



## ECI DAY 2014 GENERAL REPORT OPENING SESSION

### **Henri MALOSSE, president of the European Economic and Social Committee (EESC)**

President Malosse opened the conference by welcoming all the speakers, partners and participants. He underlined that the EESC believes strongly in the European Citizens' Initiative (ECI). He also reminded everyone present that the EESC is the only EU institution which invites campaigners to its plenary sessions without any procedural obligation to do so, in order to give them recognition and a floor on which they can present the objectives of their ECI. Mr Malosse observed that the gap between the institutions and the general public had been increasing for a long time now; across Europe there were more and more examples of disappointment or even rage against the institutions and a general feeling of helplessness and detachment. In this context the ECI could be viewed in two ways:

- as a gadget created by the institutions to occupy the citizens; or
- as a precursor of a new model of governance and democracy.

Mr Malosse wanted all the EU institutions, especially the European Commission (EC), to devote more attention and more follow-up to the ECIs. The regulation in force placed too great a burden on the public's shoulders (data protection, data requirements for the signature), which made the entire process overwhelmingly heavy. Without any support from the EC, and in particular without any strong communication, it was already extremely difficult to create a transnational network of contacts. If we added to that that the outcome of this effort depended entirely on one institution – the EC's communication, which might decide not to give any follow-up to the ECI – the requirements appeared to go well beyond what could be gained. He then strongly stressed that the ECI should not be viewed as a gadget but as a starting point for the institutions to find out and analyse where the public's interests lay. If the EU institutions' agenda did not include those interests, it was a bad sign, as it should always reflect people's preoccupations. An active civil society was a means of ensuring active participation. The objective would be to make the ECI efficient and practical, eliminate the technical obstacles and improve communication – Mr Malosse mentioned the EESC's plans to create an ECI Helpdesk (the ECI ad hoc group composed of 9 members existed already and was soon due to define its objectives). In conclusion, the EESC president stressed the need for closer inter-institutional cooperation and suggested that before the ECI-related communication was published, the EC should consider consulting all the other institutions. He finished by saying that the ECI should remain in the mainstream of EU policies to unblock the process of European integration.

### **Anne-Marie SIGMUND, president of the ECI ad hoc group, EESC**

Ms Sigmund, EESC member and chairperson of the conference, presented ECIs as pioneers – she reminded everyone that this was a direct democracy procedure, a novelty that stood alone in the world. She also introduced the ECI ad hoc group created recently by the EESC, in which the members would debate on how to position the EESC within its terms of reference in the entire process. She mentioned two related EESC opinions [465/2010](#) and [993/2010](#) in which the EESC defined clearly its role as a *facilitator* of embryonic citizens' initiatives, enabling those involved to network and possibly to meet, etc.; secondly, as an *institutional mentor*, issuing an opinion to assist the Commission in evaluating a successful initiative, holding hearings, and so on. When setting out the objectives of the [ECI DAY 2014](#), Ms Sigmund said that what was needed was a strategic approach and practical solutions to the issues and problems that would be identified and discussed in the three labs of the conference: the ECI and political challenges, the ECI and legal constraints, and ECI campaigning and e-democracy. She concluded by saying that the ECI, as an agenda-setting instrument, did meet a particular need in Europe: it contributed to the creation of a European public space and identity. Therefore, it must be developed from below, moving up. As regards rejected ECIs, the EC should think about setting up a forum or a platform to enter into discussion with activists in Europe in order not to lose momentum, and it should support all kinds of participatory activity.

### **Emily O'REILLY, European Ombudsman**

At the beginning of her speech Ms O'Reilly compared the EESC and the post of Ombudsman as two similar institutions of the EU that had been established to create more room for citizens and make sure that democratic rights were respected and well represented. She saw her role as Ombudsman as someone engaging in dialogue between people and the institutions. The ECI was an instrument that had come into force at a time of crisis of economic and political legitimacy. Ms O'Reilly saw her role as a facilitator of open dialogue with civil society, ensuring access to all EU documents in order to build trust, and choosing issues particularly important to the public. She stated clearly that ECIs spoke loudly to her institution's ethical obligation – and that was also the reason why she had launched an own-initiative investigation on the subject in the following areas: a redress mechanism for complaints about the handling of ECIs; failures or delays in replying; the lack of transparency; challenging a decision not to register an ECI; were the EC's conclusions reasonable? The replies were now being analysed and would be published on the Ombudsman's website later this year. However, the initial feedback from the investigation already showed that there were too many procedures – the ECI was too bureaucratic; there was a need to harmonise personal data requirements across Member States; many expats could not sign (rights of nationals vs. residents); it was necessary to eliminate ID number requirements (privacy concerns); there was a proposal to lower the age threshold to 16 and to lengthen the time for signature collection to 18 months; there were shortcomings in the online collection system (OCS); there was a need to provide legal advice and other support to ECIs; the admissibility check often seemed too restrictive (40% drop out so far); there was a need to increase public awareness of ECIs. Ms O'Reilly repeated that the ECI was the key to empowering citizens to participate in EU decision-making. She expressed her commitment to pay attention to the way it was implemented. In conclusion, she reminded everyone that more than 5 million EU citizens had signed up to more than 20 different initiatives. The Ombudsman's office remained open for their comments, complaints and feedback. Through people power and pressure, politicians were forced to act. She believed that the momentum would grow as more people became

aware of the ECI. In her opinion the ECI was a work in progress requiring constant engagement, particularly with the political system.

**Maroš ŠEFČOVIČ, vice-president of the European Commission in charge of Inter-Institutional Relations and Administration** (*video message*)

In his video message, Commissioner Šefčovič acknowledged the work of the EESC in the development and support of the ECI, especially in raising awareness about the new tool allowing the voice of citizens to be directly heard in Brussels. He informed the assembly that 24 initiatives had been registered so far covering a wide range of areas; more than 5 million signatures had been collected and out of 13 ECIs that had now been completed, 3 had reached the threshold required: Right2Water, One of Us (both certified) and Stop Vivisection (awaiting certification from the Member States). Commissioner Šefčovič stressed that in the case of Right2Water and the first EC communication ever on the ECI, the EC communication was not the end but a beginning – the EC would launch a public study about the water directive and would stay in touch with the organisers to get clarification. He also said that it was a very positive sign to see a full life-cycle of the three above-mentioned initiatives – for him the fact that citizens were motivated and active was positive news in an electoral year. He paid particular tribute to all those who had run various campaigns. In general Mr Šefčovič considered that the ECI still remained quite a new instrument. According to him, it was not yet the time to decide about its success or failure. Looking forward to its revision in 2015, Commissioner Šefčovič reminded everyone that several studies had been launched by the European Parliament's Petition Committee and the European Ombudsman. In addition, the EESC's ECI DAY, which had been meant to gather the experiences of the organisers, was also an extremely valuable means of providing input for the EC to evaluate the strengths and weaknesses of the tool. The ECI was still a learning process. Finally, Commissioner Šefčovič identified some key challenges: the online collection system (obstacles for the organisers – a temporary solution had been proposed by the EC which was now hosting it on its servers + the EC had agreed to some period extensions in few cases); the personal data requirements, especially ID (the first simplifications to the regulation annexes had been introduced in October 2013). Commissioner Šefčovič hoped that simplification was the trend and that it would be followed by more Member States in the future.

**Bruno KAUFMANN, president of the Initiative and Referendum Institute Europe**

Mr Kaufmann started his presentation with the initial question: would the momentum for ECIs be maintained? The year 2014 was extremely crucial and there would be some hard struggles over people power; it seemed that momentum now was greater than it had been for a very long time – it was an electoral year around the world. How could we strengthen democracy, how could citizens take themselves seriously? He observed with regard to the European Parliament elections that the institutions were taking on more and more powers but people participation, on the contrary, was diminishing. He pointed to some important gaps, e.g. the missing links at transnational level. Mr Kaufmann stressed that Europe needed to go transnational and modernise its communication tools for direct democracy. Then he considered how robust the ECI had to be to make a difference. For the time being the shortcomings were:

- infrastructure: going from local to transnational level – too many people had to be involved to manage the ECI compared to the numbers who actually used it;
- practicalities: the ECI should be associated more with a pan-European platform, not with the Member States (signature forms were still national);

- basics: ECI law had not been really adapted to the practical situation (learning process);
- the ECI should be equivalent to a proposal for new legislation with no limits, and have the status of primary law.

In general, Mr Kaufmann thought that the instrument was still young and more time and experience were needed to evaluate the direction in which it would develop.

### **Carsten BERG, director of the ECI Campaign**

Mr Berg opened his speech by presenting the ECI as the first digital and transnational tool and he stressed that it was the only transnational instrument (European Parliament elections were based on national lists) making it possible to cross borders and unite Europeans. He then presented the conclusions of the workshop "An ECI that Works!" organised by the ECI Campaign in partnership with the EESC, which can also be found in the [publication under the same title](#):

- there was an urgent need to harmonise data requirements (e.g. Finland: only 4 data items were required);
- Council representatives should be invited to meetings and involved more in order to raise awareness about the differences and the problems they caused for the organisers;
- all EU citizens, regardless of their status, should be allowed to participate in a given Member State (national vs. resident) – at present, some 10 million were unable to participate;
- online collection system (OCS): the extension awarded to the first ECIs that encountered major problems was not a solution – they had lost signatures and momentum. The recommendation would be to rebuild the OCS from scratch and let citizens participate in this process to make it more user-friendly, e.g. to allow the collection of email addresses in the process to keep all the supporters informed about the ongoing campaign and events.

Mr Berg concluded by observing that the number of ECIs was decreasing. This should be seen as a red light! He suggested maximising the impact of the instrument, saying that if no legal and practical follow-up was ensured, this instrument would be endangered. His general recommendation was to reduce barriers and increase impact.

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## **ECI DAY 2014 REPORTING FROM THE LABS**

### **LAB 1: ECI campaigning and e-democracy**

*Transnational campaigning with modern communication tools*

*What are the modern tools for transnational campaigning? How can online communication tools serve the purposes of ECIs? How can we reach out to target groups? How can existing communication tools be adapted to the needs of specific initiatives and communication patterns in the Member States?*

The first panel was chaired by **Carsten BERG**, director of the ECI Campaign. Panellists included **Daniel VAN LERBERGHE** - director of Social Media at EurActiv, **Stanislas JOURDAN** - ECI Unconditional Basic Income, **Xavier DUTOIT** - IT developer at Tech to the People, ECI Water is a Human Right, **Paula**

**HANNEMANN** - head of the international petition platform Change.org in Germany. Rapporteur of the LAB was **Jelena DRENJANIN**, member of the Committee of the Regions and member of the Municipal Assembly of Huddinge (SE/EPP).

Ms **Jelena DRENJANIN** thanked the speakers, the hosts and all the participants in LAB 1 for their excellent job and for a very interesting discussion on ECI campaigning and e-democracy. She then turned to the issues addressed. According to Ms Drenjanin, the workshop had attempted to provide answers to a series of questions that had been summarised very well by Mr Berg as a single one: how could the online collection system be transformed into a true transnational campaigning tool? Ms Drenjanin herself referred to a series of examples from Swedish municipalities enabling citizens contribute directly to decision-making at local level using different participation techniques.

Ms **Paula HANNEMANN** talked about a web platform enabling campaigning on issues which concerned citizens. She gave an interesting example which had led to the regulation of the sale of acid in India, from which one could observe the importance of the ability to use transparent communication and outreach methods to develop collective action. Ms Hannemann also made certain suggestions on how the ECI design could be improved – how it could become less abstract, for instance, through a change of design, better participation, more accessibility and less elitism, the engagement of people through petitions and communication tools, the ability to reconnect with supporters for feedback, the provision of "education" on using the tools (perhaps through a you-tube video), and the creation of ECI hubs all over Europe.

Mr **Xavier DUTOIT** spoke of his experiences gained from the successful ECI campaign on the "Right to Water." Even though his people had developed their own tool, they still had to deal with the unfriendly nature of the system. In addition, great frustration had been caused through not being able to reconnect with supporters to provide them with feedback. Two strong messages from Mr Dutoit were:

- Organisers should be involved in building the tools because they knew their needs.
- One must reconcile security concerns with the need to have workable tools (example of online shopping with "secure" and "open" environments).

Mr **Stanislas JOURDAN** spoke of his experiences gained from the campaign on Unconditional Basic Income. Interestingly, his people had combined the use of "traditional" social media techniques to build up and rally support with the online collection system. Mr Jourdan emphasised two main issues:

- Familiar environments made people sign more - organisers and stakeholders needed to work together to make an open source platform for and by campaigners, but at the same time:
- The internet was not a magic wand; campaigning in person was still needed.

Mr **Daniel VAN LERBERGHE** spoke about a rather "operational" experience from the EurActiv platform. The main message he conveyed was how to use available (limited) resources efficiently in order to reach out to the target group and amplify the message. Examples included: making alliances, creating communities, mapping stakeholders, being careful with multilingualism and targeting communication properly to one's audience, using the internet for funding purposes and learning from other successful campaigns.

Various questions and reflections were raised by the audience, such as how to use a bottom-up approach in campaigning, the real need of a helpdesk when handling the specialist ECI tool, the need to cut red tape, and arranging follow-up and feedback opportunities.

Closing LAB 1, Ms Drenjaninn thanked the audience for their attention.

## **LAB 2: ECI and legal constraints**

*Legal aspects and challenges of the ECI today*

*What are the main legal challenges and constraints facing ECI legislation? How do they limit the possibilities of ECIs and how can the existing regulation be improved? Main issues covered: non-uniform registration forms, data protection and legal liability, translation and different national rules on the right to sign (e.g. residents).*

The second panel was chaired by **Assya KAVRAKOVA**, director of the European Citizen Action Service, ECI Support Centre. Panellists included **Daniel BAKER** and **Joep WOLFHAGEN**, legal advisers at Freshfields, **Christian D'CUNHA**, Legal Officer in the Unit for Policy & Consultation, the European Data Protection Supervisor, **Professor Alexander PROSSER** from Vienna University, and **Prisca MERZ**, director of the ECI End Ecocide in Europe. Rapporteur of the LAB was **Bruno KAUFMANN**, president of the Initiative and Referendum Institute Europe and member of the ECI Support Centre.

The second workshop revolved around the legal constraints and issues that ECI organisers and supporters face. The session was chaired by Assya Kavrakova, Director of the European Citizen Action Service, who set out three of the main legal challenges that prospective ECIs face when attempting to shape the European agenda:

1. The legal basis for the registration of ECIs.
2. Data protection liability.
3. The rules and the right to sign.

The first presentation at the workshop, made by **Joep WOLFHAGEN** and **Daniel BAKER** from Freshfields Bruckhaus Deringer LLP, focussed on the legal basis for registration of ECIs forwarding a study that had been commissioned by ECAS. 18 potential ECIs – over 1/3 of the total proposed – have been rejected, and there does not appear to be a clear trend in what has been accepted or rejected. Article 4(2) of the ECI Regulation sets out a number of reasons for which an ECI can be refused. So far in every case where an ECI has been refused registration, it has been done so on the basis that a proposed initiative ‘manifestly fall[s] outside the framework of the Commission’s powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties’ – raising the question of what it means to ‘manifestly’ fall outside of the Commission’s powers. However, it is difficult to see why some ECIs are accepted and others are rejected. According to work done by Freshfields, there are three broad ‘rejection categories’:

1. Where an ECI definitely falls outside the Commission’s competence to act.
2. Where an ECI probably falls outside the Commission’s competence – e.g. if ECI organisers successfully identify a treaty basis but the specific subject matter falls outside the Commission’s powers.

3. Those within the Commission's competence and should not have been rejected (e.g. the Universal Basic Income ECI).

As to practical tips for ECI organisers, it was recommended that they should always identify specific legal acts and Treaty provisions relevant to their proposals, and were reminded that resubmitting can help, and that they have recourse to challenge a refusal via the Court of Justice or the European Ombudsman.

The second presentation, held by **Professor Alexander PROSSER** of Vienna University, revolved around the legal status of citizens' committees and their consequent level of liability. The first concerned the status of citizens' committees, as set out in Article 3 of the Regulation. The article fails to set out any governance structure for the committees while staying silent on important questions such as those surrounding internal decision making, what type of entity committees are, taxation, or under whose laws each committee. The lack of governance structure also means that ECI organisers face unlimited liability in all issues related to the running of the ECI, an extreme level of risk. In this case, the solution may be found in defining the legal character of citizens' committees, perhaps by referencing existing legal constructs.

The second issue identified concerned the privatisation of the signature collection process as set out in Articles 5 and 6 of the Regulation 211/2011. ECI organisers are responsible for all aspects of signature collection. For example, if local supporters of an ECI in Italy violate Italian privacy law, ECI organisers could ultimately find themselves liable for millions of Euros of damages. A solution would be to make the online collection system currently run by the Commission a permanent feature, assigning responsibility to the OCS to the Commission instead of ECI organisers.

The third issue revolved around Annex III of the Regulation, which relates to the verification principles when citizens sign an ECI, which mixes the 'residence principle' with the 'passport principle'. This mix means that around 11 million European citizens – a number greater than the population of Austria – are deprived of their right to sign an ECI. The solution rests in unifying the requirements across Europe, choosing either the residence or passport principle and implementing it across the EU.

The third speaker, **Christian D'CUNHA** from the European Data Protection Supervisor, focussed on the fundamental rights of privacy and data protection. Since 2007, distrust in the EU has risen massively, and this spreads into a lack of trust in the protection of personal data.

The Charter of Fundamental Rights provides two fundamental rights relating to data protection: the right of an individual to privacy and the right to the protection of personal data. Two recent Court of Justice rulings (C-293/12 and C-594/12) are landmark judgments regarding the protection of data, striking down existing EU legislation (Directive 2006/24/ on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks) and stating that data does not need to be regarded as 'sensitive' for data protection rights to apply.

The ECI Regulation appears to offer a robust enough data protection regime at the EU level, but this is difficult to monitor on the national level, where privacy may be being infringed. Finland was forwarded as the country that currently has the best practice regarding data collection. The differing

requirements to support an ECI in different Member States raises the question of why some countries need to take so much data, and why others need to have relatively little.

The final presentation was made by **Prisca MERZ**, from the 'End Ecocide in Europe' ECI, who set out some of the practical difficulties and legal restraints faced by ECI organisers. Data requirements were identified as a major challenge. Not only are millions of European citizens excluded from their right to sign ECIs due to differing national requirements, but citizens are also strongly hesitant to provide sensitive personal data such as ID numbers: only 44% of citizens who click on 'vote now' via the website actually end up signing (although this varies wildly between Member States).

Timing was also identified as highly problematic due to the lack of a gap between the time when an ECI is accepted and the one-year 'countdown' to collect signatures. A more preferable system would be to allow organisers to choose the starting date for the collection of signatures within a certain time frame after their ECI has been successfully registered. The lack of legal status of citizens' committees was also stated to be a challenge for liability reasons. Issues with bureaucracy and transparency were also set out. The lack of support provided for translations and lack of in-built links with national data protection agencies were stated to be significant problems, as was the need to have 28 different paper forms, one for each Member State. There was confusion over financial transparency, with questions raised as to what non-financial support (such as in-kind support and staff time) needs to be declared, and the lack of checks by the Commission on the support that was declared was also questioned.

A lively discussion concluded the workshop, and, among other things, further issues with transparency were revealed. Would-be ECI organisers whose ECIs were refused registration told how there was no communication from the Commission between the submission of the initiative and the eventual refusal, which came one day before the Commission's deadline to reply. Had there been a greater level of communication between the Commission and the organisers, it may have been possible for the ECI to be altered in order to ensure its acceptance. The point was also made that although current ID requirements may be onerous, they do provide a level of security that prevents people from signing an ECI in your name without your knowledge. The definition of 'manifestly' as seen in Article 4(2) of the ECI Regulation also re-emerged.

### **LAB 3: ECI and political challenges**

*The ECI and its impact at political and institutional level in the EU*

*What is the impact of the ECI at political level? What principal changes are needed for this instrument to become a genuine citizens' initiative? What are the initiative's objectives and actual results? What is the next step following the completion of the ECI procedure? How can we continue the initiatives irrespective of whether current procedures are successful or not?*

The third panel was chaired by **Professor Johannes W. PICHLER**, University of Graz. Panellists included **Alicja Magdalena HERBOWSKA**, administrator from the Unit for Legislative Coordination, Directorate-General for Internal Policies of the Union, European Parliament, **Professor Justin GREENWOOD**, Robert Gordon University and College of Europe, **Antonio Jesus MELLADO ROSIQUE**, representing the ECI One of Us, **Iveta KAŽOKA**, policy researcher, Centre for Public Policy PROVIDUS

and Policy Association for an Open Society (PASOS). Rapporteur of the LAB was **Philippe CAYLA**, president of Euronews Development, representing also the ECI Let me vote.

Professor **Johannes W. PILCHER** opened the panel's proceedings with a few provocative remarks. He said that despite the introduction of the ECI, there was no indication whatsoever that the dialogue between the general public and Europe had improved; none of the ECI organisers seemed to be really satisfied with the procedure and the outcome, there seemed to be no political climate change in the EC and the ECIs claimed that they had not received enough support, which they blamed on the system and the burdensome procedure. The question therefore arose of whether anyone believed that the ECI would bridge any gap? The major shortcoming of the ECI regulation as it stood now, observed Professor Pilcher, was that from the beginning it had been discussed as an act of law and not as a tool empowering the general public. He considered the objective of Lab 3 to be very ambitious and expressed his hope that the development of the ECI in the future would permit the introduction of yet another participatory democracy tool: a referendum instrument for constitutional cases.

Ms **Magdalena HERBOWSKA** represented the Unit in the European Parliament which was the organiser of the ECI public hearings. She explained briefly the internal procedure adopted by the Parliament to identify the committees with the right competence to hear the ECI organisers. The proposal came from the Conference of Committee Chairs and was addressed to the EP President who made the final appointment. The Petition (PETI) Committee was always associated as it was also very likely to be involved at a later stage when the ECI organisers, displeased with the decision of the EC or wishing to proceed with their cause via the Parliament, might choose to submit their initiative to the PETI Committee. Ms Herbowska confirmed that the PETI was open to hearing unsuccessful ECIs. The structure and the programme of the hearing were decided by the chair of the Committee in charge. The EP internal procedure allowed for the reimbursement of 3 representatives of the ECI and, potentially, of 3 additional experts. As far as the nature of the hearing was concerned, the EP had witnessed the greatest challenge, but it had decided to situate itself as an ally of the ECI organisers. The Parliament believed that the hearing was a platform given to the campaigners to present their initiative and the event itself should be conceived in such a way as to recognise their efforts. Ms Herbowska also pointed to the fact that the ECI regulation was very vague on many aspects, including the nature of the hearing. It did not indicate who should participate and whether the debate should reflect the pros and cons or be a neutral scene where ideas and proposals were presented. A more precise stipulation of the role of each institution could help. The hearings were open to all the MEPs – for information: more than 50 participated actively in the first two on Right2Water – 17 February – and on One of Us – 10 April.

Professor **Justin GREENWOOD** argued that the main force of the ECI was the fact that it was an agenda-setting instrument. The ECI had mobilised a new set of activists: 14 initiatives had arisen from the social movement and fluid-type of organisations and around 12 of them had come from nowhere. He went on to analyse the content of the initiatives: were they new questions? Were they entering into a new sphere of politics? The reply was overwhelmingly: yes. The ECIs such as WEED liked to talk, Unconditional Basic Income, End Ecocide in Europe or One of Us were new to the present political agenda and often in their nature contentious to the existing political frame. The ECI fed the contentious sphere of politics and, as such, was a new element in it. Professor Greenwood also considered the role of EU NGOs in this new process. So far the NGOs had been focused on

lobbying directly with the institutions. To some extent they had lost the capacity to dialogue directly with the general public. The ECI might motivate them to return to the source and involve themselves more in debate with the general public. It was now an ongoing process to be observed. The same applied to the dialogue with civil society, which might with time embrace the ECI, otherwise it risked being by-passed by individual citizens voicing their interests directly to the institutions. In conclusion, Professor Greenwood repeated again that the fact that the ECI was an agenda-setting tool should be viewed as an advantage: it had a broad appeal and a power to start up a transnational debate. Lobbyists and NGOs would expect legislative results and would therefore focus on the areas that could bring success. The ECI, on the contrary, in the way it was conceived, allowed a much more diversified area of subjects to be discussed on a transnational level.

Mr **Antonio MELLADO** thanked all the institutions contributing to the development of the ECI, which he considered an excellent tool allowing citizens to express their opinions on subjects that were sometimes ignored or forgotten. He focused on the experiences and recommendations gathered by the campaigners for One of Us:

- technical difficulties: networking and finding partners across Europe who had no political objectives, but simply worked with citizens; motivating and managing volunteers (training them to present the ECI in the streets etc.); online registrations – the organisers needed to employ one full-time person to manage the collection (budgetary implications); the EC and DIGIT were very helpful, the ECI had been granted a 3-month extension, but a certain momentum had been lost and the motivation of the organisers also needed some re-boosting;
- workload and heavy procedure: all collected signatures needed to be sent to national coordinators – a strict minimum stemming from the data protection requirement was to send them by recommended post against receipt (budgetary implication of 2900 EUR).
- involvement of the organisers: 30 NGOs across Europe (implication: linguistic challenge);
- the structure of the main and national coordinators had to be established very quickly and the communication channel between them must also be well defined;
- the social base was extremely important – in the case of One of Us over 100 volunteers in Italy were involved solely in counting the signatures collected (over 600,000 signatures in Italy);
- it was important to organise ECI-related activities and try to link them with existing local events; support from a well-known personality and/or celebrity was priceless.

Mr Mellado concluded by saying that the EU was used to discussing economic questions. He saw the ECI as a tool for introducing debates on subjects that touched people beyond any borders, and ethical issues, such as One of Us, Right2Water or Stop Vivisection.

In her presentation Ms **Iveta KAŽOKA** concentrated on three aspects of the participatory tools:

1. *Expectations for the ECI– are they not too high?*

For now it was perceived as a single solution to bridge the legitimacy gap. It might be unfair to see it as the only instrument capable of giving a voice to citizens. The last Eurobarometer showed a growing gap between the national and European level. Agenda-setting initiatives existed already in two Member States: Finland and Latvia, where citizens could sign online requests, to which the government was obliged to give a reasoned reply. In Finland the initiatives came up with high-quality debates and subjects, whereas in Latvia, where the

initiative was an agenda-setting tool created in addition to the referendum with a more binding effect (a possibility to change even the Constitution), the initiatives were of lower quality. In this context, Ms Kažoka perceived the ECI as one of the possibilities to table certain issues on the European agenda and it was already a success if they were discussed in the institutions.

2. *Shortage of agenda-setting ideas or shortage of discussion?*

Ms Kažoka asked which of the two was actually the problem in the EU. She suggested that the debate itself would profit from more substance than from more communication tools and channels. The ECI should build on the existing infrastructure and explore various possibilities for discussion, involving as many forums and stakeholders as possible.

3. *Are we not missing something by focusing too much on the ECI?*

The ECI was one of the existing mechanisms. The EU had already attempted other solutions: forums, Green Papers, White Papers, online consultations etc. There was a limitless number of new tools, such as crowd sourcing etc. However, it should be remembered that few issues would attract 1 million signatures. Therefore the ECI should develop, but it should be viewed as just one of many instruments, and not the only one, for improving communication between the public and the institutions.

The panel ended with a general recommendation to involve the Council and the Member States more in the debate on the ECI.

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## ECI DAY 2014 CLOSING SESSION

**Elisabeth GOLDBERG, director, Directorate C - Smart Regulation and Work Programme, General Secretariat, European Commission**

Ms Goldberg spoke about the general coordinating role of the EC general secretariat for the ECI. She stressed on several occasions that the EC, which would soon be working on the revision of Regulation 211/2011, was now carefully listening to all the suggestions. She mentioned the specific solutions adopted so far in the initial campaigns (extension of deadlines, hosting CSOs on the ECI servers etc.) and a great involvement of the ECI team at the general secretariat in following all the questions and supporting the campaigners to the greatest extent possible. The EC was obliged to act within the existing legal framework and only new rules in the regulation could allow for different interpretations. The work of the general secretariat had been very complex for the first successful ECIs – several DGs had to be coordinated and asked for contributions to the first EC communication on the Right2Water initiative. Ms Goldberg reassured the public of the EC's listening mode and its commitment to assisting the ECIs. She promised to consult the Legal Service of the general secretariat about the following aspects of the ECI mentioned by the participants:

- a pre-check mechanism should be introduced to eliminate the fact that currently 40% of ECIs were rejected. This mechanism would shorten the process of waiting for the EC's validation and would ensure greater assistance for the ECIs – often only part of the initiative's grounds did not qualify for validation, but with a "pre-check" phase these could be reworded to allow the rest of the initiative to be approved and accepted;
- ECIs amending the Treaty should be allowed;

- The review of the ECI regulation should also be about changing premises, and not just about amending the amendments. It should view citizens as the EC's partners who enriched the institution via direct dialogue. The ECIs created the institution's legitimacy, hence the institution should construct the regulation in such a way as to allow for co-designing and co-editing.

#### **Gerard HÄFNER, member of the European Parliament**

As one of the strongest advocates and fathers of the ECI in the European Parliament, Mr Häfner expressed his satisfaction about the existence and the progress of this instrument. He decided to focus on existing shortcomings so as to enable the ECI to realise its full potential. He criticised strongly the un-harmonised requirements for signing initiatives – he stressed in his speech that a European citizens' initiative, required a European, and not a national framework, meaning one European set of requirements. He considered it a great shame that Member States came with different lists of requirements and that the Council could not find one unified solution for all the registration forms. Mr Häfner also considered it incorrect to limit the ECI to existing secondary legislation – he believed that the ECI should also be allowed to make proposals for Treaty reforms. As far as the first successful ECI Right2Water was concerned, he thought that after a brilliant hearing in the European Parliament, the EC's communication was very weak. In his view, the EC should have come up with a legislative proposal, which would have allowed the ECI to be discussed in all the institutions. He concluded by saying that to enable a better functioning and a stronger impact of the ECIs in the future, the procedural follow-up should be clearer and defined more concretely.

#### **Jerry VAN DEN BERGE, Policy Officer for Water, Waste and European Works Councils, European Federation of Public Service Unions (EPSU), ECI Right2Water**

Mr Van den Berge started off by presenting the ECI Right2Water and its objectives. He then moved on to discuss the practical issues encountered by the organisers, one of the main ones being quite simple: the lack of communication from the EU institutions about what the ECI is. The campaigners had a hard time explaining first what that new instrument was and only then could they inform people about the objectives of their campaign. He made practical recommendations about the organisation of an ECI in general. In the case of Right2Water, this had begun within trade unions, which were then supported by few large federations. Mr Van den Berge considered that a broad coalition with many partners was instrumental to the ECI's success. In his view, a normal citizen, even if supported by 6 colleagues in the other Member States, could not run an ECI campaign if they did not have any big organisational backup and/or supporters. The requirements were too high and because of that a huge organisational capacity and budget were needed. As regards the EC communication, Mr Van den Berge informed everyone on behalf of Right2Water that they had achieved a lot (1.8 million signatures) and therefore expected a lot, but they knew from the start that the ECI was only an agenda-setting tool and not something binding. He considered, though, that it would be good if it was binding on the EC. Why? Because if the EC said it wanted people to participate in its policy and it had decided that a given ECI fell within the competence of the EC to act, then it was hard to explain why the final decision was not to take any legislative action. He concluded by saying that, in general, the ECI requirements were too strict and that, when acknowledging the fact that the ECIs participated in the policy-setting process of the EU, the EC should provide funding for the ECIs to help them develop and express fully the public's voice.

### **Assya KAVRAKOVA, director of the European Citizen Action Service, ECI Support Centre**

Ms Kavrakova summed up the conclusions of the conference by focusing on the practical issues that could be easily solved if the legal framework was revised by: harmonising registration forms, empowering the 10 million citizens who are now deprived of the vote because they were simply residents and not nationals of a given Member State or because they lived abroad. She also stressed that changing the ECI's status as an agenda-setting tool into that of a more policy-setting tool would reinforce the instrument and grant greater recognition to the disproportionate effort needed to collect 1 million signatures across Europe. Ms Kavrakova, who represented ECAS, the umbrella organisation running the [ECI Support Centre](#), also spoke about the assistance that the present and future ECIs could obtain from the Centre by linking up with various democracy and peoples' rights organisations in the EU. One of the most recent projects that she had presented was the first ECI mobile application allowing people to view and sign ECIs, follow the progress in the number of signatures, and share such information with other stakeholders etc.

### **Ramón Luis VALCÁRCEL SISO, president of the Committee of the Regions**

In his concluding remarks, Mr Valcárcel stressed that the ECI DAY 2014 had come at a good moment for assessing the present system before the review of the ECI regulation in 2015. He also placed the situation in a more topical perspective: the EP elections were approaching and various surveys had announced that there would be a high number of abstentions. This showed that the general public felt detached from the institutions and they did not see how they could change or have an impact on them. The ECI was a tool that allowed for this and the Committee of the Regions (CoR) could contribute immensely to the communication campaign about the ECI because of its proximity to citizens and its strong regional representation. The ECI actually reflected the same principles of decentralisation and multi-level communication. Mr Valcárcel reminded everyone present of a general sentiment that, from the point of view of citizens, the further away an authority was, the less faith people had in it. The CoR had issued two opinions on the subject of European Union citizenship and the communication policy of the EU recommending how to connect Europe with its citizens. Mr Valcárcel also reminded the assembly that his institution, like the EESC, had recently demonstrated its commitment by supporting the Right2Water at the EP public hearing. Looking ahead, he commended the idea of the EESC as an inter-institutional contact point – he considered that it could be very useful both for the EU institutions and the ECI organisers. He also expressed the view that full use should be made of all the participatory democracy tools, which should constitute the *credo* of all politicians.

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