



MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE

Monday, 15 June 2015

1. Introduction: latest developments around the ECI

1.1. State of play of the initiatives

Carmen PREISING, Chair of the meeting and Head of Unit SG - C4, presented the state of play of initiatives, indicating that three of the 31 registered initiatives are currently collecting statements of support from signatories¹.

1.2. Recent "Stop Vivisection" ECI

Olga KURPISZ (SG – C4) explained that "Stop Vivisection", the third initiative having gathered the required number of signatories (1.173.130 valid statements of support in 26 Member States), was submitted to the Commission on 3 March 2015.

On 11 May, the Commission met the organisers, and a public hearing was held at the European Parliament allowing the organisers to explain the matters raised by their initiative. The Commission's reply was adopted on 3 June 2015.

In its reply, the Commission explains that it shares the Citizens' Initiative's conviction that animal testing should be phased out. However, a complete ban on animal research in the EU would be premature and it would risk chasing out biomedical research from Europe. In this context, Directive 2010/63/EU on the protection of animals used for scientific purposes is needed to ensure a high level of protection of the animals. Abrogating the Directive would not prevent the use of animals in experiments. It would instead deregulate the way in which such experiments are carried out, make the animals concerned more vulnerable and hinder the perspectives of developing alternatives.²

1.3. Commission Delegated Regulation modifying annexes III, V and VII of the ECI Regulation

¹ <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing>

² C(2015) 3773 final, Communication from the Commission on the European Citizens' Initiative "Stop Vivisection": http://ec.europa.eu/environment/chemicals/lab_animals/pdf/vivisection/en.pdf

Marie-Christine PIRONNET (SG - C4) indicated that the Commission adopted its delegated act on 31 March 2015. The European Parliament and the Council did not raise objections.

Due to four ongoing corrigenda procedures concerning the Romanian, Finnish, Czech and Swedish linguistic versions, the publication has been slightly postponed.

As the entry into force will take place the 20th day after the publication, which is foreseen around 20 June, the delegated act should enter into force around 10 July³.

The main objective of this delegated act was to simplify some of the requirements of Annexes III, V and VII.

Carmen PREISING indicated that it is important that the requests for modification of Annex III are presented in the expert group meetings and that the first objective should remain simplification.

Concerning the problem of exclusion of certain citizens (IE and UK nationals residing in BG, FR, AT, CZ and PT), the Austrian representative congratulated the Commission for its efforts but said he did not see flexibility to address this problem from Austrian side.

2. 2015 review

2.1. Presentation of the Commission Report of 31 March 2015⁴

The Chair explained that the Commission Report on the application of the ECI Regulation, adopted on 31 March 2015, is based on direct feedback received from stakeholders: organisers of citizens' initiatives, the Ombudsman's own-initiative inquiry, a study by the European Parliament, various publications, conferences etc. It also takes into account information and views gathered from Member States via the Commission's expert group on the citizens' initiative. The report is factual and statistical, reporting on the first three years of implementation, highlighting successes and challenges. It concludes that there is a need to further assess the rules in the light of the encountered challenges.

Charlotte RIVE (SG - C4) presented and explained the main findings and issues identified in the report.

2.2. Reactions of the other institutions and stakeholders to the Report

Carmen PREISING explained that there is increasing pressure from various stakeholders, the civil society and from the other institutions (in particular the European Parliament and the consultative committees) on the Commission to commit to a revision of the Regulation. They consider that the ECI Regulation has certain shortcomings, which could only be corrected through a revision of the legislation, in particular as regards the timeline of the initiatives' life-cycle and the liability of organisers.

³ Please note, that in the meantime it was confirmed that the publication will take place on 8 July 2015 and the entry into force on 28 July 2015.

⁴ COM(2015) 145 final, Report on the application of Regulation (EU) No 211/2011 on the citizens' initiative: <http://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-145-EN-F1-1.PDF>

The European Parliament and the Council have decided to react formally to the Commission report. The Council should do so in the coming weeks (still under the Latvian Presidency)⁵ while the Parliament report is expected to be adopted in Plenary in November.

The European Ombudsman has conducted an own-initiative inquiry on the European Citizens' Initiative and adopted a decision on 4 March 2015. Several of her recommendations would require a revision of the current ECI legislation.⁶

Two experts proposed to establish a working group to reflect on how to improve the functioning of the tool. They also proposed to classify the proposals from the various stakeholders and institutions in order to identify which areas may require a revision of the Regulation. One of them also highlighted the fact that even if a revision is announced, it is also necessary to work in parallel on pragmatic measures that could be implemented under the current Regulation. Carmen PREISING replied that the aim of the expert group meetings is precisely to make suggestions at technical level, beyond the working group of the Council. She proposed to identify questions which are worth a more detailed discussion.

In reply to a question raised as regards the state of play of the cases pending before the Court of Justice, Ms PREISING replied that a first hearing had just taken place on one of the cases, but that it was difficult to estimate the further timing envisaged by the Court. It would be most useful to get a first judgment before the end of the year, so that the Court's position could meaningfully feed the ongoing reflection process on improvements to the ECI framework.

A discussion took place on the potentialities of the electronic signature. Several Member States' representatives explained that its use could facilitate the verification of the statements of support and reduce the issues linked to data protection. However, the exchange of views revealed that the situation as regards the possible use and legal framework around the electronic signatures differs from country to country. In addition, the current provisions of the ECI Regulation allow the use of the electronic signature but may not be designed to make the best use of it. In view of this, the Chair proposed that the group exchanges in writing on this topic (possibly using CIRCABC) in order to prepare for a more in-depth discussion at a future meeting.

In reply to a question, Olga KURPISZ (SG - C4) explained the type and level of technical skills needed to set up an online collection system as well as the support offered by the Commission services to organisers if they choose to have their system hosted on the Commission servers.

3. Online collection of statements of support

3.1. Presentation of the new version 1.6. of the Commission software – released on 31 March 2015

Christos BEZIRTZOGLOU (SG - C4) gave a brief presentation of the latest release of the ECI Online Collection Software (OCS), stressing the fact that it is an open-source

⁵ <http://data.consilium.europa.eu/doc/document/ST-9832-2015-INIT/en/pdf>

⁶ <http://www.ombudsman.europa.eu/en/cases/decision.faces/en/59205/html.bookmark>

development. The five main novelties, directly addressing concerns echoed by stakeholders, are:

- User interface improvements (improved look and feel)
- Possibility of setting goals for the collection of statements of support
- Links with social media (Facebook, Google+, Twitter)
- Optional validation (optional “soft mode” to bypass the validation rules for post codes and ID numbers)
- Improvement in the security tool used by the organisers to access the administration interface of the software, download and decrypt the statements of support (new interface, increased security)

An OCS public demo is available on the JoinUp website to enable ECI stakeholders to get familiar with the latest version as well as the source code of the project⁷.

Two experts asked how the optional collection of email addresses can be achieved. The Commission clarified that collection of e-mail addresses via statement of support form for campaigning purposes is not allowed under the current Regulation - organisers can include in the software a link to their campaign website where they can collect email addresses. This link appears in the confirmation page displayed to the signatories, under "Stay informed".

3.2. Commission Study on the ICT implications of the ECI Regulation

The Chair explained that this study was commissioned by the Commission at the end of last year and is about to be finalised. She stressed that it provides timely results, being an input in the current reflections within the Commission.

The study includes a cost-benefit analysis of the online collection process, as currently in place, making a distinction between the different possible scenarios. It also provides a comparative analysis of the main advantages and disadvantages of existing online collection solutions used by citizens' initiatives or e-petition instruments at European and national level and other existing market solutions. The presentation and the study will be published online shortly.

Céline MONTEIRO (Kurt Salmon consultant) presented the main findings and conclusions of the study.

Some comments and questions followed the presentation, in particular on the use of electronic signatures by tools similar to the ECI existing at national level. Three experts commented on the use of electronic signatures and e-IDs in the context of tools used at national level in their countries.

⁷ <https://joinup.ec.europa.eu/software/ocs/home>; <https://webgate.acceptance.ec.europa.eu/ECI-OCT/public/>

Next meeting: The next meeting of the expert group should take place before the end of the year (November or December 2015 – to be confirmed after the summer break).