

# **Synopsis report on the stakeholder consultation on the European Citizens' Initiative**

## **Introduction**

The stakeholder consultation for the [European Citizens' Initiative](#) (ECI) had two phases:

- the first phase (2015-March 2017) started with the Commission's [report](#) on application of the ECI Regulation (March 2015) and aimed to gather views on the Regulation and how to improve it, under the existing or a possibly revised legal framework.
- the second phase built on these results and gathered input on how to improve and revise the Regulation.

In addition to allowing stakeholders to express views on how to revise the ECI, the consultation was also an opportunity to raise awareness about the ECI.

## **1. Stakeholder groups covered by the consultation activities**

Input from a wide range of stakeholders was collected as described in the [consultation strategy](#):

- Citizens as signatories/potential signatories of ECI
- Organisers of ECI
- Member States' competent authorities<sup>1</sup>
- NGOs/CSOs (mainly active in the field of participatory/direct democracy and ECI promotion/support).
- Hosting and software providers and IT experts involved in setting up online collection systems.
- Data protection authorities in Member States
- Researchers (academia or think tanks)
- Public authorities managing similar participatory instruments

Input also came from other EU institutions that play a role in implementing the ECI, in particular the European Parliament.

The above list is based on the stakeholder analysis exercise carried out for the Commission's first study<sup>2</sup>.

## **2. Consultation activities and other information sources**

In the first phase, consultation activities (e.g. survey, interviews, workshops) were carried out in the context of the studies, ECI Days and the European Ombudsman own-initiative inquiry. The outcome echoed the concerns of the main stakeholders – in particular organisers of initiatives and citizens. Relevant documents are:

- [the Commission study on ICT impacts of the ECI Regulation \(2015\)](#),

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<sup>1</sup> These are the authorities represented in the Commission's expert group on the citizens' initiative.

<sup>2</sup> See [Commission study on ICT impacts of the Regulation on the citizens' initiative of June 2015](#), pages 165-168

- two European Parliament studies "[European Citizens' Initiative – First lessons of implementation](#)" and "[Implementation of the European Citizens' Initiative](#)",
- [the Ombudsman own-initiative inquiry](#),
- the conclusions of the "ECI Days" organised by the European Economic and Social Committee (ECI Day of [13 April 2015](#) and ECI Day of [20 April 2016](#)),
- [the Council Presidency note of 2015](#),
- [the Opinion of the Committee of the Regions of October 2015](#),
- [the Resolution of the European Parliament of October 2015](#),
- [the REFIT Platform Opinion of June 2016](#), and
- [the Opinion of the European Economic and Social Committee of July 2016](#).

The second phase included feedback on the [roadmap](#) (7 comments), a [public consultation](#) (May to August 2017), a [meeting](#) with the competent national authorities (2 June 2017) and a meeting between the Commission's First Vice-President and civil society organisations active in the field of participatory democracy and the ECI (30 August 2017).

In addition, two Commission studies involved targeted consultations on technical aspects of the instrument and signatories' data requirements.

Finally, two petitions<sup>3</sup> organised by civil society organisations (Mehr Demokratie, Democracy International, ECI Campaign and WeMove.EU) on the ECI reform collected respectively over 40 000 and over 100 000 signatures<sup>4</sup>.

For some stakeholder groups, in particular hosting and software providers, it was challenging to obtain input. For the Commission's study on ICT impacts of the ECI Regulation (2015), only 11 hosting providers replied of the 100 who were contacted in 23 countries.

Only a few competent national authorities, all represented in the expert group on the ECI, provided input to the review. In some countries, it was difficult to get information for the different studies, in particular the one on signatories' data requirements and on e-ID.

The public consultation<sup>5</sup> generated 5.323 responses, 98% from individuals. 37% of respondents replied that they had not heard of the ECI before, which confirms that the public consultation raised awareness and reached a wider audience than previous activities. 5% of respondents had already organised an initiative or collected statements of support, 3% were preparing to launch one, and 6% indicated that they considered doing so but abandoned the idea.

The number of replies per country varies greatly, with more than 30% from France and 25% from Germany. For 10 Member States (Slovenia, Lithuania, Estonia, Slovakia, Luxembourg, Cyprus, Bulgaria, the Czech Republic, Hungary and Malta) there were very few replies (below 20) despite the various communication activities, including via social media.

The input has been analysed using a data analysis tool<sup>6</sup> complemented by manual analysis.

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<sup>3</sup> [https://act.wemove.eu/campaigns/ECI-change-Eu-democracy-EN?utm\\_source=civimail-8121&utm\\_medium=email&utm\\_campaign=20170811](https://act.wemove.eu/campaigns/ECI-change-Eu-democracy-EN?utm_source=civimail-8121&utm_medium=email&utm_campaign=20170811); <https://www.democracy-international.org/eci-final-call>

<sup>4</sup> The second petition is still open for signature.

<sup>5</sup> Respondents did not always reply to all the questions of the public consultation. Results (%) are therefore calculated on the basis of the total number of replies to each specific question only.

<sup>6</sup> The tool used is Doris Public Consultation Dashboard, an internal Commission tool for analysing and visualising consultation answers. It relies on open-source libraries using machine-learning techniques and

Feedback received through social media has also been considered.

Several civil society organisations organised a joint campaign<sup>7</sup> encouraging citizens to reply to the public consultation and suggesting answers.

### **3. Stakeholder consultation results**

Stakeholders broadly agree on the need to simplify the ECI and make rules more proportionate to the nature of the instrument as presented in the following sections.

#### ***Preparing and launching a citizens' initiative***

##### **a. Citizens' committee/Group of organisers**

The main concern raised, in particular by organisers, is that citizens' committees which organise initiatives do not have legal personality. Committee members therefore bear personal responsibility and often face obstacles for fund raising and personal data protection procedures.

Several suggestions were made to remedy liability issues:

- the European Parliament in its resolution of October 2015 and the European Economic and Social Committee proposed to limit liability of committee members to acts that are 'unlawful and committed intentionally or with at least serious negligence' based on the model of Directive 2008/99/EC on protection of the environment through criminal law.
- Various organisers of initiatives and civil society organisations, the European Ombudsman, the Committee of the Regions and the REFIT platform proposed to give the citizens' committee legal status.
- Most respondents to the public consultation suggested to tackle the issue indirectly by reducing the amount of personal data collected from signatories (55% of individuals and 57% of organisations) and/or transferring the responsibility for collecting statements of support from organisers to public authorities (46% of individuals and 37% of organisations). 44% of organisations and 28% of citizens who replied proposed to allow organisations to be part of the citizens' committees.

##### **b. Registration phase, advice and support to organisers**

Stakeholders agreed that it is difficult for citizens to propose initiatives that do not fall manifestly outside the Commission's competences and that this results in a high number of refusals to register.

Most of them suggest to maintain the initial check (65% of respondents to the public consultation) but to allow organisers to revise the proposal if the Commission's assessment indicates that the initiative partly or fully falls outside the Commission's powers.

Other stakeholders, as well as the European Parliament, suggested allowing the partial registration of initiatives (as the Commission is now doing). Others (civil society organisations, Committee of the Regions) called for the possibility to register initiatives that would require changing the EU Treaties. Several contributions (European Parliament, EESC,

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allows the automatic creation of charts for closed questions, the extraction of keywords and named entities from free-text answers as well as filtering functions, sentiment analysis and clustering.

<sup>7</sup> <https://www.democracy-international.org/please-participate-public-consultation>

Committee of the Regions, Ombudsman) suggested that the Commission provide more detailed reasoning when refusing to register an initiative.

Stakeholders broadly agreed to strengthen assistance to organisers (83% of respondents to the public consultation) and suggested to provide other types of support such as assistance for (re)drafting, translation of initiatives and financial support.

The REFIT platform proposed to establish an ECI officer, similar to the Hearing Officer for competition law, who would have an independent role within the Commission to advise organisers on the registration procedure.

As part of the public consultation, two options were proposed on assistance in the preparatory phase and two on support to redraft initiatives. On assistance in the preparatory phase, 56% of respondents supported the option of a Commission helpdesk. 77% of respondents supported the option of services offered by independent experts (e.g. an online collaborative platform). Both options for support to redraft initiatives, i.e. independent experts and an ECI officer, were considered equally beneficial by 71% of organisations, while 78% of individuals supported independent experts and 63% an ECI officer.

### ***Collecting and verifying statements of support***

#### ***c. Minimum age for signatories***

Several stakeholders, the European Parliament, the EESC and the ECI Campaign suggested harmonising the minimum age to support an initiative at 16 to encourage participation of young people in the democratic life of the Union.

Almost half of the organisations and 42% of individuals that responded to the public consultation supported this suggestion while 32% overall suggested to maintain the voting age. 18% of organisations and 25% of individuals proposed to harmonise age at 18.

#### ***d. Data to be provided by signatories and verification by Member States***

Stakeholders generally proposed to simplify and harmonise data requirements for signatories. Some competent national authorities nevertheless find it complicated to have a harmonised form in all Member States given different administrative processing systems.

On types of data to be provided by signatories, the European Parliament and the ECI Campaign asked to remove personal identification numbers while the EESC proposed to limit this requirement.

For the study on signatories' data requirements, it was challenging to find reliable information on what personal data citizens find sensitive to provide. However, in 21 countries, stakeholders (civil society organisations and national authorities mainly) indicated no issue with the type of data required (including countries requiring personal identification numbers). Likewise, 30% of respondents to the public consultation replied that none of the proposed data would be a problem. 83 respondents, of which 60 were from France, never signed an initiative because of the personal data requested. Of the 2657 respondents who had supported an initiative, 297 felt that too much data was requested but provided them in any case. Overall, 33% found the process to support an initiative not user-friendly, most of them because it took them too long.

However, in the context of the study, where concerns have been raised on the sensitivity to provide some data, they primarily relate to personal identification numbers. The results of the public consultation confirmed this with around 50% of respondents not willing to provide this number (41% among respondents from those countries which currently ask for it). The score

is even higher as regards the driving license number with 58% of respondents not willing to provide it – it is currently not requested in the context of the ECI. Those are followed by the last three digits of the personal identification (document) number/driving license number (37% including some respondents who selected it only for the driving license number), the place of birth (33%), the address (28%) and name at birth (27%).

It is also important to note that results differ depending on the country of nationality of the respondent. For example, concerns about providing the address score equal or higher than providing the personal identification (document) number in nine countries (eight of them currently requiring such a number).

Stakeholders broadly agree that all EU citizens should be able to support an initiative regardless of the country of residence. For EU citizens living outside the EU, 49% of respondents to this question of the public consultation (60% of organisations) suggest they should be able to support initiatives, while 42% (34% of organisations) consider that it should be limited to citizens eligible to vote in European Parliament elections. 6% (4% of organisations) think they should not be allowed at all.

Some competent national authorities regret the absence of a procedure to verify paper forms for collecting signatures. Several national authorities raised concerns about the possibility to use software different from the one offered by the Commission, given the increased burden caused by electronic files provided in different formats.

#### e. Online collection

Stakeholders broadly agree to facilitate online collection. 98% of respondents to the relevant question in the public consultation, as well as some Member States, the European Parliament and the EESC, consider that the Commission should continue to offer its own servers for free. The REFIT Platform suggested developing one centralised system. 67% of respondents to the question concerned in the public consultation replied that the Commission hosting of systems should be made permanent but remain optional. 87% of respondents would prefer the Commission system instead of developing an alternative system.

Several stakeholders (European Ombudsman, European Parliament, EESC, ECI Campaign) highlighted the importance that systems address the needs of persons with disabilities.

Several Member States called for the possibility to sign using e-ID and to develop synergies with eIDAS<sup>8</sup>. The ECI Campaign considers that the system should allow for electronic signatures. 67% of respondents to the public consultation think that using e-ID would make the process more user-friendly, while 87% agreed that several ways for providing support online should be offered in parallel.

On certification of online collection systems, several national authorities suggested that the request to certify systems should be possible only after the Commission has confirmed that it has registered the initiative, and to make the technical specifications (Implementing Regulation (EU) No 1179/2011) more flexible and less burdensome. The ECI Campaign also asked for this simplification.

For the central online collection system, 47% of respondents to the public consultation considered that paper statements should be sent to national authorities and their number reported on the platform during the collection process. 31% think the statements should either be scanned and uploaded or manually entered into the central system, and 13% that paper collection should not be allowed.

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<sup>8</sup> <https://ec.europa.eu/digital-single-market/en/trust-services-and-eid>

f. Time period for collection

Stakeholders broadly agree to revise the timeline of initiatives. Most of them (civil society organisations and organisers, several Member States, the European Parliament, EESC, Committee of the Regions, European Ombudsman) suggest allowing organisers to choose the start date of the collection period within a given time limit.

Some stakeholders suggested extending the collection period, in addition to (Committee of the Regions) or alternatively to (some Member States) the possibility to choose the starting date, or that it should start on the date of certification of the online collection system (European Ombudsman). The REFIT platform considered that if the process is not "streamlined and simplified", the collection period should be extended to 18 months or only start after the certification of the online collection system. Among respondents to the public consultation, 27% of individuals and 40% of organisations suggested revising the timeline, mostly suggesting an extension to 18 months.

***Follow-up to successful initiatives***

g. Time limit for submission

Some stakeholders, the European Parliament and several national authorities, regret the lack of a time limit for submitting initiatives to the Commission. Two-thirds of respondents to the public consultation suggest setting a deadline (80% of organisations).

h. Examination procedure

Most stakeholders think the Commission should explain in a transparent and detailed manner its political decisions and make the examination and follow-up more inclusive.

Several suggestions were made:

- the European Parliament, the Committee of the Regions, the European Ombudsman and one Member State proposed to reinforce the inclusiveness of the public hearings in the Parliament, notably by inviting experts or stakeholders representing different views, an idea supported by 77% of respondents to the public consultation. The Ombudsman considered that the Council should be present at such hearings.
- the European Ombudsman, supported by 55% of respondents to the consultation considers the 3 months deadline for the Commission to prepare the public hearing and to adopt the Communication too short, preventing wide and transparent consultation.
- The Ombudsman, supported by 70% of respondents to the consultation, suggested involving both Parliament and Council before the Commission takes a position on an initiative.
- The European Parliament, EESC, Committee of the Regions suggested that the Commission start preparing a legal act within 12 months if it agrees to a successful ECI.

***Communication and transparency***

All stakeholders agree on the need to increase awareness of the ECI. This is confirmed by the fact that 37% of respondents to the public consultation had not heard of the tool. Several suggestions were made, notably to:

- set up information campaigns (European Parliament, several Member States, EESC, REFIT Platform), involving local and regional authorities (Committee of the Regions);
- create applications that provide information, send notifications and allow online signing (European Parliament);

The EESC, Committee of the Regions and the ECI Campaign suggest facilitating dialogue with citizens by allowing organisers and/or the EU institutions to inform signatories about the results achieved. A majority of respondents to the public consultation would like to be kept informed about the initiative they supported and its follow-up by the organisers (65%) and the Commission (52%).

The suggestions from stakeholders have been duly taken into account in the revised proposal. Some suggestions have not been taken up either because they were considered less effective or efficient than others or because they were not legally possible. Detailed explanations are provided in the Staff Working Document, notably sections 4.1, 4.2, 4.3 and 4.4.