



## **MINUTES OF THE MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE**

**BRUSSELS, 19 SEPTEMBER 2019**

### **1. Approval of the agenda**

The Chair (Rudiger Boogert, Head of Unit, SG.A.1) introduced the agenda of the meeting.

The agenda was approved without changes.

### **2. Nature of the meeting**

The purpose of the meeting was to discuss with the national authorities competent under the Regulation on the European Citizens' Initiative (ECI):

- the recent developments around the European Citizens' Initiative;
- the preparations for the entry into application of Regulation (EU) 2019/788 on the European citizens' initiative at the level of the Commission and the Member States;
- the state of play on the ECI communication campaign and the ECI Forum.

The meeting was not public. An observer from the European Parliament was present at the meeting.

### **3. List of points discussed**

#### **3.1. Latest developments around the European Citizens' Initiative (ECI)**

##### ***a) State of play of citizens' initiatives***

The Commission informed the Expert Group about the state of play of citizens' initiatives since January 2019. It highlighted that 2019 equalled the record of the year 2012 as far as the number of registrations is concerned. Overall, the period since mid-2018 has been one of the most active so far; i.e. 26 registration requests submitted and 22 initiatives registered.

Environment/climate change, health and food quality/supply, social inclusion/protection come up as the main matters of concern for citizens.

Various success factors have likely contributed to this increase over recent months. The interinstitutional discussions on the new regulation have put the instrument under a

renewed spotlight notably also in the context of the European Parliament elections. In parallel, the launch in 2018 of both a dedicated communication campaign and an online collaborative platform has likely also contributed to an even greater extent to this success.

Registration phase (as at 19 September 2019):

- 15 registration requests have been submitted to the Commission since January 2019.

The Commission has adopted decisions:

- 16 registrations (including one following a court case) and
- 3 refusals.

Collection phase (as at 19 September 2019):

- 17 initiatives are in the collection phase
- 4 initiatives have ended their collection phase (3 unsuccessfully, 1 having claimed to have reached the necessary thresholds)

Verification phase (as at 19 September 2019):

- The 12-month collection phase for the initiative ‘End the Cage Age’ ended on 11 September 2019. The organisers have claimed to have reached around 1.6 million statements of support and are about to establish contact with the relevant competent authorities to launch the verification.

Submission/examination phase (as at 19 September 2019):

- The organisers of ‘*Stop Extremism*’ have notified the Commission informally that the verification process has been closed for their initiative. According to the information provided, they have managed to collect at least one million signatures, but so far the Commission has not received their submission for examination.
- This comes in addition to ‘*Minority Safe Pack – one million signatures for diversity in Europe*’, for which the verification phase was already completed last year without any information about when the organisers intend to submit the initiative to the Commission.

Further details on this state of play are provided in the [presentation available on the public register](#).

***b) State of play of court cases***

There are currently no cases about refusals to register an initiative, but only on registered initiatives, including an answered initiative.

- *Case C-418/18 P - Puppinck e.a. (One of Us) v. Commission:*

The organisers of the initiative ‘*One of Us*’ argue that the Commission does not have political margins to decide not to act in response to a successful citizens’

initiative and that by doing so has impeded the freedom of speech. According to the organisers, the Commission's discretionary powers only exist in relation to how it will act on the political line taken by the initiative.

The General Court has already refused to annul the Commission decision and the organisers are now appealing the judgement to the Court of Justice, stating that the General Court erred in law by upholding the Commission Decision not to act on the initiative.

The Opinion of the Advocate-General - favourable to the Commission - was issued on 29 July.

The next stage is the judgement itself for which there is no date as yet.

- *Case T-306/18 Hungary v. Commission (‘We are a Welcoming Europe’)*:

On 16 May 2018, Hungary brought an action for annulment against the registration decision concerning the initiative ‘We are a Welcoming Europe’.

On 15 February 2019, the collection period ended for this initiative and in June 2019, following the relevant declaration from the organisers, the Commission informed the Court that the initiative was closed without collecting the required support.

[To note that the Commission has since been informed this case has been struck out from the General Court's register].

- *Case T-391/17 – Romania v. Commission (‘Minority SafePack’)*:

In this case, Romania seeks the annulment of Commission Decision COM(2017) 2200 of 29 March 2017, pursuant to which the proposed citizens' initiative ‘Minority SafePack’ has been registered.

The main plea underlying the application for annulment is that the initiative would fall manifestly outside the framework of Commission's power to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties within the meaning of Article 4(2)(b) of Regulation (EU) No 211/2011.

The hearing took place on 9 April 2019. The judgement is expected on 24 September 2019.

[To note that the General Court judgement was issued on 24 September 2019, upholding the Commission registration decision].

- *Case T-495/19 – Romania v. Commission (‘Cohesion policy for the equality of the regions and sustainability of the regional cultures’)*:

In this case, Romania seeks the annulment of Commission Decision 2019/721 of 30 April 2019, pursuant to which the initiative ‘Cohesion policy for the equality of the regions and sustainability of the regional cultures’ has been registered.

This initiative was registered following a judgement of the Court of Justice on 7 March 2019, which annulled the Commission decision refusing registration adopted a few years ago.

The main plea underlying the application for annulment is similar to the one for the case on '*Minority Safepack*' registration decision.

***c) Delegated Act to amend Annex I to Regulation (EU) 2019/788 on the European citizens' initiative***

A new delegated act amending Annex I Regulation (EU) 2019/788 of the European Parliament and of the Council on the European citizens' initiative ('new ECI Regulation') was adopted by the Commission on 23 July 2019.

The version of Annex I to the new ECI Regulation, as adopted on 17 April 2019, reflects the composition of the European Parliament established in view of the 2014-2019 parliamentary term. The European Council Decision (EU) 2018/937 establishes the new composition of the European Parliament and allocation of seats for the 2019-2024 parliamentary term. However, the said European Council Decision contains a clause rendering its entry into application conditional upon the withdrawal of the United Kingdom from the European Union.

Annex I of the new ECI Regulation thus needed to be revised accordingly via a Commission Delegated Regulation, including the repetition of the conditional clause, in time allowing its entry into application together with the main ECI Regulation, i.e. on 1 January 2020, should the UK withdrawal from the EU take place earlier.

Given the similarity with a previous delegated act, and the fact that on substance there was not any margin of discretion for the Commission to act, it was not considered necessary to discuss the draft at the expert group meeting but instead we conduct a limited consultation written form. The consultation started on 17 June and ended on 1 July. Neither comments nor objections were received from the members of the Commission Expert group on the European citizens' initiative.

After adoption on 23 July, the Commission notified the Council and the European Parliament in order to allow both institutions to exercise their right of scrutiny. In the European Parliament the scrutiny was carried out by AFCE Committee with the conclusion of no objections reached on 3 September 2019.

[To note that while the Council has not replied explicitly to the scrutiny, the deadline to present objections ended on 23 September 2019, without objections being presented. The delegated act is thus awaiting publication in the Official Journal on 8 October 2019.]

***d) Implementing Regulation on technical specifications for individual online collection systems under Regulation (EU) 2019/788 on the European citizens' initiative***

Under the new ECI Regulation (Regulation (EU) 2019/788), the Commission has been mandated to adopt an Implementing Regulation.

The draft act defines the technical specifications for individual systems that organisers may still choose to put in place to organise the online collection of statements of support for initiatives that are registered until the end of 2022.

As the draft act will only apply for a limited period, its implementation should not lead to disproportionate investments and disruptions for organisers that wish to set up their own collection system, in particular those that would like to make use of software that has already been developed for the collection in the context of other initiatives.

Various consultations were held over the past weeks on the draft text; i.e. a public feedback period of four weeks on the draft text in August; a targeted stakeholders' consultation on 9 September. Overall, the consultation exercise confirmed that stakeholders are supportive of the text; only suggestions for small technical changes to the text were put forward.

In parallel, additional consultations have been held with ENISA and the European Data Protection Supervisor (EDPS), which have not raised fundamental objections to the text.

The adoption of this implementing act being subject to a comitology procedure, a meeting of the Member States' Committee on the European Citizens' Initiative was held on the same day as this Expert Group meeting to discuss and vote on the draft text. The committee gave a positive opinion by consensus.

The adoption of this Implementing Act is envisaged in October before the end of term of the current Commission.

The minutes of the Committee meeting will become available in the [Commission comitology register](#).

### **3.2. Preparation for the entry into application of Regulation (EU) 2019/788 on the European citizens' initiative**

#### **3.2.1. State of play of preparations by the Commission**

Various guidance materials are in preparation targeting citizens/organisers of citizens' initiatives, as well as Member States.

- *General guidance on the European citizens' initiative:*

As set out in the new ECI Regulation, a guide is to be made available both online and on paper in all 24 official EU languages. In addition, the materials produced in the context of the communication campaign will be updated in line with the new rules (leaflets, infographics etc.).

The Commission will circulate the list of materials available for communicating on the ECI, which could be used by the points of contact.

- *Guidance to organisers of ongoing initiatives registered before 01/01/2020:*

The Commission is developing a notice on transitional arrangements to clarify which provisions apply to ongoing initiatives. This notice will be soon published on the ECI website.

- *Guidance to Member States on the implementation of the Regulation:*

The guidelines to Member States developed in 2013 within this group will become obsolete with the new Regulation. It is proposed an update of these guidelines and recommendations is discussed at the next meeting.

### **3.2.2. File exchange service: results of the tests and next steps**

Preparations are ungoing for the ECI IT tools that will be used by Member States, notably the file exchange system. All Member States should be prepared to be operational on 01/01/2020.

- 26 Member States agreed to the proposed file structure and to download all statements of support in one large file.
- 25 Member States agreed to accept electronic submissions of Annex V & VI. 1 Member State (BG) declined (the Commission asked BG if they could reconsider their position).
- Replies are still pending from 2 Member States (AT and IE). Final approval for the above tools is set for end November 2019.

A series of tests for the exchange of data (i.e. import and export of statements of support with secure CIRCABC) between the Commission and Member States took place without specific remarks.

- Guidelines were sent to all Member States on 02/07/2019, with a deadline to tests on 15/10/2019.
- 13 Member States performed at least one out of three test cases, while 15 Member States have not started yet.
- Member States' public keys should be made available to the Commission by 01/01/2020.

HR, LT asked if the Central Online Collection System would implement further checks on the ID documents. The Commission replied that this will considered.

LU noted that AT was integrated in EU login although the AT eIDAS node is not notified yet, which prevents it from being integrated in the Central Online Collection System as per the new ECI regulation. The Commission confirmed the understanding of Luxembourg. If a Member State's eID has not been notified, it will not be part of the Central Online Collection System in the Production System. However, as AT is compliant with the eIDAS specifications and is integrated in the EU login, tests can still be carried out on the Acceptance environment.

AT asked if it would be possible to add multiple devices to an EU login account. It is needed in the case a Member State is using a functional mailbox to connect. The Commission indicated it would look into this.

Advice for Member State credential management was provided:

- Take a backup of credentials (both private and public keys)
- Keep all versions of public keys
- Inform the Commission in case they want to change your public key.

MS were reminded they should advance their preparations for eIDAS integration, as this is a requirement of the new ECI regulation.

Further details on this state of play are provided in the [presentation available on the public register](#).

### **3.2.3. State of play of preparations in Member States**

Following a survey launched by the Commission at the end of May 2019, Member States have provided the information below.

- *Information regarding data requirements:*
  - List of MS which have chosen form A: NL, EL, LU, DE, FI, DK, IE, SK, UK
  - List of MS which have chosen form B: LT, BG, ES, CZ, EE, HU, SI, IT, LV, PT, HR, PL, SE, AT, CY, RO, BE, MT, FR

To note that DK and FR are still considering changing data requirements.
- *Information on the right to support / lowering of age to 16:*
  - LU, UK have replied positively
  - LT, BG, BE, FR, IE, SK, ES, CZ, HU, NL, IT, LV, PT, HR, PL, SE have replied negatively (i.e. age of support maintained at 18)
  - EE, SI, EL, DE, FI, DK, CY, RO have not decided yet – information on their final decision needs to be provided by the end of November 2019.
- *Information regarding competent authorities for certification of individual online collection systems:*
  - Change in the competent authority in 4 Member States: CZ, HU, PL, SK
  - Update in contact details needed for 11 Member States
- *Information regarding competent authorities for verification/certification of statements of support:*
  - Change in the competent authority in 3 Member States: HU, PL, SK
  - Update in contact details needed for 12 Member States
- *Information on contact points:*
  - 17 Member States have provided the names/contact details of the contact points
- *Information on national provisions:*
  - Need to adopt specific provisions at national level in 14 Member States
  - 2 Member States are still considering the way forward.

### **3.3. ECI Communication Campaign and ECI Forum: state of play and next steps**

#### ***a) Communication campaign***

The awareness-raising campaign ‘Take the initiative’ launched by the Commission last year has continued this year. The campaign includes social media promotion campaigns as well as events in the Member States, targeting mainly multipliers. All EU countries will be visited by the end of 2020. 7 countries were covered in 2018, 10 will be covered by the end of the year and the remaining ones in 2020.

The next events include:

- Ljubljana, Slovenia, 24 September
- Athens, Greece, 7 October
- Bratislava, Slovakia, 21 October
- Madrid, Spain, 6 November

The countries to be visited in 2020 are: CY, HU, DK, SE, LU, IT, LV, HR, DE, IE.

Events in the Member States are workshops organised either specifically in partnership with the Commission Representations usually in their premises, or as part of a bigger event like ‘Festivals of Democracy’. The typical programme includes a panel discussion with a Commission representative presenting the ECI and local stakeholders (e.g. civil society organisations, former organisers of initiatives) sharing their experience with the tool or with similar ones at national or local level. The discussion is followed by break-out sessions on practical aspects of organising an initiative (e.g. finding partners, raising funds, etc.) or promoting the instrument moderated by the local stakeholders.

Additional activities are organised around a stand, such as a photo booth activity where participants can take a picture with their idea for an initiative written on a speech bubble.

Further details on the communication campaign, including its first achievements, are provided in the [presentation available on the public register](#).

#### ***b) Online collaborative platform (Forum)***

The Forum was launched in May 2018 in the context of a pilot project, which is coming to an end in December 2018.

The online collaborative platform is now part and parcel of the new Regulation. Further development and its day-to-day management via external partners will continue in another funding framework. A procurement procedure was launched in July 2019 to select tenders for a new service contract to be signed by the end of this year.

The tool is also currently being upgraded (it will be based a new technology) and revamped (new look and feel), and be made available in early January 2020.



### **3.4. Any other business**

N/A

### **4. List of participants**

- Representatives from the European Commission (Secretariat-General, Unit A1; Directorate-General for Informatics, Unit B2)
- Representatives of the following Member States:  
  
Austria; Belgium; Bulgaria; Croatia; Czechia; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Ireland; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Portugal; Romania; Slovakia; Slovenia; Spain;
- Observer from the European Parliament (AFCO Committee).