues of general interest via the national representations of the Commission.
Theme of the Workshop: discussing the practical issues related to the organisation of citizens' consultations in each EU Member State.

Elisa Lironi, digital democracy manager at ECAS, presented to the audience the Digital Dashboard, an online platform created within the DEEP-linking Youth project (Erasmus+ programme) in order to help policy-makers monitor and understand what young people were saying online on a specific topic. In particular, she gave a brief explanation about the functioning and the process by which the Dashboard had been "trained" to identify online content related to youth learning mobility programmes and asked the participants of the workshop to provide some feedback.
Theme of the Workshop: addressing the technical, ethics-related and categorization issues of the Digital Dashboard.

Manuel Pleguezuelo Alonso, member of the European Committee of the Regions (Murcia, Spain), talked about how local and regional authorities could use civic participation tools to involve citizens in

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[1] We would like thank ECAS for drafting this part of the report on Theme 2.

the EU policy-making process. A potential solution in this regard could be the promotion of active participation through citizens' initiatives adapted to regional level and based on dialogue between citizens and stakeholders.

Theme of the Workshop: how can we contribute to the better regulation of the ECI on the basis of this new civic participation approach, which goes from the local/regional level to the level of the European institutions.

Benjamin Aaron Snow, CEO of Civocracy**,** introduced the online platform that Civocracy had created to enable new forms of collaboration among governments, businesses and people in order to shape public services. The goal of the project was to put local communities in touch with decision-makers on the basis of a local approach. Indeed, it was possible through such a platform to raise issues, respond to calls and share knowledge between cities. What they found was that citizens were more active when decision-makers were more responsive.

Theme of the Workshop: exploring the difficulties involved in moving from the perspective of citizens to both the national and international levels.

Sara Spinelli from the European Commission's ECI team in the Secretariat-General presented a project on the creation of an ECI platform as a collaborative online tool aimed at bringing together potential ECI organisers, current organisers, expert citizens and the European Commission, in order to prepare the ECI proposals as well as possible.

Theme of the Workshop: collecting feedback from the participants on how this platform can be designed in order to represent a useful and concrete tool for potential organisers and discussing what the role played by the European Commission should be in this area.

Finally, **Roman Haken,** member of the EESC and director of the CCO of Central Moravia, briefly introduced the topic of his workshop, which was intended to explore the ways in which it was possible to find civil society partners for European participation and to improve participation at EU level.

<u>FINAL IDEAS FOR PROMOTING CITIZEN PARTICIPATION</u>

1. ECI as civic education:
   - Introducing a participatory budget at EU level to engage people in participation processes.
   - Institutions should provide initiators with more information and feedback when registering.

2. EU Policy Consultation
   - Enhancing the national representation of the Commission with in-person representative consultations.

3. Digital Dashboard:
   - The dashboard could be used by policy-makers in order to reach out to and understand the point of view of those who did not actually participate in the decision-making process.

However, it represented a complementary tool which could not replace other offline forms of citizen participation.

- A disclaimer should be added to the Digital Dashboard in order to inform people about how their digital content was going to be used and for what purpose.

4. Local to EU:
   - Participation needed to be local. This goal could be achieved by taking EU priorities and making them regional in order to establish the local-EU link.
   - Online tools needed to complement face-to-face interactions. Feedback could be provided through websites and/or dialogue between citizens as well as via participatory budgeting.
   - Trust needed to be built and sustained.
   - It was important to educate both children and adults on participation. The concept of participation could be disseminated in schools or even through games and other ICT tools.

5. Civocracy:
   - Local representatives should constitute the connection point between the local and the EU level instead of the highest national representatives, in order to engage people who did not usually feel connected to Brussels.
   - Feedback was essential to engagement and could be communicated via text or video.

6. ECI Platform
   - The platform should serve both as a knowledge-sharing tool for citizens who were interested in signing an on-going ECI and as a knowledge-building tool for those citizens who were interested in setting up and proposing a European initiative.
   - The platform should focus on topics such as campaigning, fundraising and legal checks before the proposal was submitted to the Commission for registration.
   - It should be useful as a way of finding partners to join the committee of ECI organisers.
   - The European Commission needed to outsource to external experts in those areas where it was unable to provide advice.

7. Finding civil society partners for EU public participation:
   - There was a need to put together a database of best practices, organise expert meetings on public participation and find a way to improve citizen participation at local, regional, national and European levels.

CLOSING PANEL

György Schöpflin, member of the European Parliament:
- Mr Schöpflin was delighted by Mr Timmermans' decision to revise the Regulation. At present he found the link between the EC and the people's initiative extremely weak and he hoped that the

- forthcoming report by the Parliament on the ECI and European Commission consultations would make some changes.
- He reported that the Parliament was now at the initial stage of legislative work and that the new ECI report would be voted on in September/October.

Kai Härmand, deputy secretary-general of the Estonian Ministry of Justice representing the Council Presidency (July-December 2017):
- In the last decade the mind-set of policy making had changed. Legislative initiatives tended to be the result of cooperation with different stakeholders rather than merely an institutional process. The quality of engagement had also grown quickly.
- In Estonia, the legislative process was now all online. Estonia also had good examples of how to engage people, for example the people's assembly and petitions to the parliament.
- As for the ECI: the collection of signatures should be easier, quicker and safer. In Estonia the digital qualification number worked quite well; it was based on people's middle names, in order for the government to be able to recognise a citizen easily.
- She admitted that Member States could do more to raise awareness of the ECI and provide feedback to encourage citizens to get involved.

Maximilian Conrad, Associate Professor at the University of Iceland:
- The ECI was a tool of participatory democracy and, according to the legislation as it stood, it was not possible to share the right to legislative initiative with the European Commission; therefore it had to remain an agenda-setting tool.
- The ECI had the deliberate consequence of sparking public debate at various levels, including transnational (which was happening at the same time), as well as raising awareness of particular causes. It was also a useful tool for mobilisation and deliberation (which fostered debate). As a consequence, there had been a rise in public debate as well as in the potential to create a powerful community.
- The ECI facilitated the rise of the European public sphere.
- It was difficult to separate the ECI campaigns from the larger movements that they were part of, but an ECI must be perceived as a way of communicating public concern.
- The current disappointment over the ECIs may be connected with the fact that expectations were too high in the initial phase. What the European Commission could do was to reflect upon the actual success of the ECIs so far (were they actually discussed / taken into consideration as part of a legislative process?). An ECI might not be able to change legislation directly, but it may have a strong informal impact.

Jean-Erik Paquet, Deputy Secretary-General in charge of Policy Co-ordination, Data Protection and the Mediation Service, European Commission:
- European debate on policies was very active not only in the EU but also in the Member States: there were 28 different realities to bring together. This challenging context demonstrated the

importance of the Better Regulation package for stakeholder/citizen outreach, i.e. asking for comments on legislative proposals before the Commission and the Parliament actually started to debate them as part of the normal legislative process.

- ECI developments included: easier (partial) registration of initiatives; launching the pilot project "ECI Platform"; should we try to facilitate assistance to all 28 states or create a European platform?
- The European Commission would make an ECI roadmap available shortly after Easter and open it up to public consultation.

María Peñarrubia Bañón, Assistant Professor of EU law and a PhD candidate at the CEU San Pablo University at Madrid:

- Ms Peñarrubia Bañón reminded everyone of the important role of the Ombudsman and her own-initiative inquiry on the ECI, which had been finalised with a list of recommendations for the European Commission.
- There was an important new player in the field of the ECI: the European Court of Justice, which checked admission details and had the power to annul the Commission's decisions. So far, seven representatives of the rejected ECIs had appealed to the Court; however, the Court had annulled only one decision (the ECI Minority SafePack).