

# An ECI That Works!

Learning from the first two years of the European Citizens' Initiative

Edited by Carsten Berg and Janice Thomson  
with prefaces from Maroš Šefčovič, Martin Schulz  
and Dimitris Kourkoulas





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This is the web edition of the book:

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**Edited by** Carsten Berg and Janice Thomson

**Prefaces by** Maroš Šefčovič, Martin Schulz and Dimitris Kourkoulas

**Contributions from 16 ECIs by** Jerry Van den Berge, Ana Del Pino, Adriano Varrica, Simona Pronckutė, Prisca Merz, Stanislas Jourdan, Heike Aghte, Panos Papadopoulos, Ana Gorey, Jean-Sébastien Marre, Susanne Kendler, Alessandro Valera, Madi Sharma, Joerg Mitzlaff, Alexis Anagnostakis and Daphne Rieder

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## Preface

### 1. Editors Carsten Berg and Janice Thomson, The ECI Campaign

Dear Reader,

With this publication, we invite you to take part in a discussion on the European Citizens' Initiative (ECI) and the future of democracy in Europe. In the two years since the launch of the ECI, the first tool for transnational participatory and digital democracy in world history, we have amassed valuable learning from over 20 pioneering ECI campaigns. Most have completed their campaigns and three have collected over one million signatures of support.

In one year, the rules that govern the ECI (*Regulation No 211/2011*) will be up for review by the European Parliament and Council. Therefore it is time now to open the debate, raise questions, reflect on observations and share perspectives. As the Greek philosopher Pericles said "*a good decision needs a good discussion in advance*".

In this spirit, we approached ECI stakeholders and asked them to share their experiences and tell us what they think is needed for "an ECI that works". They met in person in a December 2013 workshop in Brussels and contributed articles to this publication. Practical experience gives their voices strength and credibility. They, better than anyone else, know how often the ECI does *not* work and to what extent it needs urgent improvement.

Part I features the real-world experiences of people who developed and ran ECI campaigns. They were asked to describe why they chose the ECI and what impact it has had. They share what helped them and challenged them. They suggest ways to improve the ECI, both by changing the regulation and providing supports. The men and women who worked on these first pioneering ECI campaigns are our heroes. They took the risk of testing a new tool and learned the hard way what it would take to succeed.

Part II contains equally valuable reflections from officials inside EU institutions and national administrations who have worked with the ECI, technical advisors to ECI campaigns, democracy advocates and researchers who have studied different aspects of the ECI – from the Commission's legal admissibility decisions to the design of the public hearing.

As the EU's democratic deficit continues to grow alongside citizen frustration with EU decisions, the ECI has become a beacon of hope for a more democratic EU. Expectations are high, but so are the challenges. The ECI was never on the wish list of governments and it was not devised by EU insiders. It has instead been the product of long-term grassroots citizen engagement for more participation and democracy. We hope the stories in this publication will inspire you to get engaged for a renewed Europe by citizens. Together we can ensure that the ECI works, not just for us, but for all future generations to come!

This publication of The ECI Campaign has been made possible thanks to the support of Salvia Foundation, Fondation Charles Léopold Mayer pour le Progrès de l'Homme, Citizens For Europe and the logistical support of the European Economic and Social Committee.

In addition, we would like to warmly thank and acknowledge the valuable contributions of Paweł Głogowski for research and project support, Nils Ehlers for layout, design and publication support, Paul Carline for copy editing and translation, Inga Wachsmann for core project support, Anna Kozdój for workshop support and Mikołaj Musielak for the cover design.

*Carsten Berg and Janice Thomson, Editors of "An ECI That Works!"*



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## 2. Maroš Šefčovič, European Commission Vice President for Inter-Institutional Relations and Administration

On 1 April 2012, the European Citizens' Initiative (ECI) was launched, the EU's first major step into the world of direct participatory democracy. In the two years since that launch, we've seen over 30 initiatives submitted to the European Commission – a demonstration that this tool has been well accepted and used by European citizens.

We have now completed the first full cycle of the ECI process. *Right to Water* was the first ECI to successfully reach the one million signature mark and at the end of 2013 submitted more than 1.6 million signatures to the Commission in support of its proposals.

Two extremely informative and helpful hearings were then held with the organisers of the ECI: one at the Commission with representatives from the eight DGs covered by the scope of the ECI and one at the European Parliament with MEPs. I was privileged to take part in both of these meetings, to meet the ECI organisers first hand and hear them talk with passion and skill about their proposal.

And of course this input was key in helping the Commission to draft its first ever communication in response to a proposal for legislation coming directly from the European public! It was impossible for the Commission's communication to respond to every proposal in the *Right to Water* ECI because they fell outside the areas where the Commission is empowered to act. We were however able to respond very positively to many of them, setting out a concrete list of actions to improve access to, quality of and information concerning water for citizens across the EU.

At the time of writing, two more ECIs have hit the one million signature mark. *One of Us* has already submitted its 1.8 million verified signatures to the Commission and will have the chance to present its proposals at hearings in Brussels later in 2014. *Stop Vivisection* is still in the process of getting its 1.3 million signatures verified. And there are new ECIs being proposed on a regular basis. So there is every chance that we will see more initiatives reaching the million signature threshold in the future.

The economic crisis has put citizens' faith in their political leaders to the test, making it all the more important for the ECI, which puts citizens firmly in the legislative driving seat, to be a success.

The ECI regulation foresees a review by 2015. Now that we have brought the first ECI to a successful conclusion, we can start to look at whether there are any particular elements of the process that can be improved. Input and ideas from civil society are, of course, very welcome.

It's certainly true that the launch of the ECI has not been without its teething problems. I'm glad to say that some of the burdens imposed on citizens by the member states (for example, the obligation in many countries to provide ID card numbers) have already been dropped as a reaction to complaints from citizens that the process was too cumbersome.

This will give us plenty of food for thought throughout the review process, and help us, if necessary, to refine the rules in order to make it even more effective for citizens to have their say on the future of European legislation – which, after all, was why the ECI was established in the first place.

One thing that will need to be addressed in the review is the question of the online collection platforms, including issues such as the complexity of the software, the cost and administration of the hosting and the certification. These were perhaps the most prominent issues that came to the fore following the launch of the ECI and led to an extension of the signature collecting deadlines for the first ECIs registered.

I'm happy to say that the Commission was quick to respond to these issues. For example, it offered to host several of the first registered ECIs on its own servers in Luxembourg and made its IT staff available to help organisers with questions regarding the installation of software.

The first two years of the ECI have also answered a number of questions that were frequently posed ahead of the launch. Notably, concerns that the ECI would be hijacked by big business as a sort of 'lobbying by the back door' have been completely unfounded. There are no real examples of this in any of the registered ECIs. But experience has also shown that initiatives that have the backing of sizeable organisations seem to have a greater likelihood of success, not least because of the reach that these organisations have in communicating their support for the ECI.

It is important to remember that creating a successful ECI is not necessarily an easy task. Leaving aside the question of registration for a moment, simply raising awareness of the initiative in 28 member states is by no means an easy one – although it is undoubtedly far easier today with the advent of social media than it would have been in the past. That's why getting support for a citizens' initiative from a Europe-wide organisation has certainly proved to be vital in obtaining the necessary million or more signatures.

Returning to the issue of registration, I think one thing that has become clear over the past couple of years is that EU law is complex and difficult to understand for many EU citizens! This is not surprising perhaps, but it is important since the success or failure to register an ECI depends predominantly on whether there is a sound legal basis for it (in its entirety) in the treaties. Several ECIs have in fact been rejected because there is not sufficient legal basis for all the proposals they contain.

The ECI has been a learning process for all of us: the Commission, member states and citizens themselves. Well-run, well-supported initiatives can be successful, but we still have much to do in terms of raising awareness within each member state of the right to launch ECIs and to promote ongoing initiatives to help them successfully meet the threshold for signatures. These are things that we can do regardless of the outcome of the review, and I urge all member states to work alongside the Commission and the European Parliament in doing more to help us create a real ECI that works!

*Maroš Šefčovič is European Commission Vice-President for Inter-institutional Relations and Administration.*

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### 3. Martin Schulz, President of the European Parliament

As President of the European Parliament, I am glad to contribute to this publication at a time when we are seeing potentially two tectonic shifts from a democratic point of view at EU level.

Who would have thought at the time the *Treaty of Lisbon* entered into force that we would this year see the nomination of top candidates for President of the Commission by no less than five political families at European level and also not one but several successful European Citizens' Initiatives?

There is no zero-sum game between representative and participatory democracy. As the *Treaty of Lisbon* rightly underlines, they are complementary and both shifts mentioned earlier are mutually reinforcing. A European Commission, I hope, with renewed legitimacy will be in a strong position to respond to the will of the citizens expressed through the European Parliament but also directly by means of concrete Citizen's Initiatives.

It is this concrete element which I find particularly appealing. Citizens from a significant number of member states form an alliance on a concrete topic, have a genuinely Europe-wide debate and take the message to the Commission; they take centre-stage and present their initiative at a hearing at the European Parliament. I am glad that the first such hearing has now successfully taken place, on 17 February, to present the *Right to Water* initiative and debate it with parliamentarians.

It is no coincidence that the European Parliament has always been a strong supporter of the Initiative. Parliamentarians, including those key members who contribute to the present publication, came to the correct conclusion that such direct involvement of citizens is not a threat to their work as representatives, but rather enhances the quality and intensity of that dialogue. During the law-making process they made every effort to make the Initiative as user-friendly as possible. It is no secret that not all institutions saw eye to eye on every issue – and *Regulation 211/2011* is the product of these tensions.

I welcome the fact that you now take stock of the developments in the last few years, of the modest practical experience gained, and try to make the Initiative more appealing, more accessible and try to do away with the teething problems experienced by the initiative committees. It is too early to judge yet whether the ECI instrument is a success, and the way in which the European Commission responds to the first Initiatives will be particularly important in this respect, as will any follow-up or reactions to this response. Let me be clear, there will sometimes be frontal disagreement over an initiative. This is only normal. But if there is such disagreement, let it take the form of a dialogue, an exchange of views, rather than a confrontation from which the democratic framework itself comes out as the loser.

Now we need to go further in removing any unnecessary obstacles in the way of those citizens who are keen to get an Initiative off the ground. Who are keen to address the imbalance between corporate lobbying and the priorities of citizens. Who are keen to start a discussion with like-minded friends across borders. We have created great expectations with the *Treaty of Lisbon*, and it is now upon us all to fulfil them.

*Martin Schulz is President of the European Parliament.*

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#### **4. Dimitris Kourkoulas, Deputy Minister of Foreign Affairs, Greek Presidency of the Council of the European Union**

Among other innovations the *Treaty of Lisbon* in December 2007 laid the foundations for a new direction in democratic citizen participation in Europe. As set out in *Article 11, Paragraph 4 (TEU)* citizens are given a new right of initiative, that is, the European Citizens' Initiative (ECI), which enables one million EU citizens to call directly on the European Commission to propose legislation of interest to them in an area of EU competence.

Today, seven years later, it is clear that European Citizens' Initiatives are a success and are now a permanent feature of the European political landscape. For European policy makers and legislators it offers the opportunity to listen to the concerns which motivate citizens to make a call for action and respond with specific commitments. For European citizens it offers the opportunity to forge cross-border links by stimulating public debate on issues chosen by them.

None of this should come as a surprise: the ECI is a game changer in our efforts to build more robust and responsive democratic institutions. It gives citizens the same right as the Parliament and the Council to invite the Commission to launch a legislative process. In the process, the distance between EU institutions and citizens is effectively bridged and the extent of citizen participation in EU politics is dramatically increased.

Needless to say, the role of the ECI is not to replace the normal democratic process. Rather the aim is to supplement it by employing innovative tools available in our era. In this process we need to be careful not to undermine support for established democratic institutions and practices. European democracy will remain a representative democracy, not a plebiscitary one.

The pioneering efforts of the first ECI campaigns presented in this new publication "An ECI That Works!" are instructive. Learning from this diverse collection of campaigners, politicians, representatives of EU institutions and experts provides an excellent basis from which to reflect on this nascent institution.

*Dimitris Kourkoulas is Deputy Minister of Foreign Affairs of the Hellenic Republic.*

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## Part I – The First European Citizen’s Initiatives

### 0. An Overview of the First Two Years of the European Citizens’ Initiative

Carsten Berg and Paweł Głogowski

*ECI Campaign coordinator Carsten Berg and researcher Paweł Głogowski outline some basic facts from the first two years of the ECI. They look at how many ECIs were begun, how many were rejected, what subjects were covered, from which countries signatures came and how many signatures were collected online and on paper. They also take an in-depth look at the three ECIs which each collected over one million signatures.*

Over 5 million signatures were collected.

1,000s of conversations and debates took place among European citizens.

100s of events were organized by citizens’ groups across Europe.

These are some of the first quantitative results of the introduction of the European Citizens’ Initiative.

#### **Out of 40 proposed ECIs, 23 were registered and 17 were rejected**

Between its entry into force on 1 April 2012 and 1 March 2014, 40 initiatives submitted an application for registration to the European Commission. Of those, 23 initiatives were accepted for registration by the Commission and started the very involved and challenging ECI signature gathering process. A surprisingly high number – 17 proposed ECIs – were declared inadmissible by the Commission for being “outside the Commission’s competence”.

Of the 23 ECIs registered, two were withdrawn and never resubmitted. Four ECIs “gave up” and stopped collecting signatures before the end of their 12-month signature collection period, but did not officially withdraw.

As of 1 March 2014, 13 ECIs have ended and eight are still ongoing. Out of these, three ECIs have managed to collect over one million signatures from at least seven member states.

This is a first general summary of the ECI in numbers. From these numbers it is clear that citizens actually have made use of the ECI. Furthermore, as Table 1 shows, they have used it for very diverse subjects, including the environment, reproduction, animal protection, education, health and market liberalisation.

Table 1 – The First 21 European Citizens’ Initiatives

#	Official title	Time-frame	Subject-matter	Web page	Signatures
1	Fraternité 2020 – Mobility. Progress. Europe	09.05.2012 – 01.11.2013	Enhancement of EU youth exchange programmes.	<a href="http://en.fraternite2020.eu">en.fraternite2020.eu</a>	71,412
2	Water and sanitation are a human right! Water is a public good, not a commodity!	10.05.2012 – 01.11.2013	Right to clean drinking water and sanitation.	<a href="http://right2water.eu">right2water.eu</a>	1,840,486

## An Overview of the First Two Years of the European Citizens' Initiative

#	Official title	Time-frame	Subject-matter	Web page	Signatures
3	One of Us	11.05.2012 – 01.11.2013	Juridical protection of the dignity and the right to life of every human being.	<a href="http://oneofus.eu">oneofus.eu</a>	1,897,588
4	Stop Vivisection	22.06.2012 – 01.11.2013	Phasing out animal experiments.	<a href="http://stopvivisection.eu">stopvivisection.eu</a>	1,326,807
5	High Quality European Education for All	16.07.2012 – 01.11.2013	Adoption of common education goals reflecting EU basic values.	<a href="http://euroedtrust.eu">euroedtrust.eu</a>	No data
6	Pour une gestion responsable des déchets, contre les incinérateurs	16.07.2012 – 01.11.2013	Harmonisation of laws in terms of waste neutralization.	<a href="http://ice.id.st">ice.id.st</a>	754
7	Suspension of the EU Climate & Energy Package	08.08.2012 – 01.11.2013	Suspension of the 2009 EU Climate & Energy Package.	-	No data
8	Central public online collection platform for the European Citizens' Initiative	27.08.2012 – 01.11.2013	Creating an Online European Initiatives Platform.	<a href="http://openpetition.de">openpetition.de</a>	No data
9	30 km/h – making streets liveable!	13.11.2012 – 13.11.2013	A 30km/h (20mph) EU-wide default speed limit for urban/residential areas.	<a href="http://en.30kmh.eu">en.30kmh.eu</a>	46,449
10	Single Communication Tariff Act	03.12.2012 – 03.12.2013	One unique all-inclusive, monthly flat-rate communication tariff within the boundaries of the EU.	<a href="http://onesingletariff.com">onesingletariff.com</a>	No data
11	Unconditional Basic Income (UBI) – Exploring a pathway towards emancipatory welfare conditions in the EU	14.01.2013 – 14.01.2014	Better cooperation between the member states aiming to explore the UBI as a tool to improve their respective social security systems.	<a href="http://basicincome2013.eu">basicincome2013.eu</a>	294,578
12	End Ecocide in Europe: A Citizens' Initiative to give the Earth Rights	21.01.2013 – 21.01.2014	Adoption of legislation to prohibit, prevent and pre-empt Ecocide.	<a href="http://endecocide.eu">endecocide.eu</a>	114,842
13	Let me vote	28.01.2013 – 28.01.2014	EU citizens' right to vote in all political elections in the country of residence.	<a href="http://letmevote.eu">letmevote.eu</a>	3,500
14	ACT 4 Growth	10.06.2013 – 10.06.2014	Development of female entrepreneurship as a strategy for sustainable economic growth in Europe.	<a href="http://act4growth.org">act4growth.org</a>	890
15	Teach for Youth – Upgrade to Erasmus 2.0	17.06.2013 – 17.06.2014	Eliminating educational inequity within the EU.	<a href="http://teachforyouth.wix.com/teachforyouth">teachforyouth.wix.com/teachforyouth</a>	421
16	Do not count education spending as part of the deficit! Education is an investment!	06.08.2013 – 06.08.2014	Combat inequality by providing equal opportunities for education and training to all young people in Europe.	<a href="http://invest-in-education.eu">invest-in-education.eu</a>	No data
17	European Initiative for Media Pluralism	19.08.2013 – 19.08.2014	Protection of European media pluralism.	<a href="http://mediainitiative.eu">mediainitiative.eu</a>	14,780
18	Weed like to talk	20.11.2013 – 20.11.2014	Adoption of a common EU policy on the control and regulation of cannabis.	<a href="http://weedliketotalk.wix.com/wltd">weedliketotalk.wix.com/wltd</a>	No data
19	European Free Vaping Initiative	25.11.2013 – 25.11.2014	Classification of electronic cigarettes as general purpose recreational products.	<a href="http://efvi.eu">efvi.eu</a>	15,234
20	Turn me Off!	03.02.2014 – 03.02.2015	To prohibit the practice of leaving the lights on in shops and offices when unoccupied.	<a href="http://turnmeoffinitiative.weebly.com">turnmeoffinitiative.weebly.com</a>	No data
21	New Deal 4 Europe – For a European Special Plan for Sustainable Development and Employment	07.03.2014 – 07.03.2015	A public investment plan to help Europe get out of the crisis through the development of the knowledge society and the creation of new jobs.	<a href="http://newdeal4europe.eu">newdeal4europe.eu</a>	No data

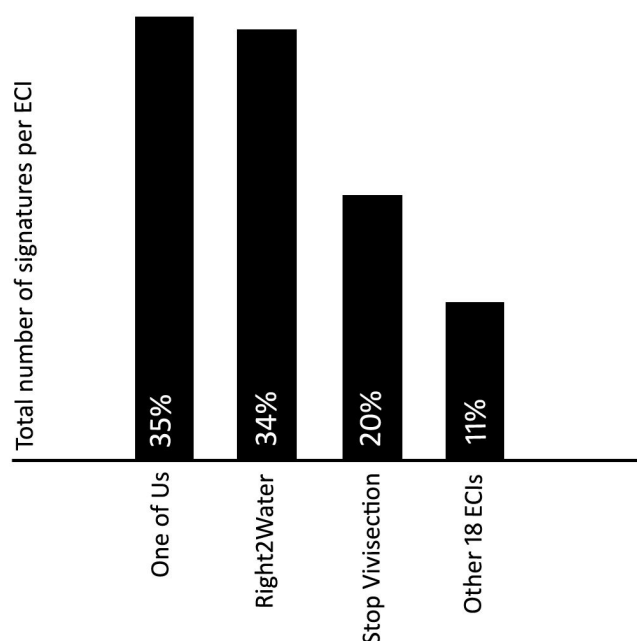
Table 2 – Proposed European Citizens' Initiatives refused registration by the Commission

#	Official title	Date of refusal	Subject-matter
1	My voice against nuclear power	30.05.2012	Future without nuclear power and with a sustainable energy system.
2	Recommend singing the European Anthem in Esperanto	30.05.2012	European Anthem to be sung using specially adapted lyrics in the neutral pan-European language, Esperanto.
3	Strengthening citizens' participation in decision-making on the collective sovereignty	30.05.2012	To ensure European citizens' sovereignty in the recognition of a new EU member state, which democratically separated from another EU member state.
4	Abolition of bullfighting in Europe and the use of bulls in celebrations of cruelty and torture for fun	19.07.2012	Development of an act that sets and develops the scope of Article 13 TFEU.
5	One million signatures for a "Europe of Solidarity"	06.09.2012	To establish the principle of the "state of necessity" to prevent austerity measures from threatening the existence and well-being of a country.
6	Creation of a European Public Bank focused on social and ecological development and solidarity	06.09.2012	States should be able to borrow at very low rates necessary funds for investments to create jobs, develop public services and resolve imbalances.
7	Unconditional Basic Income	06.09.2012	Gain support for the introduction of a universal, individual, unconditional basic income to ensure a life in dignity and participation in society within all member states of the EU.
8	Enforcing self-determination Human Right in the EU	21.01.2013	Proposal for an EU accommodation of the self-determination human right.
9	Together for a Europe without legalised prostitution	18.07.2013	To remove the legalisation of prostitution.
10	Cohesion policy for the equality of the regions and sustainability of the regional cultures	25.07.2013	The cohesion policy of the EU should pay special attention to regions with national, ethnic, cultural, religious or linguistic characteristics that are different from those of the surrounding regions.
11	Stop cruelty to animals	25.07.2013	To obtain a uniform treatment of animals, by introducing their subjective rights.
12	Minority Safe Pack – one million signatures for diversity in Europe	13.09.2013	To improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union.
13	To hold an immediate EU Referendum on public confidence in European Government's (EG) competence	29.10.2013	To organise an EU referendum asking: "Should the current failing form of EG be replaced by one without a democratic deficit?"
14	Right to Lifelong Care: Leading a life of dignity and independence is a fundamental right!	05.11.2013	To propose legislation that ensures the fundamental right to human dignity by guaranteeing on a lifelong basis adequate social protection and access to quality sustainable long-term care above and beyond health care.
15	Our concern for insufficient help for pet and stray animals in the European Union	06.11.2013	The residents, workers and tourists in the EU shall be able to live and travel in Europe, without fear and without mental and physical discomfort concerning welfare of pet animals.
16	The Supreme Legislative & Executive Power in the EU must be the EU Referendum as an expression of direct democracy.	23.01.2014	The EU legal system must immediately provide the legal basis for a referendum mechanism independent of member countries' current constitutions.
17	A new EU legal norm, self-abolition of the European Parliament and its structures, must be immediately adopted.	23.01.2014	The EU legal system must immediately provide a legal basis for self-abolition of the European Parliament and its structures if it does not fulfill key EU Treaty regulations.

## Almost 90% of signatures from just three ECIs

In respect of the 5.5 million signatures collected by the first 21 ECIs, the first striking observation is that signatures are concentrated within a few ECIs (see Figure 1). Almost 90% of ECI signatures were collected by the three successful initiatives: *One of Us* (35%), *Right to Water* (34%) and *Stop Vivisection* (20%). The remaining 11% of signatures largely come from four closed ECIs: *Unconditional Basic Income*, *End Ecocide*, *Fraternité 2020* and *30 km/h – Making Streets Liveable*. This means that the other six closed ECIs only collected a tiny percentage of total ECI signatures.

Figure 1 – Signature Concentration on few ECIs



## Two current ECIs have a hopeful future

Among the eight ongoing ECIs, two have a rather pessimistic future: *ACT 4 Growth* and *Teach for Youth – Upgrade to Erasmus 2.0* have not yet reached 1,000 signatures, yet expire in June 2014. Two others have more hope for future success: the *European Initiative for Media Pluralism* and the *European Free Vaping Initiative*. Each has collected around 15,000 signatures and both still have time to collect more, with deadlines in August and November 2014 respectively.

## ECI Divisions: tiny upper class, small middle and large lower class

If one divides the 21 current and completed ECIs into three groups according to the number of collected signatures one could identify a small “upper class” of three millionaires (ECIs which have collected more than one million signatures), a small “middle class” of four ECIs concentrated on the lower end (ECIs which collected between 40,000 and 300,000 signatures) and a large “lower class” of 14 ECIs with fewer than 40,000 signatures.

The categorisation does not only correspond to the number of signatures collected by each group, but also to the level of organisation and funding. This shows that in the current ECI framework ECI organisers must either have stable funding or a huge pan-European network of volunteers.



Without at least one of these two elements, collecting one million signatures in 12 months seems like a “mission impossible”.

### A special focus on the first three successful ECIs

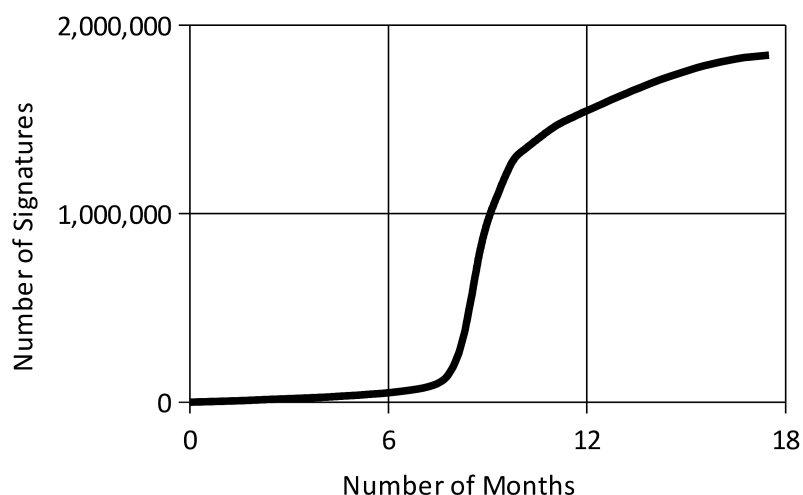
The ECIs *Right to Water*, *One of Us* and *Stop Vivisection* are the pioneers among the first of more than 40 attempts to set the EU agenda. All of them have hit the magic hurdle of one million statements of support. However, they each reached their goal in very different ways. A closer look at the growth rates of signatures offers interesting insights into each individual campaign's design and infrastructure.

All ECIs began to collect significant numbers of signatures relatively late in their campaigns. This is probably related to the dysfunctional online signature collection system software (OCS) which stopped many ECI campaigns for several months and led the Commission to extend official deadlines. Only *Right to Water* would have succeeded within its original 12-month deadline. The other two ECIs each had an impressive “last sprint”, collecting significant numbers of signatures during their final months.

*Right to Water* was the best-prepared and equipped campaign among all of the first ECIs. With 100,000 Euros fundraised before starting the campaign and with a similar amount of money raised in member states like Germany, this campaign was able to start with an ideal infrastructure. The funds were used for paid staff and the manifold tasks connected with an ECI. In particular, funds were used for practical and organisational issues such as translations, the registration, legal expertise, the development of the website, the facilitation of the online collection system, regular newsletters and volunteer and signature return management.

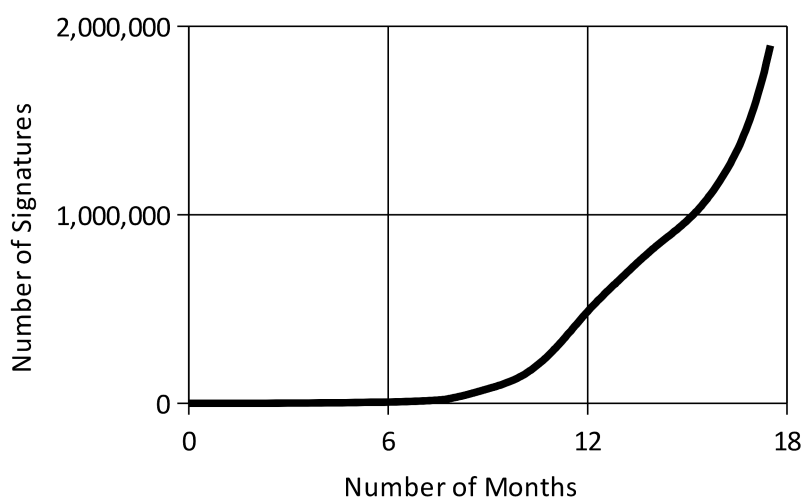
Even though *Right to Water* was well prepared, it too had a long phase before it took off with signature gathering. After the first six months, only 3.5% of the necessary signatures had been collected. Their real success only began after a German national TV report on water privatisation caused large-scale “snowball effects”. Within eight weeks after this TV report, more than one million signatures had been collected, primarily in Germany and online. This made this ECI the first to reach the million signature goal.

Figure 2 – Right to Water – Signature Gathering Graph



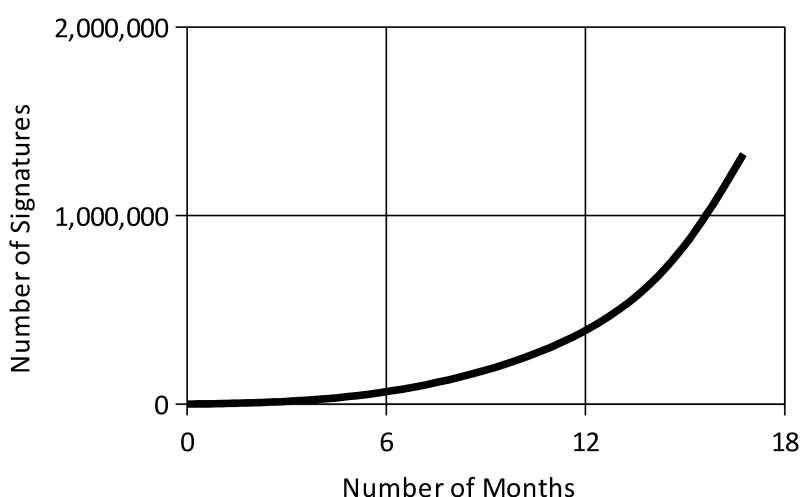
The ECI *One of Us* experienced a similar slow start. However there was no "big bang" event that helped them to take off. Instead one can observe a very steady growth which gives evidence of a solid campaign team and stable infrastructure. General media attention was relatively low key but it received prominent support from both Pope Benedict and Pope Francis. This ECI was backed by thousands of volunteers who largely collected signatures on paper. But it also received a considerable amount of funds at 160,000 Euros. All of these factors combined to make the ECI *One of Us* currently the largest ECI in history with 1.9 million supporters.

Figure 3 – One Of Us – Signature Gathering Graph



In stark contrast to the first two successful ECIs, which had significant funding and professionalised campaigns, the ECI *Stop Vivisection* is the first successful ECI which was purely driven by volunteers. Its tiny budget of only 14,000 Euros makes this ECI all the more impressive. They also had to wait six months until their online signature collection system (OCS) started to work. As of July 2013, four months before the end of their deadline, they had only collected 500,000 signatures. A large percentage of these were collected on paper. Only an intense and expansionary use of the internet changed things. This ECI had the best social media traction which brought an impressive addition of nearly 800,000 signatures during its final months.

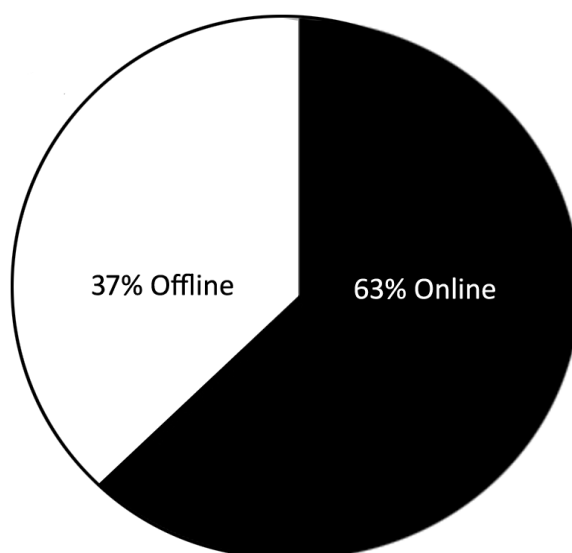
Figure 4 – Stop Vivisection – Signature Gathering Graph



## Over 1/3 of all ECI signatures were collected on paper

The decision to collect signatures online or on paper is probably one of the crucial questions which ECI organisers have to ask themselves before starting the signature collection. While the media have often portrayed the ECI as primarily an e-participation tool, current experience shows that the ECI is not only an online tool. In fact, most ECIs use *both* paper and online signature collection.

Figure 5 – Offline versus Online Signatures



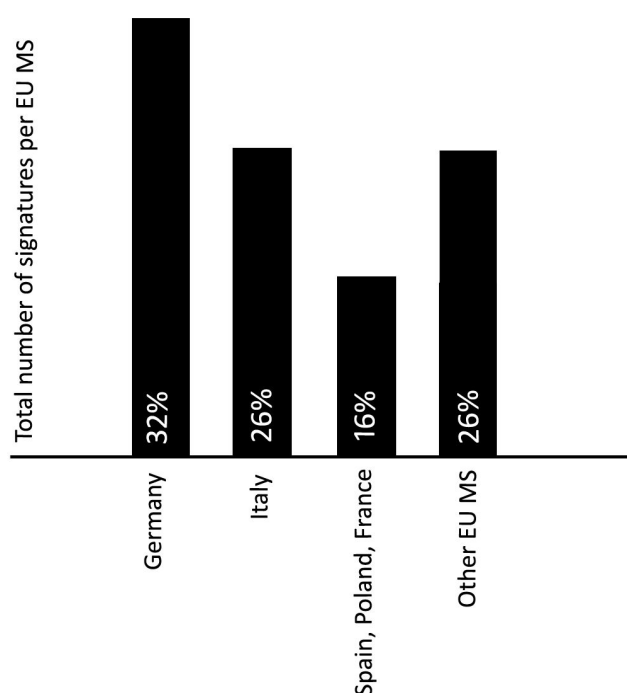
Of all the signatures collected by all ECIs, 37% were collected on paper. The *One of Us* ECI collected 65% of their almost 1.9 million signatures on paper. The *Stop Vivisection* ECI collected 44% and the *ECI Right to Water* collected 18% of their signatures on paper. Smaller ECIs have also collected signatures on paper: 18% of signatures for *30 km/h* ECI and 7% for *End Ecocide*.

Paper signature collection brings with it additional challenges. Signatures collected on paper have been declared invalid by national authorities at much higher rates than those collected online (see also the [interview with Axel Minrath and Ulrich Schmitz](#), page 93). Paper forms are sometimes illegible and ECI supporters fail to include essential information like ID numbers. Paper signature collection also requires many more campaign workers and is more risky in terms of data protection liability than online collection. However, if the data requirements were to be reduced, it could be much more effective, making the whole ECI instrument more participatory.

## Most ECIs from large member states

Given the basic data on the overall number of signatures, it is interesting to analyse their origin in the individual member states of the European Union.

Figure 6 – Signature Concentration on few Member States



Just two countries, Germany and Italy, lead the field for ECI signatures collected. Around 32% of all ECIs signatures have been collected in Germany and 26% in Italy. Next come Spain, Poland and France, which altogether collected 16% of all signatures.

Part of this is related simply to the size of the country. It is not surprising that five of the six largest EU states collected 74% of all ECI signatures. The UK is an exception. Only 1.5% of total ECI signatures have been collected from UK citizens. ECI rules have prevented many UK citizens living abroad from supporting an ECI, but this is probably not the main reason for this low participation rate.

Country support also seems to be tied to campaign presence in different countries, as well as the relevance of the issue in a country. For example, the ECI *Right to Water* benefited from a strong German campaign team as well as national media coverage of water privatisation. The ECI *One of Us* drew strong support in predominantly Catholic countries such as Italy, Poland, Spain and France. The ECI *Stop Vivisection* was aided by the strong involvement of Italian animal rights organisations and collected the largest number of its signatures from Italians.

Details on the number of signatures by country, when available, are included in the articles about individual ECIs.

*Carsten Berg successfully campaigned for the adoption of the ECI at the 2002-2003 Convention on the Future of Europe and has since worked as the Coordinator of The ECI Campaign to ensure a citizen-friendly implementation of the ECI.*

*Paweł Głogowski is a researcher and active member of The ECI Campaign core team.*

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## ***Experiences of ECI Campaigns:***

### **1. Water and Sanitation are a Human Right! Water is a Public Good, not a Commodity!**

Jerry Van den Berge

*Editor's summary: The first ECI to collect one million validated signatures was started by the European trade union federation EPSU to put the human right to water and sanitation on the EU agenda and prevent the liberalisation of water services. Although its ultimate impact is uncertain, public support for the campaign led the Commission to remove water from the EU concessions directive. This unusually well-prepared, professionally managed and well-resourced ECI attracted a diverse coalition of partners and major media attention. Yet, like other ECIs, it struggled with an inadequate online signature collection system, intrusive ID requirements and limited citizen awareness of the ECI.*

#### **An ECI to put the human right to water and sanitation on the EU agenda**

The *European Federation of Public Service Unions (EPSU)* took on the challenge of using the ECI to put the human right to water and sanitation on the European agenda and demand its implementation in European legislation and policies. Specifically, it asks for:

1. Guaranteed water and sanitation services for all in the European Union.
2. Human rights above market interests: no liberalisation of water services.
3. Universal access to water and sanitation for all.

Europe's public service trade unions have long promoted quality public services for all. Water is a public service because it is fundamental to life and health; no one can live without it. They have also supported the recognition of the human right to water and sanitation, as well as having pushed for states to provide these public services in a transparent, accountable and participatory manner. The United Nations recognised this right in 2010 in *UN resolution A/RES/64/292*. However, many EU member states abstained from the final UN vote and the European Commission has not taken any serious steps to promote its implementation.

Water is a limited natural resource and a public good. We want to safeguard water resources for future generations. Given that water is a natural monopoly, this ECI asks that water services are not liberalised and are exempt from internal market rules. Workers and citizens have experienced negative effects from the liberalisation of public services – such as job losses, price hikes and inequality of access. Liberalisation has not created a more equitable, sustainable and just society.

The ECI is a powerful, albeit limited, tool. Even if an ECI receives the required number of signatures and complies with all the regulations, the Commission can still decide to reject the initiative. The ECI must be seen for what it is: an agenda-setting tool for citizens to initiate a Europe-wide debate on a certain topic and turn the attention of the Commission, as well as the media and general public, to the subject.

## **The ECI *Water is a Human Right!* has been an undeniable success on several levels**

First, it demonstrated that the ECI as an instrument can work. ECI success is doable and EPSU and its supporters have done it!

Second, it has been a political success. Politicians have reacted to our proposal. Michel Barnier, EU Commissioner for the Internal Market, made an explicit reference to our ECI when he decided to remove water from the scope of the “concessions directive”. It has also triggered a discussion in many member states and among citizens who used our ECI to express their concerns over liberalisation in general and the privatisation of water services in particular. People want public service and environmental interests to prevail over commercial ones.

Third, it has been a success for EPSU and other supporters in terms of recognition, acknowledgement, reputation and visibility. Over three million people have visited the [www.right2water.eu](http://www.right2water.eu) website. Our press work and participation in major events have been quite influential.

## **Alliance building with diverse groups drove success**

To achieve this successful ECI campaign, we needed a broad range of supporters. We were joined by all kinds of organisations from across the political spectrum: many social and environmental NGOs and development organisations, but also women’s organisations, churches, public water companies and municipalities. Major supporters included: EAPN, EEB, EPHA and WECF. All shared a common interest: the human right to water and sanitation must safeguard this essential service for all, reduce poverty, improve public health, achieve sustainable water resources management and promote gender equality. In addition, several “public figures” agreed to be ambassadors for the campaign. A list of major supporters can be found on the [www.right2water.eu](http://www.right2water.eu) website.

## **Suffered from the ECI’s “teething pains” as one of the first campaigns**

Campaigning was more difficult than we had anticipated. We had the advantage of extensive experience campaigning on water issues in cooperation with NGOs. It was also good that the “right to water” is a simple and fairly clear message. However, the fact that water supply or sanitation was not “a problem” to EPSU members in several countries made it harder to mobilise people than we had expected.

The fact that we were among the first ECIs brought both benefits and challenges. It certainly helped to generate media attention. But we also had to spend a huge amount of time explaining the ECI instrument. As the first ECI to collect signatures both on paper and online, we suffered from the lack of testing of both systems. The European Commission was not fully prepared when we launched our online signature collection system and we, without a doubt, lost several thousand signatures because of its failings!

## **Challenging but essential to campaign in national languages**

The need to address people in their own language was a big challenge. We started with eight languages on our website, which was a lot to manage. Then we added two more languages. Fairly soon it became clear that one must campaign in people’s native language. We were fortunate to

have volunteers to translate articles and documents into other languages. The Finnish and German unions created their own websites, which was very helpful. Several affiliates set up Facebook sites. Importantly, the campaign in Greece, Lithuania and Hungary only took off after we provided relevant information in Greek, Lithuanian and Hungarian.

Other factors were media attention, gaining the support of “celebrities”, and especially campaigning capacity. In the countries where we were most successful, all these factors were in place. The best example was Germany. A broad coalition was formed under the guidance of a strong trade union and the association of Germany municipalities and cities. Information was available in German and we attracted media attention. In January 2013, a well-known comedian, Erwin Pelzig, spoke on mainstream TV to support the ECI. Many people promoted the ECI in their own towns, workplaces, sports clubs and families. In Germany alone, 1.3 million signatures were collected.

### **Campaigning demanded significant resources**

This ECI was fundamentally “carried” by trade unions. For unions with limited capacity, this posed a big challenge. They needed to remain focused on day-to-day issues, especially difficulties stemming from austerity-related policies. For other unions, the ECI has been a massive success, earning them recognition for pursuing this cause.

A campaign of this nature is resource intensive. EPSU spent 140,000 Euros on this ECI. Fortunately, EPSU had the foresight to reserve funding for it. It also claimed staff resources. Over an 18-month period, total staff time was equal to approximately 1½ full-time persons. At some moments, 2-3 colleagues worked full time on it, with others assisting as well. Unions and other organisations contributed to the campaign at national and local levels.

### **ID requirements cut support in half**

The personal identity number requirement was a big obstacle. In fact, it was the biggest barrier to collecting signatures in France, Italy, Austria, the Czech Republic, Greece, Hungary, Romania and Bulgaria. Without this requirement, the number of signatures in these countries could have been at least doubled.

### **Rules for hearing in the European Parliament unclear**

Within three months after submitting the validated signatures, we met with the European Commission and presented our ECI in a hearing in the European Parliament.

The meeting with Commissioner Šefčovič and the staff of the relevant Commission directorates went very well. However, since the rules for the ECI hearing were not clear, the organisation of the hearing took quite some time and debate.

One point of contention was the participation of outside experts. The Commission had always promoted the idea that ECI organisers could ask for the support of experts during the hearing. However, the parliamentary committee that deals with the topic is in charge of organising the hearing. Since the Parliament could not come to a consensus on this point, we were not allowed to invite experts to the hearing.

Looking back, we were satisfied with the hearing. But this is largely due to the boldness with which the chair of the Parliament's *Environment, Public Health and Food Safety Committee* handled its organisation. Amendments to the ECI regulation should ensure that all ECI organisers know what to expect and face an equal treatment, regardless of which committee organises the hearing.

### **A final assessment**

On 19 March 2014, the European Commission issued a formal communication with its response to our ECI. They affirmed the overall message of our ECI that water and sanitation are a human right, but did not offer any new policy proposals.

Due to the engagement of so many organisations and people, our ECI has made sure that discussions on EU water policy will never be the same again. Given this commitment by people to support the demands of the ECI, we find the reaction of the Commission lacks ambition. We regret that there is no specific proposal for legislation recognising the human right to water.

In our view, the rules need to change here in so far as any successful ECI should at least lead to a legislative proposal by the European Commission which would then go to the European Parliament and Council. Our successful ECI makes clear that citizens want to make use of participatory democracy at EU level. However, the new ECI instrument must become more binding and fine-tuned in order to really strengthen the urgently needed democratisation of the EU.

### **Recommendations to future ECI campaigns**

The ECI must, however, prove its usefulness on three levels. First, it must prove itself as a democratic tool. Second, the Commission must react positively to our ECI and implement the human right to water and sanitation. Third, we must see if a significant step toward a paradigm shift from growth to sustainability and from a market-based approach to a rights-based approach can be made.

In summary, here are our recommendations to future ECI campaigns and institutions:

1. To campaign successfully, a broad coalition is necessary. Everybody needs to give a helping hand and commit to dedicating time and resources.
2. Spreading the message is not enough. People ask "why?". So each person helping in the campaign should be able to explain the issue. They should also explain how the ECI works and that it is not an ordinary petition.
3. Websites in the national language are necessary. Social media is helpful as one campaign tool, but is not sufficient by itself.
4. Action and campaign plans are needed at all levels: EU, national and local.
5. The ID card requirement in some member states is a big barrier that should be removed.
6. ECIs should be given either 18 months or alternatively have the option to ask for a six month extension, for example if they have collected 3/4 of signatures.
7. Any successful ECI should at least lead to a legislative proposal by the European Commission which would then go to the European Parliament and Council.

*Jerry Van den Berge is a policy officer with EPSU and coordinator of the ECI "Water is a Human Right!". [www.right2water.eu](http://www.right2water.eu)*



Table 1 – Offline versus Online Collection – Preliminary Figures September 2013

<i>Country</i>		<i>Signatures Collected</i>			<i>Country Quota</i>	<i>Relation Paper/Online</i>
<i>Code</i>	<i>Name</i>	<i>on Paper</i>	<i>Online</i>	<i>Total</i>		
AT	Austria	1,455	<b>61,449</b>	<b>62,904</b>	14,250	2% / 98%
BE	Belgium	15,235	11,798	<b>27,033</b>	16,500	56% / 44%
BG	Bulgaria	-	1,600	1,600	13,500	0% / 100%
CY	Cyprus	2,874	681	3,555	4,500	81% / 19%
CZ	Czech Republic	1,500	6,098	7,598	16,500	20% / 80%
DE	Germany	<b>166,184</b>	<b>1,198,527</b>	<b>1,364,711</b>	74,250	12% / 88%
DK	Denmark	1,336	2,168	3,504	9,750	38% / 62%
EE	Estonia	287	944	1,231	4,500	23% / 77%
EL	Greece	14,100	<b>18,955</b>	<b>33,055</b>	16,500	43% / 57%
ES	Spain	28,720	35,825	<b>64,545</b>	40,500	44% / 56%
FI	Finland	6,064	8,550	<b>14,614</b>	9,750	41% / 59%
FR	France	2,500	16,436	18,936	55,500	13% / 87%
HR	Croatia	-	875	875	9,000	0% / 100%
HU	Hungary	270	<b>16,606</b>	<b>16,876</b>	16,500	2% / 98%
IE	Ireland	1,000	2,700	3,700	9,000	27% / 73%
IT	Italy	19,025	45,226	<b>64,251</b>	54,750	30% / 70%
LT	Lithuania	2,000	<b>12,070</b>	<b>14,070</b>	9,000	14% / 86%
LU	Luxembourg	1,367	4,052	<b>5,419</b>	4,500	25% / 75%
LV	Latvia	200	239	439	6,750	46% / 54%
MT	Malta	1,394	308	1,702	4,500	82% / 18%
NL	Netherlands	940	<b>20,909</b>	<b>21,849</b>	19,500	4% / 96%
PL	Poland	167	1,635	1,802	38,250	9% / 91%
PT	Portugal	1,096	11,388	12,484	16,500	9% / 91%
RO	Romania	1,300	1,779	3,079	24,750	42% / 58%
SE	Sweden	4,015	4,431	8,446	15,000	48% / 52%
SI	Slovenia	5,655	<b>15,670</b>	<b>21,325</b>	6,000	27% / 73%
SK	Slovakia	<b>10,319</b>	<b>24,068</b>	<b>34,387</b>	9,750	30% / 70%
UK	United Kingdom	600	7,888	8,488	54,750	7% / 93%
EU	<i>Signatures</i>	289,603	<b>1,532,875</b>	<b>1,822,478</b>	1,000,000	16% / 84%
	<i>“Significant” Countries</i>	2	<b>8</b>	<b>13</b>	7	

Bold numbers mean that the Country Quota is reached.

Source: [www.right2water.eu/sites/water/files/Latest%20figures%203%20September%202013.pdf](http://www.right2water.eu/sites/water/files/Latest%20figures%203%20September%202013.pdf)

Table 2 – Collected and Valid Signatures – Final Figures November 2013/February 2014

<i>Country</i>		<i>Signatures</i>			<i>Country Quota</i>
<i>Code</i>	<i>Name</i>	<i># collected</i>	<i># valid</i>	<i>% valid</i>	
AT	Austria	<b>64,836</b>	<b>57,643</b>	89%	14,250
BE	Belgium	<b>40,912</b>	<b>40,549</b>	99%	16,500
BG	Bulgaria	1,602	1,406	88%	13,500
CY	Cyprus	3,561	2,924	82%	4,500
CZ	Czech Republic	7,986	7,575	95%	16,500
DE	Germany	<b>1,341,061</b>	<b>1,236,455</b>	92%	74,250
DK	Denmark	3,547	3,382	95%	9,750
EE	Estonia	1,245	516	41%	4,500
EL	Greece	<b>35,720</b>	<b>33,220</b>	93%	16,500
ES	Spain	<b>65,484</b>	<b>58,051</b>	89%	40,500
FI	Finland	<b>15,200</b>	<b>14,589</b>	96%	9,750
FR	France	22,969	17,247	75%	55,500
HR	Croatia	1,002	-		9,000
HU	Hungary	<b>20,107</b>	<b>18,245</b>	91%	16,500
IE	Ireland	2,959	2,513	85%	9,000
IT	Italy	<b>67,484</b>	<b>65,223</b>	97%	54,750
LT	Lithuania	<b>14,048</b>	<b>13,252</b>	94%	9,000
LU	Luxembourg	<b>5,698</b>	<b>5,566</b>	98%	4,500
LV	Latvia	450	393	87%	6,750
MT	Malta	1,703	1,635	96%	4,500
NL	Netherlands	<b>22,065</b>	<b>21,469</b>	97%	19,500
PL	Poland	4,807	3,962	82%	38,250
PT	Portugal	15,588	13,964	90%	16,500
RO	Romania	3,211	3,176	99%	24,750
SE	Sweden	12,258	11,579	94%	15,000
SI	Slovenia	<b>21,330</b>	<b>17,546</b>	82%	6,000
SK	Slovakia	<b>35,075</b>	<b>20,988</b>	60%	9,750
UK	United Kingdom	8,578	7,104	83%	54,750
EU	<i>Signatures</i>	<b>1,840,486</b>	<b>1,680,172</b>	91%	1,000,000
	<i>“Significant” Countries</i>	<b>13</b>	<b>13</b>		7

Bold numbers mean that the Country Quota is reached.

Source: [right2water.eu/sites/water/files/table%20number%20valid%20signatures\\_21.pdf](http://right2water.eu/sites/water/files/table%20number%20valid%20signatures_21.pdf)

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## 2. One of Us

Ana Del Pino

*Editor's summary: This ECI was launched by national pro-life movements to put the issue of life on the EU agenda. It asks the EU not to finance activities that destroy human embryos. It is an atypical example of an extraordinarily well-coordinated and successful campaign run by highly motivated volunteers who collected the majority of signatures on paper, rather than online. Like other ECI campaigns, it encountered challenges with the online collection system, limited financial resources, building an EU-wide network and attracting media coverage.*

### **An ECI to end EU financing of activities that destroy human embryos**

The objective of the ECI *One of Us* is the protection of the human embryo. A recent European Court of Justice judgment, *Brüstle vs. Greenpeace*, defined the human embryo as the beginning of the development of the human being. This ECI asks the EU to end the financing of activities which presuppose the destruction of human embryos, in particular in the areas of research, development aid and public health.

This ECI addresses regulations (EC) No 1905/2006 establishing a financing instrument for development cooperation and (EC, Euratom) No 1605/2002, that decides the Financial Regulation applicable to the general budget of the European Communities.

### **Using the ECI to put life issues on the EU agenda**

Great importance has been given to the new ECI tool as an appropriate way to reduce the so-called “democratic deficit” in the European Union (EU) and bring citizens closer to the EU. However, the ECI is not different from agenda-setting initiatives at national level; there is no guarantee that the law will be changed if the initiative is successful. Nevertheless, a successful ECI creates considerable political pressure. In politics, no achievement is everlasting or unchangeable.

It is important to underline the fact that the *One of Us* ECI is a unique initiative with a concrete legislative proposal to the EU institutions. We realise that an ECI cannot change the allocation of competences within the EU. This ECI does not imply any explicit or implicit recognition of EU competences on life issues. It is possible to support this ECI and at the same time affirm that currently the EU has no legal basis for activities in this field.

### **A successful ECI merits a meaningful political response**

With regard to the ECI *One of Us*, it should be noted that very few researchers in very few countries would actually benefit from EU funding for controversial stem cell research. It is also unlikely that the funding of abortion in third countries really has great support in the wider public.

The ECI is a new instrument, which has been heralded as introducing a new era of participatory democracy in the EU. *One of Us* is one of the very first ECIs. It has collected significantly more signatures than required by the ECI regulation. Therefore, if the EU decided not to change the law as this ECI proposes, the price to pay in terms of credibility would be rather high.

The best possible outcomes of this ECI would be that: 1) the EU Financial Regulation will be changed as proposed; 2) a new EU-wide pro-life movement is created; and 3) politicians become aware that the right to life is a concern shared by many voters and that they need to take account of this.

### **Official EU and member state support structures were helpful**

The official support structures offered by the EU institutions and member state governments were very helpful to our ECI campaign. We especially appreciated the technical help and training from the Commission regarding the online signature collection certification procedure, as well as the use of the Commission's servers in Luxembourg. Advice from the Commission's Secretariat General regarding the legal aspects and contacts with member state authorities was equally helpful. The structure created across the EU, especially with the national committees and national coordinators, with central coordination being based in Brussels, worked well.

### **Regular EU-wide progress reports kept volunteers motivated**

A horizontal and vertical information flow within the campaign structure was absolutely key to our ECI's success. Specifically, every week, all national coordinators received the latest figures on signatures collected all over the EU. Our supporters could thus participate in and be informed throughout the campaign of its evolution not only in their own country, but in other countries as well. Daily reports and website updates were also part of campaign facilitation.

It was particularly important for all country coordinators to know when a new country had reached the required minimum number of signatures or when a country had a special signature collection date. Nothing was more encouraging than seeing fellow campaigners in other European regions and countries succeed.

### **Setting a series of clear goals helped the campaign make steady progress**

It was very important to set different goals during the ECI campaign, both country-specific and EU-wide. We also always let national coordinators know of their country's progress towards each goal.

Our *first* goal was to meet the minimum signature requirements in seven countries, as required in the regulation. Our *second* goal was to collect 1,000,000 signatures. Our *third* goal was to collect 1,200,000 signatures. This is because 20% of the signatures could be invalidated by the national authorities. Fortunately, more than 90% of our signatures were accepted. Our *fourth* goal was to collect 1,500,000 signatures. Our *fifth and final* goal was to be the ECI to collect signatures from the largest number of countries and have the largest total number of signatures.

### **Campaign encountered OCS and organisational challenges**

We did, however, encounter some challenges. Specifically, we had technical difficulties at the beginning, mainly related to the certification procedure for the online signature collection system (OCS). We also had difficulty creating a network of contacts and a solid structure in the member states to coordinate the campaign at the national level. Furthermore, we were handicapped by a lack of promotion of our ECI in the general media. We also lacked funds to develop the campaign from the central office in Brussels and within the member states.

### **Solid national pro-life movements and committees essential to success**

Countries with solid pro-life movements, such as Poland and Italy, were essential to our success. The work and objectives set by strong national committees in France, Germany and Spain contributed to success in those countries. We collected the fewest number of signatures in countries where we lacked a solid national committee and where we had a very limit budget for campaign supporters.

It should also be noted that we collected most of our signatures on paper, at tables set up by volunteers at events. Specifically, we collected 1,235,260 signatures on paper and 662,328 signatures online (see [table on page 28](#)).

*Ana del Pino is Campaign Manager of the ECI One of Us. [www.oneofus.eu](http://www.oneofus.eu)*

Table – Offline versus Online Collection – Final Figures November 2013

<i>Country</i>		<i>Signatures Collected</i>			<i>Country Quota</i>	<i>Relation Paper/Online</i>
<i>Code</i>	<i>Name</i>	<i>on Paper</i>	<i>Online</i>	<i>Total</i>		
AT	Austria	<b>21,571</b>	<b>10,972</b>	<b>32,543</b>	14,250	66% / 33%
BE	Belgium	1,291	4,851	6,142	16,500	21% / 79%
BG	Bulgaria	254	807	1,061	13,500	24% / 76%
CY	Cyprus	2,779	4,082	<b>6,861</b>	4,500	41% / 59%
CZ	Czech Republic	-	12,079	12,079	16,500	0% / 100%
DE	Germany	<b>144,448</b>	29,689	<b>174,137</b>	74,250	83% / 17%
DK	Denmark	5,247	2,516	7,763	9,750	68% / 32%
EE	Estonia	3,740	1,231	<b>4,971</b>	4,500	75% / 25%
EL	Greece	<b>32,500</b>	<b>21,777</b>	<b>54,277</b>	16,500	60% / 40%
ES	Spain	<b>121,674</b>	<b>45,817</b>	<b>167,491</b>	40,500	72% / 27%
FI	Finland	-	1,260	1,260	9,750	0% / 100%
FR	France	32,285	<b>74,711</b>	<b>106,996</b>	55,500	30% / 70%
HR	Croatia	4,621	<b>11,628</b>	<b>16,249</b>	9,000	29% / 71%
HU	Hungary	<b>43,914</b>	8,892	<b>52,806</b>	16,500	83% / 17%
IE	Ireland	5,910	4,892	<b>10,802</b>	9,000	55% / 45%
IT	Italy	<b>533,591</b>	<b>97,433</b>	<b>631,024</b>	54,750	85% / 15%
LT	Lithuania	<b>10,070</b>	1,713	<b>11,783</b>	9,000	85% / 14%
LU	Luxembourg	<b>5,217</b>	421	<b>5,638</b>	4,500	93% / 7%
LV	Latvia	<b>11,195</b>	2,000	<b>13,195</b>	6,750	85% / 15%
MT	Malta	2,103	<b>23,171</b>	<b>25,274</b>	4,500	8% / 92%
NL	Netherlands	5,631	<b>21,947</b>	<b>27,578</b>	19,500	20% / 80%
PL	Poland	<b>141,899</b>	<b>107,066</b>	<b>248,965</b>	38,250	57% / 43%
PT	Portugal	<b>62,555</b>	11,106	<b>73,661</b>	16,500	85% / 15%
RO	Romania	5,844	<b>131,201</b>	<b>137,045</b>	24,750	4% / 96%
SE	Sweden	1,530	1,484	3,014	15,000	51% / 49%
SI	Slovenia	1,820	2,603	4,423	6,000	41% / 59%
SK	Slovakia	<b>28,150</b>	4,631	<b>32,781</b>	9,750	86% / 14%
UK	United Kingdom	5,421	22,348	27,769	54,750	20% / 80%
EU	<i>Signatures</i>	<b>1,235,260</b>	662,328	<b>1,897,588</b>	1,000,000	65% / 35%
	<i>“Significant” Countries</i>	<b>12</b>	<b>10</b>	<b>19</b>	7	

Bold numbers mean that the Country Quota is reached.

Source: [www.oneofus.eu/situation-per-country](http://www.oneofus.eu/situation-per-country)

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### 3. Stop Vivisection

Adriano Varrica

*Editor's summary: This ECI was created by a loose coalition of individual animal rights activists and national animal protection groups to develop European legislation to phase out animal experimentation. Despite a limited budget, this grassroots campaign collected over 1.3 million signatures via extraordinarily dedicated volunteers and effective social media. Its start was delayed by six months due to problems with the online collection system (OCS). It encountered low citizen awareness of the ECI and discomfort sharing personal data.*

#### **An ECI to end animal experimentation**

The ECI *Stop Vivisection* asks the European Commission to abolish *Directive 2010/63/EU on the protection of animals used for scientific purposes* and put forward a new proposal aimed at phasing out the practice of animal experimentation and making compulsory the use in biomedical and toxicological research of data directly relevant for humans.

Its legal basis is *article 13, TFEU* which states that “*the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals*”. This invokes a moral obligation to respect the fundamental rights of animals which must therefore be recognised as an EU priority and addressed through a coherent legal framework.

In a 2006 Eurobarometer poll, 86% of Europeans agreed that imposing pain and suffering on sentient and defenceless beings through animal experimentation, including “vivisection”, is an intolerable practice. Furthermore, there are solid scientific principles that invalidate the idea that testing on animals can predict impacts on humans. Animal experimentation can therefore pose a danger to human health and the environment. It also hinders the development of new methods of biomedical research conceived for humans that are more reliable, relevant, cheaper and efficient than animal experimentation.

#### **ECI campaign run by a loosely-coordinated network of active volunteers**

The ECI *Stop Vivisection* was a volunteer-run, bottom-up campaign supported by a pan-EU alliance of more than 250 animal protection groups, scientific organisations and companies selling “animal cruelty-free” products. Many of these organisations were small, local groups focused on specific animals such as dogs and rabbits.

Its volunteers were its most important and powerful resource. Many had significant previous experience campaigning on animal rights issues in different European member states. The campaign itself had loose central coordination and lacked the resources to meet in person, relying heavily on Skype and other online communication. This made cross-border campaigning challenging. But it also allowed the campaign to draw on the skills and resources of people throughout the continent. It also empowered national coordinators and individual animal right activists to develop campaign approaches appropriate to their local context.

## **Campaign built volunteer civic skills, transnational connections and European identity**

According to one national coordinator, many volunteers felt the benefit of actively working for a campaign they felt strongly about. Getting involved with the ECI turned out to add to their quality of life by putting them in touch with like-minded people they could bond with. Not only did this lead to new friendships and better connections to other campaigners and NGOs, but volunteers also learned a lot about what did and did not work. This combination of empowering experiences and new contacts prepared volunteers for other civic projects. For example, one volunteer organised an emergency truck to Romania using the abilities and contacts gathered from working on the ECI *Stop Vivisection*. Several volunteers repeatedly stated they were ready to take on another ECI if the right subject presented itself.

## **Problems with the OCS delay start of campaign by six months**

The ECI *Stop Vivisection* operated with a limited budget. This created particular challenges in preparing to launch the campaign, especially when setting up the online collection system (OCS). One could conclude that the ECI is not intended for low-budget initiatives like the *ECI Stop Vivisection*, but rather only for big, well-organised NGOs that already have a presence in Brussels.

Our ECI was officially registered in June 2012, but due to problems with the online signature collection system (OCS) could only begin collecting signatures in January 2013. A loss of six months of campaigning and signature collection time! Fortunately, the Commission started a new 12-month signature collection period once the OCS was functioning.

Despite the flaws in the OCS, the online approach to signature collection helped tremendously. Results were regularly updated and shared throughout the campaign network. This served to boost morale and motivate volunteers to continue with the campaign. It also clearly demonstrated in which countries more active campaigning and volunteer engagement was needed.

In total, 800,000 signatures were collected online and 500,000 signatures were collected on paper. Country quotas were reached for nine member states, with the largest number of signatures coming from Italy. Most of the 1.3 million signatures were collected in the last three months of the campaign. In July 2013, the campaign had collected 500,000 signatures. After that, work through national committees and social media was intensified. With over 150,000 “likes”, the ECI *Stop Vivisection* Facebook page had more followers than those of any other ECI.

Since most signatures were collected online, the OCS is a crucial aspect for the future development of this new democracy instrument. The official ECI regulation promises that the OCS will be easily accessible and user-friendly. However, in its current version, it is neither and thus needs to be simplified.

The paper signature collection forms were likewise not as user-friendly as they could be. For example, on the German form, the font was too small and contained some unnecessary information.

## **ID requirements created multiple barriers to citizen support**

Citizens complained that they were required to provide too much personal information to support our ECI. In particular, ID numbers required by many member states raised serious privacy concerns



and deterred many citizens from supporting our ECI. We thus recommend simplifying the personal data requirements requested when signing.

EU citizens who live outside their country of nationality also reported problems signing our ECI. National regulations must be changed or a new method created so that *all EU citizens may support an ECI, regardless of where they live*.

Last but not least, the ECI is not very well known among EU citizens, so confidence in the ECI instrument is limited. EU and national institutions need to prove that they take the ECI instrument seriously. They also must sufficiently inform citizens and raise public awareness of the ECI.

One big question, however, remains. What happens *after* the ECI *Stop Vivisection's* successful collection of 1.3 million signatures of support? Support statements are being verified by national authorities with results expected by the end of March 2014. If successful, a public hearing will be organised within the following three months. Our organisers and supporters expect action resulting in policy change.

*Adriano Varrica is campaign coordinator for the ECI "Stop Vivisection". [www.stopvivisection.eu](http://www.stopvivisection.eu)*

Table – Collected Signatures – Final Figures November 2013

<i>Country</i>		<i>Signatures Collected</i>	<i>Country Quota</i>
<i>Code</i>	<i>Name</i>		
AT	Austria	12,186	14,250
BE	Belgium	<b>33,569</b>	16,500
BG	Bulgaria	<b>15,422</b>	13,500
CY	Cyprus	624	4,500
CZ	Czech Republic	5,172	16,500
DE	Germany	<b>183,028</b>	74,250
DK	Denmark	4,851	9,750
EE	Estonia	<b>6,179</b>	4,500
EL	Greece	2,296	16,500
ES	Spain	<b>63,515</b>	40,500
FI	Finland	<b>12,738</b>	9,750
FR	France	<b>91,058</b>	55,500
HR	Croatia	3,134	9,000
HU	Hungary	<b>30,636</b>	16,500
IE	Ireland	4,759	9,000
IT	Italy	<b>700,980</b>	54,750
LT	Lithuania	5,255	9,000
LU	Luxembourg	1,309	4,500
LV	Latvia	3,643	6,750
MT	Malta	2,043	4,500
NL	Netherlands	11,251	19,500
PL	Poland	<b>44,953</b>	38,250
PT	Portugal	14,245	16,500
RO	Romania	2,229	24,750
SE	Sweden	8,473	15,000
SI	Slovenia	<b>25,852</b>	6,000
SK	Slovakia	<b>13,359</b>	9,750
UK	United Kingdom	24,048	54,750
EU	<i>Signatures</i>	1,326,807	1,000,000
	<i>“Significant” Countries</i>	<b>12</b>	<b>7</b>

Bold numbers mean that the Country Quota is reached.

Source: [www.stopvivisection.eu/en/content/signatures](http://www.stopvivisection.eu/en/content/signatures)

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## 4. Fraternité 2020

Simona Pronckutė

*Editor's summary: This ECI was launched by alumni of EU exchange programmes like Erasmus, EVS and Leonardo da Vinci to enhance these programmes and build grassroots EU democracy. OCS glitches wiped out nearly half of its 12-month signature collection period, which expired just as it was gaining momentum. This campaign, run on a shoestring by volunteers, relied heavily on social media and youth networks. It helped raise awareness of the need for paid traineeships and better funding for EU exchange programmes.*

### **An ECI to enhance EU exchange programmes and EU democracy**

The citizens' committee of *Fraternité 2020* decided to launch an ECI, believing that the ECI can strengthen EU democracy by helping to restore trust in the democratic system of government. We saw it as a pilot project to test whether a more participatory form of democracy was possible in the EU. European citizens, particularly young people, want to influence EU Institutions and build a "bottom up" Europe.

The goal of the *Fraternité 2020* ECI was to enhance European Union exchange programmes such as *Erasmus* and the *European Voluntary Service (EVS)*, in order to contribute to a united Europe based on solidarity among its citizens. We strongly believe that the expansion of these programmes would also help to lower youth unemployment and stimulate sustainable growth by investing in Europe's people: our continent's most precious resource. Research has shown that working or studying abroad can help improve career prospects. Former *Erasmus* participants have reported that the experience exceeded their expectations and enriched both their personal and professional lives.

*Fraternité 2020* also advocated financial support for paid traineeships, including via the *Leonardo da Vinci* lifelong learning programme. It is hard to break into the labour market without an employment track record. Yet many young Europeans float from one unpaid full-time traineeship to another, without improving their career prospects. Young people whose parents cannot afford to support traineeships simply face exclusion from many careers.

We feel privileged to have "had our go" at changing Europe. Even if in the end our ECI did not succeed, we feel like we achieved something. Through our ECI and our campaign's participation in public hearings, conferences, debates and online chats, we raised awareness of the need for both better *Erasmus* funding and paid traineeships.

### **A campaign with a wide network of support, run on a shoestring budget**

*Fraternité 2020* got the most support from NGOs, universities and MEPs. It was supported by a number of renowned academics and NGOs from all over Europe including: AEGEE, ESN, ESU, Campus Europae, Europa-Union Deutschland, ESTIEM, ECAS, Think Young, Generation Europe Foundation, JEF Belgium and The Austrian Institute for European Law and Policy. It was also supported by 75 Members of the European Parliament.

*Fraternité 2020* had very limited funds – only a few thousand Euros. We also had limited opportunities to organise events in different EU member states, as well as a limited ability to participate in conferences and mobilise the broader civil society.

We only collected signatures online. So we used a lot of social media to promote our ECI and contact various European organisations, students and universities. However, because the ECI itself is a new tool, we encountered significant challenges getting visibility and approaching ordinary citizens who had never heard about the ECI.

### **Online collection system problems stalled campaign for over five months**

The biggest problem for *Fraternité 2020* was the long time gap between when our ECI was registered (May) and when we could begin to collect signatures (November). This was due to major problems with the online collection system (OCS). Eventually, with the help of the European Commission, the first supporting MEPs and youth organisations, we started collecting signatures. However, it was obviously difficult to arouse the same kind of interest in November that we had had in May, when our initiative attracted important media coverage, including being featured in the main news of ARTE Journal: one of the largest and highest quality TV channels in Europe.

### **Signature collection peaked at times when student funding was threatened**

Timing was, in fact, a significant factor in attracting support throughout the life of the ECI. In December 2012, when *Erasmus* faced a significant funding crisis and the future of the programme was in doubt, we collected almost 40,000 signatures with little effort on our part. We collected an additional 30,000 signatures purely through our own efforts. We find this quite remarkable. Had our ECI continued, we could almost certainly have collected many signatures when the Spanish government decided to restrict education grants for Spanish students abroad. Just after our ECI expired, a new online petition was launched to support Spanish *Erasmus* students.

### **Support linked to *Erasmus* involvement and youth unemployment**

The most support for our ECI came from citizens of countries that either receive or send many *Erasmus* students, where youth unemployment is high and/or where Erasmus scholarships are limited. We got the most signatures from citizens of the following countries, in decreasing order of support: Germany, Spain, Belgium, Italy, France, Poland, UK, Finland, Portugal, Netherlands, Bulgaria, Romania and Lithuania. The four most popular destinations for *Erasmus* students are Spain, France, Germany and the United Kingdom. Spain sent the largest number of students abroad, followed by Germany and France. In countries such as Spain, Italy, Poland and Portugal, youth unemployment is also very high. Bulgaria, Romania and Lithuania not only face problems with youth unemployment but also offer very few *Erasmus* scholarships to their students.

### **How to improve the ECI**

Based on our experience, here are our recommendations for improving the ECI:

1. More practical support, including regular meetings with the European Commission about the progress of the ECI and problems with the online signature collection system.
2. Mandatory free translations by the European Commission for all ECIs.

3. The possibility to use the ECI to ask for a change in the treaties.
4. The same personal data requirements for signing an ECI in all EU member states. Do not ask for ID numbers. Only collect date of birth, nationality and address of residence.

*Simona Pronckutė is member of the Citizens' Initiative Committee of the ECI Fraternité 2020.*  
[www.en.fraternite2020.eu](http://www.en.fraternite2020.eu)

Table – Collected Signatures – Final Figures

<b>Country</b>		<b>Signatures Collected</b>	<b>Country Quota</b>
<b>Code</b>	<b>Name</b>		
AT	Austria	974	14,250
BE	Belgium	8,261	16,500
BG	Bulgaria	1,766	13,500
CY	Cyprus	159	4,500
CZ	Czech Republic	1,176	16,500
DE	Germany	15,284	74,250
DK	Denmark	460	9,750
EE	Estonia	494	4,500
EL	Greece	1,226	16,500
ES	Spain	9,094	40,500
FI	Finland	2,105	9,750
FR	France	4,996	55,500
HR	Croatia	-	9,000
HU	Hungary	1,288	16,500
IE	Ireland	475	9,000
IT	Italy	6,099	54,750
LT	Lithuania	1,496	9,000
LU	Luxembourg	109	4,500
LV	Latvia	340	6,750
MT	Malta	136	4,500
NL	Netherlands	1,800	19,500
PL	Poland	4,555	38,250
PT	Portugal	1,843	16,500
RO	Romania	1,596	24,750
SE	Sweden	731	15,000
SI	Slovenia	606	6,000
SK	Slovakia	1,133	9,750
UK	United Kingdom	2,210	54,750
EU	<i>Signatures</i>	70,412	1,000,000
	<i>“Significant” Countries</i>	0	7

Signatures were collected online only.

Source: [www.en.fraternite2020.eu/signatures.html](http://www.en.fraternite2020.eu/signatures.html)

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## 5. End Ecocide in Europe

Prisca Merz

*Editor's summary: This ECI was launched to make environmental destruction a crime in the EU. Run entirely by volunteers with a limited budget, it nonetheless collected over 100,000 signatures. Personal data requirements deterred many potential supporters. The campaign also struggled with the flawed online collection system, cumbersome paper forms, misinformed national authorities, low public awareness of the ECI tool, insufficient preparation time and no legal structure to allow fundraising or shield committee members from personal liability.*

### **An ECI to make ecosystem destruction a crime during peacetime, not just war**

The ECI *End Ecocide in Europe* aims to protect ecosystems by making their destruction a crime, called ecocide, for which those responsible can be held accountable. According to *Article 8.2 of the Rome Statute of the International Criminal Court*, ecocide, the “widespread, long-term and severe damage to the natural environment” is a war crime. But it is allowed during peacetime. Our goal is to use the ECI to update the EU legal system to one which places people and planet before profits.

Ours is a true citizens' initiative, run entirely by volunteers. We started very enthusiastically, full of hope and excitement. After months of hard work, our experience has mainly been characterised by disappointment. The process is cumbersome, many people are concerned about sharing personal data, the online signature collection system is not user-friendly and a resource-intensive professional marketing campaign is necessary for success.

We continue to believe in the European idea and the need to engage citizens. However, to make the ECI a valuable tool for citizens, not big lobby groups, a number of improvements are required. This article will set out some of the major issues we experienced and recommend improvements.

### **End Ecocide rapidly moves from idea to citizens' committee to registered ECI**

The idea for our ECI was born in May 2012 at a conference organised by international lawyer Polly Higgins. She had rediscovered the concept of ecocide, last discussed in the 1970s and 1980s, and in 2010 proposed an ecocide amendment to the United Nations. The ECI seemed a useful tool to both force EU decision-makers to consider this topic and engage the public, especially youth, in the issue. Said and done.

Quickly, we formed the citizens' committee. Ms. Higgins wrote a draft directive to accompany our ECI proposal. The Commission then accepted our ECI for signature collection. This was a major success! It demonstrated that, if there is political will, the EU has the power to introduce a law preventing ecocide. Then, the real hurdles began.

### **Personal data requirements disenfranchise some and outrage many**

Many disappointed EU citizens contacted us saying they wanted to support our ECI, but could not do so for technical reason. One reason is that some countries' identity number or residency requirements make it impossible for expatriated EU citizens to sign an ECI. This is the case, for ex-

ample, for some expatriated UK and Irish nationals. It was also true for non-Dutch residents of the Netherlands, until corrected in October 2013. We call now on the British and Irish governments to enable their citizens to use this democratic right.

Citizens throughout the EU do not understand the need for and are distrustful of certain personal data requirements. Some countries require more personal data to support an ECI than a national petition. Many citizens are particularly hesitant to share their passport or identity card details and/or their date and place of birth. Even when reassured that their data is secure, many still fear identity theft. Recent disclosures of NSA data mining have only exacerbated online data security concerns.

### **Willingness to share personal data varies by country**

The number of people who click “vote now” on our website and then complete the ECI support form varies widely by country. This seems to show a link between ECI support, personal data requirements and cultural attitudes toward sharing data. For instance, Spaniards share their ID numbers on a daily basis, but Austrians balk at sharing passport numbers. Nearly 80% of potential supporters on our French language website failed to complete the support form, perhaps due to the confusing personal data requirements for French citizens. However, other factors may also be at work.

Personal data required in some countries, such as Poland (PESEL) and Bulgaria (civil number), raise special concerns. Given Poland’s history of state surveillance, Poles are suspicious of sharing online their PESEL number, which they must keep throughout their life. Personal data theft is so common in Bulgaria that, when asked for their civil number, many Bulgarians immediately think of fraud. Our Bulgarian team even struggled to convince their friends that their data was secure!

### **Personal data requirements should be reduced to those of a petition to Parliament**

Unfortunately, instead of simplifying personal data requirements for ECI support, some countries have made them *stricter*! We welcomed Luxembourg’s easing of data requirements and the Netherlands’ inclusion of its foreign residents. We were disappointed other countries didn’t do likewise. Currently, the data required by some member states exceeds what is needed to verify a citizen’s identity. We therefore call on decision-makers to consider collecting only name, nationality and address in all member states. This is all that is needed for a citizen to petition the European Parliament.

### **National authorities need to be better informed about the ECI**

National data protection agencies and authorities responsible for the ECI are not always aware of the ECI or give incorrect advice to ECI organisers. For example, in Bulgaria, we ridiculously had to register every person and organisation collecting paper signatures as an *operator of personal data*. We suggest that the Commission strengthen communication with national data protection agencies and work with them to harmonise rules, requirements and procedures, as well as clarify data protection responsibilities of ECI organisers.

### **The online collection system still needs many improvements**

When it was launched, the online signature collection (OSC) software provided by the European Commission erroneously rejected some correct signatures. The IT team in the Commission has since worked hard to correct glitches, but many issues remain:



- It is not possible to customise the OCS to make it appealing to citizens and useful for campaigning.
- The support button is too small and hard to find.
- Many users look at the form and are overwhelmed by text.
- Error messages need to be clearer. Users must see they made a mistake and how to fix it.
- The possibility of collecting email addresses needs to be added.
- An automated email message should be sent to the signatory to confirm their signature.
- Sharing buttons for social media would be very desirable.
- The *captcha* needs to be easier to read. Many older and visually impaired citizens complained they were not able to copy it correctly.
- The *audio captcha* is always in English, no matter which language the user chooses.

We are extremely grateful for the flexibility of the European Commission in hosting our OCS on their servers in Luxembourg. We call on the Commission to also offer the same opportunity to future ECIs.

### **Paper signature collection forms need simplification**

While paper signature collection is less problematic than online, the paper forms could be simplified. Subject matter and objectives are necessary. However, extraneous information, such as the composition of the citizens' committee, could be removed to make more space for signature lines and make the form more visually appealing. The new requirement to fill out forms with capital letters is difficult to implement, especially for volunteer-run campaigns. This revision also demonstrates a worrying resistance to listen to the demands and experiences of the ECI organisers.

Allowing the collection of signatures of residents and nationals of different EU countries on just one form would simplify campaigning and promote EU identity. We often collected signatures at European events and it's a hassle to have a different form for each nationality. It's also paradoxical that for a *European Citizens' Initiative* citizens can only sign on the sheet for their *country* of nationality or residence.

### **Citizens' committees need a legal status that limits liability and allows fundraising**

The fact that our ECI was organised by a simple group of citizens, without any organisational backing, has created major challenges. We are personally liable for anything related to this ECI. Without a legal status, we cannot raise funds. It is difficult to establish an organisation in one country since we are of different nationalities. It also is contrary to the European idea of the ECI. ECI citizens' committees therefore need their own legal form and/or strengthened efforts to establish an EU-wide NGO status.

### **More time is needed between registration and the start of signature collection**

There is only one month between the registration of an initiative and the start of the 12 month signature collection period. We withdrew our first ECI and re-registered to have more time to prepare. We therefore suggest lengthening this interim period. Perhaps organisers could also choose the date (within a certain time frame) when signature collection begins.

## **EU needs to raise public awareness of the ECI instrument**

Many EU citizens, including those engaged in public policy, are not aware of the ECI. The ECI tool needs to be promoted independently of ECI campaigns. This might also help citizens have confidence in the ECI so they might be more willing to provide the required personal data. Similarly, perhaps a “quality seal”, logo or other symbol could be given to ECI campaigns to demonstrate which ECIs are “real” ECIs.

Overall, the ECI is a great idea and has the potential to become a tool for more democracy in the EU, albeit with major caveats. The most urgent issues to address are personal data requirements which vary by country, especially those which disenfranchise expatriates, and continuing to improve the online collection system. The ECI needs to become a real tool for citizens’ initiatives, rather than another tool for big organisations to advance their agendas.

*Prisca Merz is campaign leader and member of the citizens’ committee of the ECI End Ecocide.*  
[www.endecocide.eu](http://www.endecocide.eu)

Table – Offline versus Online Collection – Final Figures

<b>Country</b>		<b>Signatures Collected</b>			<b>Country Quota</b>	<b>Relation Paper/Online</b>
<b>Code</b>	<b>Name</b>	<b>on Paper</b>	<b>Online</b>	<b>Total</b>		
AT	Austria	515	4,496	5,011	14,250	10% / 90%
BE	Belgium	87	9,108	9,195	16,500	1% / 99%
BG	Bulgaria	1	1,573	1,574	13,500	0% / 100%
CY	Cyprus	-	52	52	4,500	0%/100%
CZ	Czech Republic	-	208	208	16,500	0%/100%
DE	Germany	1,565	13,845	15,410	74,250	10% / 90%
DK	Denmark	15	1,465	1,480	9,750	1% / 99%
EE	Estonia	171	2,453	2,624	4,500	7% / 93%
EL	Greece	3	236	239	16,500	1% / 99%
ES	Spain	13	2,578	2,591	40,500	1% / 99%
FI	Finland	1	768	769	9,750	0% / 100%
FR	France	686	28,688	29,374	55,500	2% / 98%
HR	Croatia	1	311	312	9,000	0% / 100%
HU	Hungary	1	378	379	16,500	0% / 100%
IE	Ireland	-	981	981	9,000	0% / 100%
IT	Italy	2,325	8,551	10,876	54,750	21% / 79%
LT	Lithuania	-	597	597	9,000	0% / 100%
LU	Luxembourg	-	134	134	4,500	0% / 100%
LV	Latvia	-	71	71	6,750	0% / 100%
MT	Malta	-	111	111	4,500	0% / 100%
NL	Netherlands	3	5,727	5,730	19,500	0% / 100%
PL	Poland	111	509	620	38,250	18% / 82%
PT	Portugal	883	2,625	3,508	16,500	25% / 75%
RO	Romania	-	2,687	2,687	24,750	0% / 100%
SE	Sweden	6	2,138	2,144	15,000	0% / 100%
SI	Slovenia	-	715	715	6,000	0% / 100%
SK	Slovakia	-	165	165	9,750	0% / 100%
UK	United Kingdom	2,560	14,725	17,285	54,750	15% / 85%
EU	<i>Signatures</i>	8,947	105,895	114,842	1,000,000	8% / 92%
	<i>"Significant" Countries</i>	0	0	0	7	

Source: *Figures from the Campaign Organisers*

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## 6. Unconditional Basic Income (UBI) – Exploring a Pathway towards Emancipatory Welfare Conditions in the EU

Stanislas Jourdan

*Editor's summary: The goal of this ECI was to raise awareness of the social policy of "unconditional basic income" and prod the EU to support its implementation. It encountered many early technical challenges which slowed campaign momentum and lost supporters – from initially being refused registration to OCS software glitches. Through creative signature gathering techniques and the clever use of a parallel Avaaz online campaign, this grassroots campaign with limited financial resources collected an impressive 285,000 signatures.*

### Crash-testing the ECI: pains and hopes from the basic income movement

For decades, economists, sociologists, entrepreneurs, philosophers, think tanks, activist organisations and even some isolated politicians from all over the world have praised the merits of an *unconditional basic income (UBI)*: a social policy that gives all citizens of a political community an income from birth to death, without conditions or means testing.

In Europe, a movement pushing for UBI has slowly taken shape in recent decades. Since the 1986 creation of the *Basic Income European Network (BIEN)*, several congresses were organised in Europe and beyond, and various organisations have joined the effort. A consensus was reached that a European-wide action should be organised to support ongoing national campaigns. The new European Citizens' Initiative (ECI) tool was seen as a strategic means to achieve two different goals: make the idea of basic income a "hot topic" in Europe and get the EU to move in the direction of its implementation. We also hoped that being one of the first ECIs to be launched would bring our campaign additional media exposure.

### Drafting an ECI text acceptable to the Commission was tricky

About 40 participants from various countries and organisations first met in April 2012, with the technical assistance of Green MEP Gerald Häfner, to discuss the purpose of an ECI on basic income and craft a proposal. It was tricky to come up with a reasonable demand to the Commission for our idealistic project. Since social policies usually fall under the responsibility of member states, we could not directly ask the EU to implement UBI. However, the Commission's remit does include harmonisation of social policies and exchange of best practices.

In July 2012, after a second preparatory meeting, we submitted our first ECI proposal to the Commission for registration. We asked the European Commission to "*use all its existing means and possibilities to speed up the introduction of an Unconditional Basic Income*" and to introduce a legal rights act to "*achieve the aims of the EU, to combat social exclusion and discrimination, and to promote social justice and social protection.*"

This proposal was rejected by the Commission on the grounds that it "*falls manifestly outside the framework of the Commission's powers.*" The Commission admitted that UBI could help achieve the goals of the EU to combat poverty (*article 153 of TFEU*). It denied, however, that it had an *appropriate legal basis* to pursue any 'legal rights act' that would allow harmonisation of member states' laws.

We therefore crafted a new ECI proposal asking the EU to initially promote *“initiatives such as ‘pilot studies’...and examination of different models of UBI”* to improve member states’ social security systems. However, the long-term objective remained the introduction of the UBI *“to offer to each person in the EU the unconditional right...to having his/her material needs met...a life of dignity as stated by EU treaties.”* It was registered in January 2013.

### **After victory, hard times: getting ready to collect signatures online**

The acceptance of our ECI was indeed a small victory. But energy and resources were lost in the battle. After the first rejection and subsequent scaling back of demands, some organisers lost hope and quit the project, including our Italian partner who was supposed to help build our campaign website. Many of those still involved doubted that our revised ECI proposal would be accepted, making it harder to motivate them to prepare to campaign. Consequently, our campaign website, social media channels and online collection system were not ready when the ECI was finally registered. Supporters couldn’t sign our ECI!

The online collection system (OCS) which allows people to sign with secure software, was particular challenging to make operational. First, because we had no idea if our ECI would be accepted and as it was the Christmas holiday season, we weren’t prepared to start the signature collection process. Second, although the OCS could be hosted free of charge by the Commission in Luxembourg and we were helped by Commission staff, complying with security requirements was much more complex and time-consuming than we expected. Third, training with the Commission’s security managers failed twice because of bugs in the training DVD. Several additional weeks were lost.

As a consequence of challenges with the OCS, we were only able to collect signatures in March – two months after the 12 month signature collection countdown had officially started. We considered it unfair to lose two months of collection time so asked the Commission for a deadline extension. Extensions had been granted due to similar OCS problems to ECIs registered before 31 October 2012. But because our ECI was registered 14 days later, we were denied an extension – which we think was an arbitrary decision.

This period of waiting for signature collection to begin was frustrating for both us and our supporters. Why was it not possible to sign an ECI when it usually takes just a few clicks to launch an online petition? Even worse, we didn’t know *when* the OCS would be functional. This uncertainty made campaign preparations much harder. We did not feel in control of our own campaign. When the OCS was finally ready, we had to resort to improvisation. To avoid similar situations in the future, we urge a change in the ECI regulation. Organisers should be given full control over the launch of their ECI. Ideally they should be able to choose the launch date within a certain timeframe, starting after the OCS is operational and certified.

### **Lack of harmonisation of personal data requirements creates an OCS nightmare**

New problems appeared once supporters could finally sign our ECI. To begin with, we received many emails asking why supporters had to provide personal data such as ID numbers. Many people were uncomfortable with this so did not sign our ECI. This is largely due to the fact that most people were unaware of the ECI’s existence and its legal rules.

Personal data requirements which varied widely between countries led to even more confusion. One source of complexity is the distinction between *citizenship* country and *residence* country. This does not make sense to many people and led some EU citizens to be denied the right to sign our ECI. While we understand and generally stand behind the idea of having some personal data to support the signatures, it should not be too complicated. Therefore, all data requirements should be harmonised as much as possible between member states. Ideally, the country of residence should be irrelevant; only nationality should matter.

Many people were also confused because they did not receive an email confirming their signatures. Several people asked us if we could check if they had already signed. This is something we legally and technically cannot do. Providing some documentation to ECI signatories would help answer questions and concerns we received about the OCS.

### **Creative solutions to complicated paper signature collection forms**

The paper signature collection forms were not easier to use than the OCS. According to our local Spanish coordinators: *“It's difficult to know how many signatures per page there are, too many fields, people distrust giving their address, and generally are unable to fill with ‘one capital letter per square’.”* To get around these difficulties, our local activists discovered tricks. For example, our Dutch campaigner explained *“The best way to prevent mistakes was to fill in the forms on behalf of the signatories, which I must say, is often humiliating for them.”* Other activists produced their own forms to collect the required data and then later entered it online themselves. Doubts remain as to the legality of this approach.

In general, national ECI authorities were available and responsive, but often unable to help because they lacked sufficient information about ECI rules. Since national authorities cannot help organisers and the Commission cannot provide user-friendly paper forms, more flexible rules are needed to empower organisers to produce their own tools without the fear of breaking the law.

### **Parallel Avaaz campaign dramatically accelerates signature collection**

In the final weeks of the campaign, with the launch of a parallel online petition on *Avaaz.org*, we witnessed an impressive acceleration of signature collection. The *Avaaz* petition invited supporters to sign on the official ECI site. Contrary to our initial expectations, many people signed *both* on *Avaaz* and the official ECI form. This clearly demonstrates that a much simpler and user-friendly signature collection system would greatly benefit future ECIs.

Our ECI ended on 14 January 2014 after having collected 285,000 signatures and reaching the required minimum signature thresholds in six countries. Because we did not collect enough signatures, our ECI was considered 'obsolete' and national authorities so far have refused to certify our signatures. However, we can bilaterally discuss with the competent national authorities if they nevertheless are prepared to verify the signatures. This would enhance our experience of the “closing procedure” of an ECI, in case we decide to later launch another ECI (e.g. in 2015).

Even though we did not collect one million signatures, we believe that our main goal – to raise awareness on the issue of UBI – has been successfully met. Moreover, we are proud and happy for having been one of the first groups of citizens to use the ECI. However, as this article explains, we have endured many failures using this democratic tool.

The fact that we lowered our ambitions with the second registration left the impression that the ECI only opens a very narrow window to new ideas (i.e. those not already inside the current framework of the EU treaties). The ECI could have more impact if EU treaty amendments could be proposed with an ECI and then a referendum organised in case of victory, as is the case for Switzerland's citizens' initiatives scheme.

We can only regret that the ECI was not designed in a way more friendly to grassroots activist groups with limited financial resources. Our hope remains that EU institutions will listen to and take into account the feedback from all of the courageous early ECI organisers.

*Stanislas Jourdan is a member of the citizens' committee of the ECI Unconditional Basic Income.*

[www.basicincome2013.eu](http://www.basicincome2013.eu)

Table – Offline versus Online Collection – Final Figures January 2014

<i>Country</i>		<i>Signatures Collected</i>			<i>Country Quota</i>	<i>Relation Paper/Online</i>
<i>Code</i>	<i>Name</i>	<i>on Paper</i>	<i>Online</i>	<i>Total</i>		
AT	Austria	440	8,055	8,495	14,250	5% / 95%
BE	Belgium	2	<b>19,008</b>	<b>19,010</b>	16,500	0% / 100%
BG	Bulgaria	10,677	<b>30,006</b>	<b>40,683</b>	13,500	26% / 74%
CY	Cyprus	-	112	112	4,500	0% / 100%
CZ	Czech Republic	446	4,126	4,572	16,500	10% / 90%
DE	Germany	3,526	37,765	41,291	74,250	9% / 91%
DK	Denmark	383	2,817	3,200	9,750	12% / 88%
EE	Estonia	22	<b>4,862</b>	<b>4,884</b>	4,500	0% / 100%
EL	Greece	1	2,868	2,869	16,500	0% / 100%
ES	Spain	2,001	23,419	25,420	40,500	8% / 92%
FI	Finland	141	1,504	1,645	9,750	0% / 91%
FR	France	2	37,413	37,415	55,500	0% / 100%
HR	Croatia	1	<b>12,193</b>	<b>12,194</b>	9,000	0% / 100%
HU	Hungary	1	14,513	14,514	16,500	0% / 100%
IE	Ireland	-	1,170	1,170	9,000	0% / 100%
IT	Italy	6	4,525	4,531	54,750	0% / 100%
LT	Lithuania	-	221	221	9,000	0% / 100%
LU	Luxembourg	1	629	630	4,500	0% / 100%
LV	Latvia	-	154	154	6,750	0% / 100%
MT	Malta	-	194	194	4,500	0% / 100%
NL	Netherlands	-	<b>20,337</b>	<b>20,337</b>	19,500	0% / 100%
PL	Poland	5	4,760	4,765	38,250	0% / 100%
PT	Portugal	2	6,869	6,871	16,500	0% / 100%
RO	Romania	4	4,078	4,082	24,750	0% / 100%
SE	Sweden	-	9,601	9,601	15,000	0% / 100%
SI	Slovenia	-	<b>9,255</b>	<b>9,255</b>	6,000	0% / 100%
SK	Slovakia	1	6,351	6,352	9,750	0% / 100%
UK	United Kingdom	2	10,109	10,111	54,750	0% / 100%
EU	<i>Signatures</i>	17,664	276,914	294,578	1,000,000	6% / 94%
	<i>“Significant” Countries</i>	0	5	5	7	

Bold numbers mean that the Country Quota is reached.

Source: [basicincome2013.eu/en/statistics.htm](http://basicincome2013.eu/en/statistics.htm)



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## 7. 30 km/h – Making Streets Liveable!

Heike Aghte

*Editor's summary: This ECI created a vibrant new network of active transportation advocates to instigate action at EU level, stalled for over 20 years, to reduce residential speed limits. One of only two ECI campaigns to use its own server for online signature collection, it lost nearly half of its signature collection time and much of its budget correcting OCS software glitches. Handicapped by cumbersome procedures, potential supporters' refusal to share personal data, poor media awareness of the ECI and technical limits to campaigning via social media, its signature numbers were disappointing. However, it succeeded in changing local laws and making speed limits a subject of public debate throughout the EU.*

I don't like what I'm doing now: counting and sorting paper ECI support statements. Some national administrations use random sampling to validate signatures. So I'm trying to minimize the number declared invalid. Once again, I'm agonising over why all this must be so complicated! It's time to look back at our ECI campaign.

### **ECI to build on European Parliament support for 30 km/h**

We organised the ECI *30 km/h – making streets liveable!* to establish a new 30 km/h (20 mph) standard urban speed limit throughout the EU; 50 km/h would become the exception. Local communities would be free to decide on other speed limits, provided they could prove that the needs of the most vulnerable road users were met.

Since its introduction in 1983, the 30 km/h speed limit has been widely recognised as “best practice”. It makes our roads safer, cuts greenhouse gas emissions, halves transportation noise, reduces stress, creates more public spaces and makes our cities more liveable.

The European Parliament's support, in its 2011 road safety report, for 30 km/h in residential areas created a positive momentum which convinced us to launch an ECI. The ECI seemed to be the strongest instrument available to reach out to active people in all EU countries. We also expected that EU institutions would publicize the ECI and so help attract media attention for the first ECI campaigns.

### **Network building: an exciting experience**

Preparation started in summer 2011 and lasted one surprisingly exciting year. Our network then grew from 35 supporting partner organisations in September 2012 when we announced the ECI to 53 on registration day two months later. Our network kept growing, currently standing at 76 organisations in 18 countries. It includes umbrella organisations, national NGOs and small regional groups from the health sector, environmental groups, transportation NGOs (i.e., cyclists, pedestrians, car sharing companies), urban planners, children's protection groups, road safety NGOs and victims of road accidents. We've become a colourful medium-sized network.

### **A legal challenge: meet the EU competence standard for registration**

Wording the ECI text was a challenge. Our issue straddles two areas of EU-member state shared competency: environmental and transportation policy. Critics said our issue fell outside of EU competency and was contrary to the subsidiarity principle. This was exactly how this issue had been blocked for more than 20 years! In 1987, the Commission announced a legislative procedure to introduce Union-wide speed limits, but nothing concrete ever happened.

After several months of work and legal advice, we produced a proposal which was accepted by the Commission. This finally put an end to the criticism and confirmed that the EU is the right body to set these standards. This very early success might, in fact, turn out to be a major long-term achievement of our ECI. It also proves that potential ECI campaigns need legal advice. Many other ECIs were rejected for *falling outside the Commission's powers* due to overly fussy legal checks.

### **Time-consuming and expensive glitches with OCS software**

Due to numerous major programming faults, it took us *five months* and around 7,000 Euros in staff time and server rental fees just to install the Commission's online signature collection system (OCS) software. The Commission eventually let ECI organisers use their server based in Luxembourg. But this offer came too late for us.

It took another month to fix new software glitches when we uploaded additional language versions. We had to pressure the Commission, including sending a formal letter of complaint and posting to Commissioner Šefčovič's Twitter account, to get technical help. Our OCS was finally ready a few days before Christmas, after several press events had already been cancelled. Imagine how frustrated many activists were with the idea of campaigning just before the holidays.

Even after the online signature collection began, software problems continued. We received many complaints like: *"I tried to sign the petition but I kept receiving an error message...you are going to discourage many people from signing."* Those who tried signing again got an answer like *"An error occurred. Number 34H79. Please contact your provider."* This felt unfriendly, both to citizens and to us organisers. Some improvements to the OCS were made in late 2013, after over a year of discussions between ECI campaigns and the Commission. This is great, but it came too late to make a difference for us.

### **Signature gathering begins with one extraordinarily demanding day**

I will never forget the first day of our signature gathering period. How much we had to do in *one single day*! As soon as we got the European Commission's acceptance message and access to the software, we had to: inform all partners, get the OCS running (with no time for testing), finalise 27 different forms and upload to 13 different websites, register additional language versions for validation by the Commission, publish media releases, and talk to journalists. These were excessive demands for us and all medium-sized or smaller networks. They raise questions about the balance of rights and demands mentioned in the ECI implementing regulation.

## How to improve the OCS

Looking back, we feel that the online collection system (OCS) is unnecessarily complex. This is due to the bureaucratic approach to designing and administering it. We recommend that:

1. Organisers be given access to the software several days before the ECI is formally registered in order to test it.
2. The Commission engage more technical support staff to correct faults faster. Technical support was very professional, but more technicians are needed.
3. Organisers of the first ECIs which used the Commission's software be reimbursed for additional expenses incurred due to its failings.
4. ECI texts be considered *a document of major significance* for the Commission translation services and translated into all official languages by the first day of signature gathering. This would also save considerable time, since translators sometimes had to make repeated corrections of our ECI text.
5. Organisers choose the exact start of the signature gathering period, perhaps within a period of two to three months. This initial time period is vital to organisers for planning publicity and public relations.

## Formitis: personal data requirements lead to mistakes and lost supporters

*"How can you give an invalid signature if you are sure you want to support the ECI and take the trouble to fill in your data?"* asked a friend. People make mistakes. But we found many more invalid signatures than we expected, for a variety of reasons.

Many mistakes occurred when gathering signatures on paper in countries requiring personal document numbers. For example, in Austria, many people copied their driver's licence number instead of their passport number. Activists in tourist regions inconveniently needed to carry multiple forms and first ask potential supporters their nationality and place of residence.

Many people, in all EU countries, were uncomfortable about giving extensive personal data. We discovered many support statements with neat handwriting that left out personal document numbers and/or the date or place of birth. People asked why they had to give so much personal data. *"This is only about agenda setting, why all the fuss?"*, they'd wonder. Some noted how co-signing a petition to the European Parliament only requires one's name and town. Many simply walked away after they saw the ECI support form. This effect worsened after mid-2013 press reports of the NSA tracking online personal data.

Convincing people to give their data might have been possible, but would have required many more activists than we had – and the size of our network was impressive to many. We believe the whole signature collection system, both on paper and online, needs to be much more user-friendly, including fewer personal data requirements and hopefully one system for all countries.

## Challenges using social and mainstream media limit "snowball effect"

As campaign coordinator, I monitored online signature collection and observed that several countries' signatures grew faster than others. A sudden gain could often be linked to a special event. For example, a huge press conference in France prompted 500 French online signatures in one

weekend. However, despite several attempts, no “snowball effect”, where signatures would grow exponentially through sheer momentum, ever happened. Challenges in using both social and mainstream media certainly contributed to this.

Experts in online campaigning advised us to use direct links from the online collection system (OCS) to social media. They were astonished to learn this is not possible with the Commission’s OCS! Simple details could have made a difference – like changing the screen that pops up after supporters sign.

Mainstream media appear to have no idea what the ECI is. German media mistook the ECI for the German expression “BI”, an informal group without any specification. In other countries, the ECI was mixed up with e-petitions. It seems as if editorial staffs have not been informed about the ECI. In the end, we created basic media information about the ECI instrument itself and the importance of this new EU citizens’ right. This was not our job and we had lots of other things to do.

### **Positive side effects: reducing speed limits to 30 km/h taken up at local levels across the EU**

Apart from the positive EU legal admissibility check, we experienced some amazing side effects during signature gathering. They took place at the local level and in different countries. Local authorities were deeply impressed that their citizens were taking action continent-wide and supporting the issue in such an ambitious way. So it turned out that the European level of the campaign made a difference!

**Spain:** The city council of Bilbao approved a motion to make the speed limit 30 km/h in residential areas.

**Poland:** 13 Polish mayors and representatives of municipalities, including the mayor of Gdansk, signed a declaration of support for our ECI and highlighted the benefit of having 30 km/h as the EU standard.

**France:** Influenced by the wide discussion the ECI generated, Paris significantly increased the number of its 30 km/h zones.

**Slovenia:** ECI activists launched a local petition in Ig (near Ljubljana), prompting the local authority to implement the first 30 km/h zones in the town.

**Belgium:** A lower speed limit has become a big issue. A survey in Wallonia showed majority public support for lowering urban speed limits.

**Germany:** Prompted by ECI activists, the city of Würzburg (Bavaria) is officially discussing a 30 km/h speed limit for the city centre. The mayor of Güstrow (Mecklenburg-Western Pomerania) publicly asked citizens to support the ECI.

Our network now has 76 partner organisations in 18 EU countries: nearly twice as many as at the beginning of our campaign. Since new partners joined recently, we believe that more are still to come. The ECI was just the beginning!

*Heike Agthe is the campaign coordinator for the ECI 30 km/h-Making Streets Liveable. [en.30kmh.eu](http://en.30kmh.eu)*

Table – Offline versus Online Collection – Final Figures November 2013

<i>Country</i>		<i>Signatures Collected</i>			<i>Country Quota</i>	<i>Relation Paper/Online</i>
<i>Code</i>	<i>Name</i>	<i>on Paper</i>	<i>Online</i>	<i>Total</i>		
AT	Austria	282	1,674	1,956	14,250	14% / 86%
BE	Belgium	315	3,466	3,781	16,500	8% / 92%
BG	Bulgaria	-	66	66	13,500	0% / 100%
CY	Cyprus	-	21	21	4,500	0% / 100%
CZ	Czech Republic	-	100	100	16,500	0% / 100%
DE	Germany	7,460	15,763	23,223	74,250	32% / 68%
DK	Denmark	-	173	173	9,750	0% / 100%
EE	Estonia	-	41	41	4,500	0% / 100%
EL	Greece	59	65	124	16,500	48% / 52%
ES	Spain	1,159	4,360	5,519	40,500	21% / 79%
FI	Finland	-	148	148	9,750	0% / 100%
FR	France	169	3,761	3,930	55,500	4% / 96%
HR	Croatia	-	-	-	9,000	
HU	Hungary	3	109	112	16,500	3% / 97%
IE	Ireland	-	210	210	9,000	0% / 100%
IT	Italy	30	1,334	1,364	54,750	2%/98%
LT	Lithuania	-	19	19	9,000	0% / 100%
LU	Luxembourg	-	61	61	4,500	0% / 100%
LV	Latvia	-	62	62	6,750	0% / 100%
MT	Malta	-	29	29	4,500	0% / 100%
NL	Netherlands	5	189	194	19,500	3% / 97%
PL	Poland	10	765	775	38,250	1% / 99%
PT	Portugal	2	477	479	16,500	0% / 100%
RO	Romania	-	61	61	24,750	0% / 100%
SE	Sweden	10	171	181	15,000	6% / 94%
SI	Slovenia	-	88	88	6,000	0% / 100%
SK	Slovakia	-	59	59	9,750	0% / 100%
UK	United Kingdom	1,154	2,519	3,673	54,750	31% / 69%
EU	<i>Signatures</i>	10,658	35,791	46,449	1,000,000	23% / 77%
	<i>“Significant” Countries</i>	0	0	0	7	

Sources: [30kmh.eu/statistics](http://30kmh.eu/statistics) and *Figures from the Campaign Organisers*

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## 8. Do not count Education Spending as Part of the Deficit! Education is an Investment!

Panos Papadopoulos

*Editor's summary: This ECI was initiated by a Greek think-tank to safeguard education funding in EU-imposed national austerity budgets. It also sought to use the ECI to heal worrisome divisions between citizens in northern and southern Europe. After careful research, it crafted language for its ECI which was accepted for registration. But it then lost two months of signature collection time due to OSC glitches. When this article was written, signature collection had just begun.*

### **An ECI to shield education from austerity budget cuts**

The *Do not Count Education Spending as Part of the Deficit! Education is an Investment!* ECI aims to make education a priority both in the EU and in each member state at a time when inequalities are emerging within societies due to the current severe financial crisis. Specifically, this ECI proposes to exclude from the calculation of each country's public spending deficit that part of government education spending that is below the Eurozone average for the last 5 years.

### **Quality education needed to avoid a new "lost generation"**

Youth hold the key to Europe's future dynamism and prosperity. As Nobel Prize winner Christopher Pissarides said in support of our ECI: *"Economic crises come and go but young people get just one chance to learn the skills that will get them a job and help them embark on a successful career."*

Young people have been hit particularly hard by the financial crisis. Youth unemployment rates in Europe stood at 23.5% in the first quarter of 2013. In some countries, half of young people who want to work are unemployed. This has a profound impact on individuals, as well as on society and the economy.

To avoid a "lost generation", a group of people from seven different European countries (Greece, Romania, Germany, France, Cyprus, Portugal, Bulgaria) with the support of *DIKTIO: Network for reform in Greece and Europe*, a Greek think tank with a European orientation, worked together to create this ECI. It aims to combat inequality by providing equal opportunities for education and training to all young people in Europe. It seeks to ensure adequate and appropriate infrastructure and tools for high quality education in Europe in times of crisis. Through investment in education, it hopes to enhance and safeguard growth, development and democratic institutions and ensure the employability of younger generations. It also supports the EU policy Horizon 2020 for research and innovation.

### **Active citizenship to heal divisions within Europe**

We decided to use the ECI to promote our idea because we believe it contains exactly what is missing now from the public dialogue in Europe. Change in Europe can only be carried out by citizens who participate, react, propose and act. The ECI is a "bottom-up" tool that gives everybody the possibility to change things in their lives. It also offers the ideal way to deal with common pan-European problems that affect both richer and poorer countries.

Current divisions between northern and southern Europe and the resurgence of national stereotypes harken back to the darkest times on our continent. The ECI provides a great chance for people from different countries to work together for a common purpose. Thanks to the ECI, we have started collaborating with NGOs, think tanks and organisations throughout Europe.

### **Official EU information on the ECI is helpful**

The information on the official webpage of the ECI is well organised and helpful. The first contact with this portal quickly conveys the necessary information to understand if an ECI idea can be transformed into an ECI campaign, to see previous ECIs and get new ideas. We were also greatly helped by the DIKTIO think-tank, which gave us resources, ideas and assistance for carrying out our ECI.

### **Crafting ECI wording and campaign communications were challenging**

The first challenge we faced was crafting our proposal. We didn't want an initiative that asked for something vague. We spent a lot of time collecting data and surveys to document our initiative. In this task, we were advised by several university professors. Nobel Laureate economist Christopher A. Pissarides and eminent Greek academic Helene Glykatzi Ahrweiler agreed to be ambassadors for our ECI.

Another big challenge was the creation of our ECI's website ([www.invest-in-education.eu](http://www.invest-in-education.eu)). We knew that nowadays a campaign needs a well-designed website and a successful social media campaign. Our Facebook page ([Invest in Education](https://www.facebook.com/InvestinEducation)) and Twitter account ([@Invest-in-Edu](https://twitter.com/InvestinEdu)) are key for the campaign's success.

### **Two precious months lost due to dysfunctional online collection system**

The biggest challenge we encountered, however, was the certification of our online collection system (OCS) for signatures. Both reviewing our documents and initializing our OCS required daily contact with the Commission, which was not always possible. As a result, a precious two months were lost from our 12-month signature collection period! We are now in the beginning stages of signature collection.

### **Commission needs to raise public awareness of the ECI instrument**

What would be really helpful is the appointment of one person from the official ECI team at the European Commission to assist each ECI campaign on a weekly basis. Moreover, it would be useful if the European Commission could launch a communications and awareness campaign to all EU countries in order to familiarize citizens with the idea of the ECI.

*Panos Papadopoulos is part of the ECI Do not count Education Spending as Part of the Deficit! Education is an Investment! [www.invest-in-education.eu](http://www.invest-in-education.eu)*

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## 9. High Quality European Education for All

Ana Gorey

*Editor's summary: The goal of this ECI was to raise awareness of the need for a high-quality, multi-lingual and multi-cultural European educational model. It asked for a new EU platform to support the development of a pluralistic European educational model across the EU. As a complex and novel idea, the campaign struggled to convey a compelling message. It also encountered significant problems stemming from personal data requirements and related data protection rules. It lacked sufficient resources to meet with all its country coordinators. However, it did succeed in building a vibrant new pan-EU network to promote European education and intends to work via a virtual platform to spread this model.*

### **An ECI to raise awareness of a European educational model**

MEET (Movement towards a European Education Trust) believes that Europe's future depends on how to educate citizens and how they learn. Common EU educational goals should reflect European core values and facilitate mobility. They should open children's minds to the diversity of EU languages and cultures and celebrate diversity as central to solving today's challenges. MEET launched the *High Quality European Education for All* ECI to create a multi-stakeholder platform to develop a European educational model. It would bring together existing recommendations and implement them in ways accessible to all European children and teachers.

We knew that collecting one million signatures in 12 months was an impossible task and one we would not achieve. Our primary goal was therefore to *raise awareness* of a high-quality, pluralistic educational model for all Europeans. This model includes European schooling leading to the European Baccalaureate. Started in 1953, this system has produced syllabi approved by ministries of education and educational inspectors in all EU member states. We launched our ECI in 2013 to coincide with the 60th anniversary of European schools, the European Year of Citizens and the run-up to the 2014 European Parliament elections.

### **ECI helped build our network and understanding of educational issues throughout the EU**

Our ECI was most successful as an "added attraction" to widen our network and connect with others in the field. A core campaign team worked at EU level and centralised the message, key communication tools, images and strategy. Their experience with EU institutions proved invaluable. Country coordinators worked mainly within national networks on specific issues they identified. This was extremely important as each country needed to communicate in its own language and each has different national educational issues related to pedagogy, curriculum, teaching, and student and parent involvement. Discussions with country coordinators were crucial to getting a wider picture of what was really happening with education in Europe.

### **Developing a clear and motivating message was ECI's greatest challenge**

Our ECI campaign was a rewarding experience, even though, as expected, we did not collect one million signatures – not even close. Since our ECI campaign ended, we have reflected on what we could have done more, better, quicker. We had many contacts, partners ready to provide funding



and experienced professionals ready to devote time and energy. We had an online ECI support form in all 24 EU languages, a good website and an active social media campaign. However, at the end of the day, it boiled down to the message. Not all ECIs have a “sexy” topic or one that can be summed up in a simple yes/no answer or a 140-character tweet. Ours was particularly complex.

Our ECI asked the Commission to *start a discussion at European level* and *set up a multi-stakeholder platform* on European education. Anything else would have been outside the Commission’s competences. Yet calling for yet another European platform was not as motivating as asking for legislation or policy changes.

Education is not a simple message, *European* education less so, especially in times of widespread disenchantment with the EU, national governments and even democracy. European education has been stigmatised as “elitist” education for children of EU bureaucrats, although it has been open to others since 2009. There are also many different perspectives on and national variations in education. Moreover, education is a fiercely guarded national competence which some groups use to enhance their own interests. This diversity of perspectives, however, was one of the most enriching and integral aspects of our ECI campaign.

We are now ready to find our own solutions. We launched a competition and selected a virtual European education platform *Free Easy Way* – [freasyway.com](http://freasyway.com) – to allow schools, educators, students and authorities to share knowledge and create a common yet flexible curriculum. We’re also implementing workshops in schools to raise awareness of disabilities and social exclusion.

### **Difficulties using the ECI far exceed expectations**

Using the ECI was far more challenging than we expected. Even those of us experienced in working with European institutions found the procedures daunting. To begin with, it took us lots of time *just to set up* the ECI. Once it was launched, it became clear that, in its current format, the ECI is not an appropriate tool for ordinary citizens. There are many problems: it is too legally and technically complicated, personal data requirements are too high, working across Europe with multiple languages is difficult, there is no institutional funding, the ECI support forms are complicated and the online signature collection system is not user-friendly. Worst of all, mobile Europeans living outside their country of nationality (our target group) often cannot vote due to national residency or ID requirements. Furthermore, twelve months is not enough time to collect one million signatures, unless one already has an established organisation.

### **Extensive personal data requirements at heart of difficulties**

Extensive and complicated personal data demands, and related data protection requirements, were at the root of most of our difficulties. Each ECI’s online collection system (OCS) must meet extremely high personal data protection criteria. Our campaign rejected the idea of collecting signatures on paper as too risky. It is simply impossible to ensure that signatures are collected in accordance with each national data protection system. Data protection is difficult enough in one’s own country and language. Imagine the challenges when enthusiastic and well-meaning citizens, most unknown to data controllers, collect signatures all over Europe. Plus, in the event of any breach of data, members of the ECI campaign are *personally held criminally liable*.

With limited resources, it was hard for us to cover travel costs to meet with our partners across Europe although Skype was very useful. Our official ECI site was in all EU languages, however, for the extended messages to be successfully passed on at national level, they needed to be in local languages or dialects. Some centralised funding would have helped overcome practical difficulties of distance and language. Additional help could be given to attract new partners. For instance, the Commission has large mailing lists which could be used to invite people to contact relevant ECIs.

### **The ECI must connect citizens with each other and EU institutions – or it can only fail**

It is unfortunate that ECIs are not and do not intend to become part of a community similar to Avaaz or Change.org which have worldwide branches and integrated mailing lists. Although not everyone agrees with all initiatives, they should at least be able to hear about them. ECIs cannot even use data on their supporters, let alone share it with other ECIs – unless they keep secure parallel records – another administrative burden. Furthermore, most people have never even heard about the ECI or how it works.

The ECI's core mission is to connect the EU institutions with ordinary EU citizens and to connect like-minded Europeans with each other. If an ECI cannot be started by ordinary citizens who are not connected to a strong network or significant financing, then it can only fail. If the efforts of an ECI campaign are not recognised and it is simply labelled "obsolete" when it does not collect one million signatures, then it can only fail. If an ECI can only be on "yes/no" issues or topics people already have pre-set views about, then it can only fail. The success of an ECI at the moment seems to be determined only by the number of signatures it collects, not the serious issues it raises.

We wish every success to the current initiatives and those to come! May they profit from the lessons learned by the pioneer ECIs.

*Ana Gorey is the Campaign Leader and a Member of the Citizens' Initiative Committee of the ECI High Quality European Education for All. [www.euroedtrust.eu](http://www.euroedtrust.eu)*

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## 10. Teach for Youth – Upgrade to ERASMUS 2.0

Jean-Sébastien Marre

*Editors' summary: This ECI was launched as a classroom project by European Affairs students with extremely limited resources and networks. It quickly encountered significant problems with the on-line signature collection system, causing it to lose a quarter of its signature collection time. Nonetheless, it continues as an independent citizens' initiative, to test if this approach can work. Its goal is to reduce inequality in education, enhance European identity, and reduce youth unemployment by creating a pan-EU teacher corps of recent university graduates.*

### Can the ECI help bridge the EU “democracy gap”?

Our European Citizens' Initiative, *Teach for Youth – Upgrade to Erasmus 2.0*, is the outcome of an experimental class we took at l'Institut d'Etudes Politiques de Paris (Sciences Po) in early 2013. This class was created by Dr. Imola Streho, director of the Master in European Affairs, and Professor Marc Germanangue. Both were keenly interested in the ECI as a way to overcome the often mentioned EU “democracy gap”. The overall goal of the class was to find out whether ordinary European citizens could draft a proposal for an ECI, have it registered by the European Commission and eventually run a successful campaign at the EU level.

As students of European Affairs, my fellow students and I have a genuine interest in everything related to Europe and mostly think of ourselves as “true Europeans”. We thus saw this class and its purpose as a great way to show our commitment to making the EU something more than a technocratic institutional structure.

### A new EU programme to reduce educational inequality

To enhance efficiency, the class was divided into several groups of five to six students, each with a specific idea for an ECI. *Teach for Youth* emerged from the “Education in Europe” group. It was inspired by the work of *Teach for America* and *Teach for All* in trying to reduce domestic educational inequality, respectively in the USA and in several other countries worldwide. We thought that the EU could provide the right scale for a similar programme.

Building on the success over the last two decades of the Erasmus programme in enabling more interactions among European students, we developed *Teach for Youth – Upgrade to Erasmus 2.0* as a European Commission-run programme that would seek to eliminate educational inequity within the EU. It would attract highly motivated and high achieving recent EU university graduates and postgraduates to teach for one to two years in urban and rural low income and high need communities throughout the EU. It would also help recent university graduates enter the job market. The cross-cultural exchanges would enhance European identity.

We knew that the ECI was the right tool to raise awareness of these issues, as well as to advance our agenda. We thus submitted our proposal to the Commission and it was officially registered on 17 June 2013. Then a whole new phase started, with several challenges and difficulties.

## **Online collection system problems stalled campaign for three months**

The most challenging problem we have faced thus far was the official approval of our online collection system (OCS) for signatures. For security, practical and financial reasons, we decided to have our OCS hosted on Commission servers in Luxembourg. In order to ensure the best protection of EU citizens' privacy, each OCS needs to comply with numerous rules and regulations, which requires IT expertise we did not completely master. Fortunately, we were helped during the entire process by both the ECI department of the European Commission and authorities in Luxembourg. Finally, our OCS was officially certified and launched on 13 September 2013.

Unfortunately, the whole OCS approval process took almost three months out of the twelve we have to collect the required million signatures. Consequently, our campaign lost a crucial amount of time during which we could have collected more signatures!

## **Functioning online collection system must be guaranteed to future ECIs**

We recommend that, in the future, a fully operational IT package, including a pre-certified OCS, should be given to the representative of every ECI registered by the European Commission. That way, the campaigns would not lose any time unnecessarily. In addition, it would allow any EU citizen with a great ECI proposal to carry it out without needing technical expertise.

Fortunately, the ECI department of the European Commission was very helpful and supportive. We are also thankful to our professors and fellow students who have supported and provided us with great recommendations, as well as the numerous EU citizens who have been genuinely interested in our ECI and contacted us to contribute and help us reach our objectives.

## **Continuing as an independent citizen effort to test if can succeed**

Obviously, gathering one million signatures across the EU in less than twelve months (actually nine for our ECI) is *very* difficult, despite all our efforts and our supporters. We still have six months to reach this goal. We are confident that, with the help of every EU citizen, non-profit organisation, company, government and news media interested in the EU, a positive outcome will result from our *Teach for Youth* campaign. Nevertheless, we are also aware that, given our choice to be a *true* ECI run by *genuine* citizens, it will require a lot of work to achieve our objective.

We are not pursuing any vested interests through the *Teach for Youth* ECI and our endeavours are neither backed nor funded by any organisation, lobby or institution. The purpose of the experimental class was explicitly to figure out whether ordinary EU citizens could successfully register, run and manage to gather one million signatures through an ECI. We have decided to stick with this approach.

Hopefully, if we are successful, we will see the emergence in future years of a “generation *Teach for Youth*” succeeding the “generation *Erasmus*” and embodying the pan-European ideal and identity that are at the core of an ever-closer union among the peoples of Europe.

*Jean-Sébastien Marre is a member of the citizens' committee of the ECI Teach for Youth – Upgrade to Erasmus 2.0. [www.teachforyouth.wix.com/teachforyouth](http://www.teachforyouth.wix.com/teachforyouth)*

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## 11. Let me Vote

Susanne Kendler

*Editor's summary: This ECI campaign was created entirely from scratch by civic-minded EU citizens. It seeks to extend the rights of EU citizenship to voting in national elections, regardless of one's EU country of nationality. It suffered dramatically from personal data requirements which effectively disenfranchised many potential supporters. Without organisational backing, the campaign struggled to raise funds, arrange meetings and coordinate volunteers across Europe.*

### **Giving all EU citizens the right to vote in national elections within the EU**

The *Letmevote* ECI is campaigning for EU citizens' right to vote in national elections in their EU country of residence – even if they were born in and/or are a citizen of a different EU member state. Approximately 13.6 million EU citizens live “abroad” in another EU member state. Although they contribute to the economy, society and culture of their country of residence, they have no national voting rights. They are EU citizens living within the EU. Yet they are net contributors without a voice.

### **The ECI as the ideal tool to re-examine the meaning of EU citizenship**

The ECI was an obvious choice for this issue. It is of pan-European concern. The right to free movement is inherent in the EU ideal. Since voting rights are tied closely to active citizenship, it re-assesses what EU citizenship means.

Our ECI campaign has felt very encouraged by many individuals and organisations who work at the European level. Many meetings have taken place and our endeavour has been taken seriously. We have been helped most by the endless energy and optimism of our small but dedicated volunteer network in different EU countries. They have contributed a diverse set of skills, enthusiasm and a strong commitment to a very real and “lived-in” Europe. But that has not been sufficient to resolve technical problems the ECI tool still faces.

### **The challenges of campaigning with limited resources**

Given the ECI's current form, it is almost impossible for a “pure” citizens' group, without organisational backing and run by volunteers, to create, run and succeed in a pan-European campaign within the given 12-month timeframe. Since most volunteers have busy day jobs, each person can only contribute a limited amount of time. Arranging meetings or coordinating events to connect volunteers in different countries is difficult without resources.

Funding has been and remains a major overall challenge for our ECI campaign. There is no EU-level funding for ECIs. Potential partner organisations themselves struggle for funding. Most potential corporate sponsors regard an ECI campaign as too political. Given this, we solicited donations from the public – a difficult task since we are neither a registered charity nor a non-profit organisation. To optimise our limited resources, we have used social media extensively, as well as focused campaigning on a few key countries.

## **The ECI looks like a petition, so why all the personal data?**

“Petition-fatigue” in many countries and low public awareness of the ECI has created challenges. When people first hear about the ECI, they often see it as a petition. However, it is harder to sign and often requires sharing personal data such as passport numbers. Many people support the issue, but are not willing to risk giving so much personal data for “just a petition”. Recent reports of online data security breaches have made this situation worse.

## **National data requirements exclude some expatriated EU citizens**

Our ECI is different from other ECI campaigns in that our core target group is expatriates. Yet many national ECI data requirements assume people never leave their home countries. *Letmevote* has thus felt like a testing ground for the multiple personal data collection and signature validation problems the ECI still faces. When some countries request data related to residency and others to nationality, foreigners can fall through the cracks and be denied this right of EU citizenship.

For example, many British citizens who live in countries like Spain or Austria have been prevented from supporting any ECI. The UK requires a permanent UK address to sign an ECI and Spain requires a passport or Spanish ID number for signatures. UK citizens living in France have faced similar problems, although France allows more ID documents. Fortunately, Luxembourg, a country with many foreign residents, changed its original data requirements so non-nationals could support ECIs.

## **A nightmare: 27 different rules and paper signature collection forms**

The ECI’s rules have made it nearly impossible for *Letmevote* to collect signatures on paper. There is one paper form per country and each country has different rules as to who can sign an ECI (nationals, residents or both). Volunteers struggle to choose the correct form. Furthermore, high printing and postage costs and resources needed to manage volunteer signature collectors in ways that respect personal data protection procedures make this approach cost prohibitive. Given our target audience, online collection is almost the only possibility.

## **Recommendations to improve the ECI**

There are several areas where the ECI regulation and implementation would benefit from revision:

1. *Reconsider the role, make-up and support for the ECI citizens’ committees.* The successful ECI campaigns have been backed by large organisations with pan-European reach. Is the ECI a *European Citizens’ Initiative* or a *European Civil Society Organisations’ Initiative*?
2. *Consider new ways to fund ECIs run by citizens’ groups.* The EU could commit basic campaign funding to each registered ECI. This would preserve independence, but support meetings, an online presence and campaign materials. It could also provide each registered ECI campaign with certification. This “proof of independence” and “non-political” focus could help in securing funding from private donors.
3. *Provide ECI citizens’ committees with support to run effective campaigns, both before and after registration.* This could include advice on volunteer management techniques and technical knowledge on topics such as European data protection.

4. *Make the online signature collection form more accessible to users.* Fields, set-up and help functions could be improved. The excessively difficult captcha, which has led many to give up signing an ECI in frustration, needs to be improved.
5. *Review the personal data and signature validation requirements of individual member states.* These are often incompatible. Some countries use nationality and other countries use residence to determine who can sign. Expatriated EU citizens should not be excluded from signing an ECI.
6. *EU offices and representations in individual member states should help to familiarise the wider population with the concept of ECIs.* Individual ECI organisers must focus on their campaign topic. It cannot be up to them to also educate the European public about the ECI as a tool.
7. *The timeline of gathering one million signatures in 12 months needs to be reviewed.* Two years is more realistic. An ECI campaign's chances depend on whether it is independent and citizen-driven or run by established campaigning organisations.
8. *Allow peer-to-peer recommendation and organisers to stay in touch with those who have signed their ECI.* A true ECI should be as viral as possible. Ideally, citizens should be able to voluntarily share their email address on the ECI signature form. Email addresses would only be shared with ECI organisers and the other information used for official signature validation.

*Susanne Kendler of Européens Sans Frontières is part of the ECI Let me Vote. [www.letmevote.eu](http://www.letmevote.eu)*

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## 12. European Initiative for Media Pluralism

Alessandro Valera

*Editor's summary: This ECI was created by a coalition of journalists, unions and free press advocates to pressure the EU to address threats to media pluralism in Europe such as concentration of media ownership and political control of media. National campaign coordinators both monitor violations of media freedom and promote the ECI. Personal data requirements are particularly problematic for this ECI devoted to freedom of expression. Low public awareness of the ECI and rules prohibiting the use of modern online campaigning techniques and platforms add further challenges. This ECI was withdrawn after 10 months and re-launched in August 2013.*

The ECI *European Initiative on Media Pluralism* (EIMP) aims to pressure the European institutions to better monitor media pluralism and freedom of expression across the EU, ensuring minimum standards on freedom of information, independence of supervisory bodies and conflicts of interest. It also aims at establishing clearer rules to avoid media concentration, online censorship and to safeguard the independence of media (especially public media) from politics.

### **National coordinators manage country-specific campaigns and monitor media freedom**

National coordinators are responsible for leading the EIMP ECI campaign in their country. Importantly, they also provide news and information to all the other national coordinators on media freedom violations in their countries.

In certain countries, such as Italy, Hungary and Bulgaria, in which issues of media concentration are or have been at the centre of the political discussion, the campaign is mostly about outside intervention in domestic matters. In other countries, solidarity across EU countries is the main driver of involvement in the ECI. Supporters wish to avoid their country's media suffering in the future from problems affecting other countries now.

In certain countries, such as Italy, where there is a tradition of citizen involvement in signature campaigns for referendums, our campaign has mostly used paper signature collection. In northern and eastern countries, the campaign has mostly collected signatures online.

### **Requirements to support an ECI far outweigh potential benefits**

The main challenge for our campaign is that very few people have ever heard about the ECI as a tool. Once they hear about it, they are not very inspired to act as the Commission is asking a lot in exchange for little. There is no certainty that the proposal will be approved. The Commission's decision on how to act could be politically arbitrary. Yet, at the same time, large amounts of personal data are required to support an ECI.

For a campaign about freedom of speech, in particular, the government requirement for so much personal data is seen as a big intrusion. Also, the online signature collection system is not user-friendly. It is impossible to use large campaigning platforms such as [Change.org](https://change.org) or [Avaaz.org](https://avaaz.org) as citizens can only sign on the Commission's website.



## **Public awareness campaign for ECI and modern online campaigning tools needed**

First of all, we would recommend that the Commission invest considerable funds to advertise the ECI as a tool to the general public – e.g. through TV and web commercials, advertising on billboards, etc.

It would also be crucial to allow signatures to be collected on portals and platforms other than the Commission's own. The impossibility of automatically storing the email address of the signatory is a huge disservice to ECI campaigns, as well as to citizens wishing to remain informed.

The amount of personal data required to support an ECI, especially the official ID numbers required in most countries, should be reduced. We are aware that member states decide on this, but the Commission should impose guidelines.

*Alessandro Valera is the campaign coordinator and a member of the citizens' committee of the ECI European Initiative for Media Pluralism. [www.mediainitiative.eu](http://www.mediainitiative.eu)*

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## 13. Act4Growth

Madi Sharma

*Editors' summary: This ECI was initiated by women entrepreneurs to implement recommendations from an EESC report on entrepreneurship in the EU. Launched with tremendous enthusiasm and support from female entrepreneur organisations, it quickly encountered obstacles: a three month delay in registering the online collection system, inadequate human and financial resources, rules preventing contact with supporters, criticism of its motives and scepticism of its chances of success. It has, though, persevered and raised awareness of the need for better support for female entrepreneurship.*

### **Do policy makers actually want the ECI to work?**

So you want to be a change-maker? Then you are exactly what Europe needs. To accommodate the you's and me's of this world, the European Union created an instrument that allows us to take control. *"The EU Citizens' Initiative is a citizen's opportunity to change policy and become included in the decision making process in Europe."* OK. Cut the political speech. Since the President of the European Commission, José Manuel Barroso, promoted the ECI prior to the approval of the latest EU treaty, we have never heard him mention it again. Why? It is my impression that policy makers do not want individual citizens interfering in policy making. I would also add that I'm not so sure citizens themselves are keen to contribute.

### **From recommendation to action: female entrepreneurship is an economic imperative**

I am an entrepreneur. I am also privileged to be a UK member of the European Economic and Social Committee (EESC). In July 2012, with the support of the UK Women's Enterprise Policy Group and in consultation with female entrepreneur organisations across Europe, I authored a report which highlighted the business, economic and social case for supporting more entrepreneurs in Europe. The EU Commission included some of the recommendations in its *Entrepreneurship Action Plan*. However, these actions are not mandatory and therefore will likely not be implemented. So, in order to have concrete actions, I initiated an ECI called *ACT4Growth*.

Why did I take this route? Because this is not a gender issue. This is an economic imperative. Female entrepreneurs are an economic resource of jobs, wealth creation and innovation. But they are currently ignored by national governments and EU policy makers. Europe is in trouble and this is one solution. Plus, all my networks were telling me they would help us with an ECI.

### **Initial enthusiasm and momentum collide with overwhelming practical obstacles**

One million signatures? Easy! After all, there are 500 million people in Europe, 51% are women and most are over 18. My odds of success were good. Or so I thought.

The initial enthusiasm was fantastic. Everyone wanted to be part of it. There was real momentum. Collecting seven supporters from seven different countries for the mandatory ECI citizens' committee was easy.

The time frame to collect one million signatures is 12 months from when you register. So we registered. Then we found out we had to set up a signature collection system. That took us almost three months – during which the deadline clock kept ticking. Once we were ready to collect signatures, we only had nine months left!

Then we discovered that we couldn't contact the people who signed our ECI. So we couldn't ask them for help. We couldn't even tell them if we reached our goal!

Worst of all, as we lobbied people, we started to hear that the European Commission had set the ECI system up to fail. There is no way citizens lacking considerable financial resources could undertake an ECI. But citizens with funding could actually be classed as lobbies.

### **Running an ECI Campaign is a full-time job**

Coordinating people from 28 member states while holding down a day job is simply not possible. Sending e-mails and managing social media is not only time-consuming, but extremely frustrating. Contacting hundreds of people means you get hundreds of responses: each with their own recommendation which needs a reply. We had to hire a professional communications manager, paid for by my company.

The initial momentum waned very quickly. We've all got busy lives after all. Then the scepticism began. Why are we doing this? Who is funding us? What are we gaining from it? Even organisations campaigning for the same goal started to question our policy recommendations and activities. We even started to doubt ourselves.

Then a new trend began. Students doing research on the ECI, its opportunities and challenges, started asking us in-depth questions. This took additional time, with no results to support us.

### **The support of other ECI campaigns kept us going**

To be honest, it was only the other ECI campaigns taking place at the same time that kept us going. Something worth having is worth fighting for. The other ECI campaigns were also trying to make good changes recognised as necessary by the citizens of Europe. It was essential that we continue to support each other and fight together.

We are not giving up. We are trying everything possible to collect signatures. We've even started collecting signatures on paper since people seem more willing to give personal information on paper as opposed to online. We continually return to and reengage old networks. We try to find new ones. It's hard work, but we will do it. Organisations in some countries are very proactive and support our work. Others say "*we don't have a problem, so we don't engage*". Some people say promoting entrepreneurship is important, but they will not share their ID numbers online. Only time will tell.

There's also frightening news. Even if we get one million signatures, the Commission does not actually know what to do to change the policy. We're all waiting anxiously to see how the Commission responds to the successful *Right 2 Water* ECI.

At the end of the day, despite the challenges, the experience has been great. We raised awareness of the need to better support female entrepreneurship. If we do get the one million signatures, I personally guarantee that I will not let it have been in vain.

One million starts with one. That one is you!

*Madi Sharma is the initiator and a member of the citizens' committee of the ECI Act4Growth.*  
[www.act4growth.org](http://www.act4growth.org)

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## 14. Central Public Online Collection Platform for the European Citizens' Initiative

Joerg Mitzlaff

*Editor's summary: This ECI was created by IT experts to improve the ECI instrument itself. Specifically, it asks the Commission to create a single centralised, user-friendly and transparent online ECI platform. The current online collection system (OCS) is cumbersome and poorly designed. Ironically, this ECI campaign ended when its organisers realised they could not raise sufficient funds to succeed using the current flawed OCS.*

### **A centralised platform for all ECIs to facilitate citizen participation**

We want to enable all European citizens to participate in European politics. Therefore we must provide a “low barrier” online ECI tool which works instantly and without technical expertise. In particular, we ask the European Commission to provide an *Online European Initiatives Platform* where citizens can register new initiatives and collect signatures. This platform will provide an overview of all initiatives which can be broken down by topic, country and popularity. Moreover this platform should allow ECI organisers to contact their supporters and allow citizens to discuss and debate initiatives. Until a final decision on an ECI has been made, it should also transparently show the current stage of each initiative and who is in charge of the next step.

### **Official OCS neither well-designed nor sufficiently tested**

We chose to make use of the ECI in order to put the digital dimension of the ECI instrument on the political agenda and improve the ECI itself. The ECI is the first instrument of transnational participatory and digital democracy in the world. However, it still remains in its infancy. Both EU citizens and institutions need to apply a “learning by doing” attitude in order to constantly improve the ECI and make it an effective democratic tool of citizen participation.

All originators of this ECI have an IT background and thus have amassed extensive experience with successful online petition platforms like [www.openpetition.eu](http://www.openpetition.eu) or as software developers in IT companies. As early as 2012, after having analysed the official Commission-provided ECI online collection system (OCS), it quickly became clear that both its legal rules and concrete implementation were not designed to be user-friendly. It had also not been sufficiently tested. This was particularly surprising and disturbing since over half a million Euros of EU funds were spent on this OCS.

### **Evidence demonstrates that the official OCS is the biggest obstacle for every ECI**

ECI organisers who have used the official OCS indicated that its weaknesses were one of the biggest problems they encountered running their campaigns. In particular, the OCS was not sufficiently accessible to users and possessed design flaws that led to sizeable signature losses. Delays in repair stole valuable time from many ECI campaigns and cost them significant funds. ECI organisers spent tens of thousands of Euros to *correct* OCS deficiencies. The Commission's decisions to extend the signature collection deadline for some ECIs and host the OCS on its own servers in Luxembourg did not solve these problems. These are only temporary offers available to some ECI campaigns. They don't touch the OCS design itself.

## **One public online collection platform for all European citizens**

Every individual ECI must certify its own OCS in a member state. It must then invest disproportionately large amounts of time to get the system running. This creates burdens for both national authorities and individual ECI campaigns.

Instead we need *one* public online collection platform for all ECIs. This would include the server where data is stored and the software which allows EU citizens to sign online. Both need to be easily available to all future ECI organisers. The ideal system would include a single centralised online collection platform, perhaps hosted on Commission servers, where signatures are stored. All front-end material would then reside on individual campaign websites. This would eliminate the expensive risk assessment and duplicate paperwork currently required from each ECI. It would also simplify and reduce costs for certification by national administrations.

We believe that the ECI's potential to democratise the EU is in danger if the online signature collection system is not fundamentally remediated. Both the general ECI implementing regulation and the technical regulation laying down technical specifications for the OCS pursuant to *Regulation (EU) No 211/2011* need to be revised to allow a single ECI collection platform.

## **The internet as a source for democracy**

The internet has helped us to find appropriate members for our ECI citizens' committee. There is an IT community interested in making the ECI OCS work. However, given the ECI's current provisions, we faced an enormous need for funds to organise a successful ECI. We also tested, explored the details of the OCS and observed the enormous difficulties that other ECI organisers encountered in using it. We concluded that it was impossible for us to invest any more resources in our ECI campaign unless the OCS was improved.

## **Protect citizens from excessive personal data requirements**

We also call for the removal of identity card requirements to support an ECI. There is no doubt that more citizens throughout the EU would likely use the ECI if personal data requirements were limited to name, address and birth date. Citizens are becoming more sensitive about the data they provide in public. This attitude has increased since Edward Snowden's revelations of widespread online state surveillance.

It should be noted that although the *European Data Protection Supervisor* determined that ID card numbers were not necessary for the ECI, 18 member states still require them. The fact that it works in nine member states without such excessive data requirement shows that ECIs could work without them.

*Joerg Mitzlaff is a member of the citizens' committee of the ECI Central Public Online Collection Platform For The European Citizens' Initiative and initiator of [www.openpetition.eu](http://www.openpetition.eu)*

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## 15. One Million Signatures for “A Europe of Solidarity”

Alexis Anagnostakis

*Editor’s summary: This ECI was created as a response to EU-imposed austerity measures on member states. Its goal is to establish as European law the principle of “state of necessity” so a country may refuse to repay its national debt if its political and economic survival is threatened. It was refused registration by the Commission and is appealing to the European Court of Justice.*

The ECI *One Million Signatures for “A Europe of Solidarity”* was one of the first initiatives submitted to the European Commission for registration. Its citizens’ committee was established by *Seisachtheia*, a legal entity created to support the movement for the elimination of the odious Greek national debt. *Seisachtheia* was a set of laws instituted in 6<sup>th</sup> century BC Athens by the law-maker Solon which used debt relief to rectify widespread serfdom and slavery.

The objective of this ECI is to establish as a European law the principle of “state of necessity”. This means that, when servicing an extremely high national debt puts the financial and political existence of a member state in danger, the refusal of its payment is necessary and justifiable.

In Greece, servicing an abhorrent national debt has caused many serious problems for the Greek people: galloping unemployment (60% among youth), the collapse of wages and pensions (some reduced 70%), the closure of hospitals and schools, significant cuts to social services, malnutrition and hunger, and much individual suffering and general misery. Public services are being either dissolved or privatised. Greece is experiencing a humanitarian tragedy, in all aspects of its social, political and economic life.

This ECI maintains that the EU has established usurious relationships with Greece and other EU member states. The rate of interest on loans which the Troika (EU, IMF, ECB) has lent to Greece is much higher than rates at which the individual state creditors borrowed those funds. For example, Germany borrowed money with a 0.25% interest rate and then lent it to Greece at a 5% interest rate. Certain member states have thus taken advantage of and been enriched by Greece’s situation. The outrageous interest rates applied to Greece are only creating more debt and disrupting the Eurozone’s smooth operation. This is a total denial of communal solidarity and constitutes the highest risk for the values of the Europe Union.

The General Secretariat of the European Commission, with its *C (2012) 6289 Final/6-9-2012* document, informed us that the European Commission rejected the registration of this ECI because the proposal falls “*outside the jurisdiction of the Commission, according to the implementation of the treaties*”. We have appealed this decision to the General Court of the European Union citing the improper interpretation and implementation of European legislation.

See: [curia.europa.eu/juris/document/document.jsf?text=&docid=132107](http://curia.europa.eu/juris/document/document.jsf?text=&docid=132107)

This case reveals serious gaps and omissions in the EU legislative framework governing the ECI which hinder the use of this ambitious new instrument.

The reason behind the Commission’s rejection of our ECI is that its objective falls outside the jurisdiction of the EU treaties. This reasoning is unacceptable to us. It downgrades the objective of the

ECI instrument only to matters already envisaged in the treaties. The true purpose of the ECI instrument is to enable citizens to suggest new legislative initiatives, and should include those not currently in the EU treaties. This new ECI instrument should challenge the EU to change. There are already bodies and mechanisms for the implementation of existing EU treaties and laws.

It is reasonable to fear that an attempt is being made to restrict opinions expressed on certain issues via the ECI in order to preserve the current status quo. Our ECI obviously is contrary to the current EU establishment view, but will surely benefit the European people and states.

The European South is sinking in this vicious recession that promotes subordination and increases impoverishment. The EU rationale, amidst an intense social and humanitarian crisis, for relentless and one-dimensional fiscal discipline of high taxes and deadly spending cuts is not beneficial to anyone. The debts of EU member states should be paid through their reserves and not by depriving the population of resources necessary for basic needs such as health, education and social services. Our ECI's suggestion is to implement the solidarity clause as a main principle of the EU.

*Alexis Anagnostakis is the legal representative of the ECI One Million Signatures for “A Europe of Solidarity”. [www.1millionsignatures.eu](http://www.1millionsignatures.eu)*



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## 16. My Voice against Nuclear Power

Daphne Rieder

*Editor's summary: This ECI to eliminate EU subsidies for nuclear power was carefully planned by an experienced environmental campaigning organisation and begun with an online pre-campaign. However, the Commission refused to register it, claiming that nuclear power was governed solely by the EURATOM treaty, not the Treaty on European Union, and so outside the scope of the ECI. The organisers chose not to resubmit their ECI after observing registered ECI campaigns struggle against significant obstacles. This is a chilling example of how flaws in the implementation of the ECI have limited its potential as both a tool for public debate and enhancing democracy in the EU.*

### Using the ECI to start a debate on nuclear power at EU level

The entry into force of the ECI was a most welcome event for *GLOBAL 2000*, an independent environmental organisation based in Austria and affiliated with *Friends of the Earth*. Like many civil society organisations, we considered the idea of the ECI to be a significant step towards more direct democracy and increased public involvement in EU legislation.

Since the ECI was envisioned as a democratic tool to allow EU citizens to bring topics of European importance to the EU agenda, we decided to address an issue which has always been a transborder threat to the fundamental rights and personal integrity of EU citizens: *nuclear power*.

### Campaign confident of legal basis for ECI, yet rejected by Commission

*GLOBAL 2000* launched the ECI *My Voice Against Nuclear Power* with the confidence that acting against such a dangerous form of energy generation is an issue of great democratic importance. EU citizens should be given the opportunity to openly ask the European Commission to address this topic.

We had commissioned several legal studies and consulted with national and international legal experts who concluded that the *EURATOM* treaty does *not* exclusively determine EU nuclear energy policy. There are various possibilities to exert influence on this topic through an ECI with proposals based on EU competences contained in the *Treaty on European Union* (Lisbon Treaty).

The European Commission's legal service nevertheless rejected our ECI for registration. It judged that *any* matter linked to nuclear power was regulated by the *EURATOM* treaty and not the *Treaty on European Union* and was therefore considered ineligible for an ECI.

The rejection of our proposed ECI was an unexpected disappointment. *GLOBAL 2000* had invested extensively in a carefully prepared ECI campaign. We had begun a pre-campaign on a dedicated website to mobilise citizens and collect e-mail-addresses of potential supporters. It is impossible to ask citizens for their contact information on the ECI support form, yet it is absolutely key for any issue campaign to stay in touch with its supporters. We had planned to re-contact potential supporters once our ECI was officially launched.

## **Experiences of first ECI campaigns convince us not to resubmit ECI**

While deciding whether or not to resubmit our ECI to the Commission with a slightly altered text or legal basis, we closely observed the proceedings of registered ECIs and the practical implementation of the ECI tool. Unfortunately, we concluded that the ECI, in its current form, is not “fit for its stated purpose”: enhancing direct democracy and bringing the voices of EU citizens to their policy-makers.

The requirements imposed on the organisers of an ECI require significant legal expertise and an extensive budget. Legal advice is needed starting from the phrasing of the ECI text to requirements for gathering signatures, such as personal data protection. The fact that the ECI regulation lets member states themselves set some of the requirements has made the collection of signatures very confusing and difficult. In addition, online signature collection, the only feasible way to gather one million signatures across Europe, has been technically designed in such a complex and flawed manner that it imposes serious constraints on campaigners.

The European Commission has not attempted, in any significant way, to financially or technically support ECI organisers to deal with constraints. This has discouraged many potential ECI initiators from using this tool to reach policy makers. If civil society organisations experienced in campaigning struggle to set up an ECI, how could “ordinary” citizens ever make use of this democratic tool? It must be concluded that the ECI is failing to reach its intended target audience: EU citizens.

Nevertheless, GLOBAL 2000 remains hopeful that EU decision-makers will take into account the struggles and constraints of ECI organisers and amend the ECI implementing regulation accordingly in 2015.

*Daphne Rieder is the former ECI coordinator for GLOBAL 2000/Friends of the Earth Austria.*  
[www.global2000.at](http://www.global2000.at)

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## Part II – Reflections on the ECI

### 0. What didn't happen with the European Citizens' Initiative...and what did

Janice Thomson

*Public engagement specialist Janice Thomson campaigned for a citizen-friendly ECI regulation and then left the EU before it went into effect. She compares what she and others thought would happen with the ECI to what actually did. The ECI proved to have greater democratic potential, but also encountered more significant obstacles, than anyone expected.*

I feel a bit like Rip Van Winkle, the main character in a short story by Washington Irving who fell asleep for 20 years, missed the struggles of the American Revolution and awoke to a newly democratic country. In my case, it's only been two years and I didn't fall asleep. I just left the EU. The struggles I missed were those of the first European Citizens' Initiative (ECI) campaigns. The ECI hasn't triumphed and the EU has not become more democratic. But the ECI has shown surprising democratic potential. It also continues to face enormous obstacles.

As The ECI Campaign's representative in Brussels during the development of the ECI implementing regulation, I was thoroughly acquainted both with the ECI tool and the people who wanted to use it. I thought I knew what was going to happen once the ECI went into effect. Yet, when I returned to The ECI Campaign in late 2013, I was surprised by what actually had transpired. What did *not* happen with the ECI astonished me as much as what actually did.

#### **Powerful corporate and political interests shunned the ECI, but citizens' groups adopted it.**

When the ECI regulation was being developed, many feared that powerful interests would use the ECI for their own ends. There was talk of MEPs launching ECIs to attract voters, corporations using the ECI to promote products, and trade associations employing the ECI to pressure politicians for favourable legislation. EU public affairs consultancies even began to develop ECI support services.

These fears have proven groundless. No MEP or political party has yet launched an ECI. There have been only two ECIs from business interests; the first (*EU Directive on Dairy Cow Welfare*) was quickly withdrawn and the second (*European Free Vaping*) was recently registered. Large Brussels-based NGOs and unions, with the notable exception of the public services trade union federation EPSU (*Right 2 Water*), have likewise avoided the ECI. These powerful groups all have access to much cheaper and easier ways to influence EU policy than the ECI.

The ECI has instead been used primarily by the powerless: groups of civic-minded EU citizens and networks of associations with little clout in Brussels. Yet, ironically, these poorly resourced, often volunteer-run groups have had to struggle with crushingly burdensome regulations designed to rein in big, wealthy lobby groups!

**The ECI wasn't used to destroy the EU, but rather to strengthen it.**

Another early fear was that the ECI would be used by Eurosceptics to undermine the EU or its values. This has not happened. In fact, the majority of ECIs have been launched by pro-EU groups. Rather than taking policy areas out of EU competency, many want to put new topics *in*, or the EU to act *more* forcefully. Furthermore, by creating and strengthening pan-European networks and debate, the ECI has become a powerful tool for enhancing European identity and solidarity. This is exactly what EU communications and "active citizenship" programmes strive, but so often fail, to do.

There were, however, a few "Eurosceptic" ECIs which were all refused registration. The reason given was the same as for all rejected ECIs: they *"fell outside of the Commission's competence"*. While these rejections may have been justifiable on legal grounds, the ECI should be available to *all* EU citizens, regardless of their political beliefs or attitudes toward the EU. It would be interesting to see if a truly "anti-EU" ECI could build the pan-EU networks and campaigning capacity necessary to succeed.

**Personal data requirements didn't kill the ECI outright, but have gravely wounded it.**

When I first learned that many member states would require citizens to provide identity card numbers and/or place and date of birth to support an ECI, I feared the ECI was dead. Many groups which were initially eager to use the ECI suddenly turned their backs on the tool. I was therefore surprised that over 40 groups attempted to launch an ECI and over five million Europeans signed one. Yet every ECI campaign, without exception, has suffered, often gravely, from a myriad of problems stemming from these data requirements.

All campaigns encountered people who said they'd like to support their ECI....until they saw what information they'd have to provide. Other people just gave their name and address, but omitted ID card numbers, rendering their support invalid. Some internal EU expatriates found they didn't have the documents needed to support an ECI in either their country of nationality or country of residence. Shockingly, some countries with widespread identity theft or histories of state surveillance (e.g. Bulgaria and Poland) demand personal identity numbers.

Data protection rules have caused many headaches for ECI campaigns, but haven't always protected data. All ECI campaigns used the Commission's online signature collection system (OCS) because it complies with stringent data protection rules. But the system has been both riddled with glitches and designed in ways that hinder effective campaigning. Some national data protection authorities require ECI campaigns to comply with strict rules to protect data when it's collected. But, when it's time to submit that data for verification, these same countries' ECI authorities provide no means to safely share it. Perhaps even more frightening, members of ECI citizens' committees, which must be people and not organisations, are *personally liable* for any misuse of this data!

**Collecting one million signatures online was not easy. In fact, it was really hard.**

Before the ECI went into effect, Commissioner Šefčovič claimed that it would be *"super easy to collect a million signatures due to the online dimension."* The experience of every single ECI campaign has proven him and the countless others who felt likewise completely wrong. Only three ECI campaigns collected over one million signatures and one of these (*One of Us*) collected the majority of signatures *on paper*.

Collecting ECI signatures online is hard. ECI support often requires sharing much more personal data than an official national petition, let alone an unofficial online signature drive. Furthermore, ECI campaigns have been de-facto banned from using the most effective online campaigning tools and tactics, from single click sharing on social media to common campaigning platforms like *Avaaz*. Worse yet, online campaigning turned into a nightmare for many early ECI campaigns as they lost thousands of signatures and much of their signature collection time due to glitches in the Commission's online signature collection software (OCS).

**ECI campaigns run by volunteers can succeed...but only on topics with existing followings.**

The ECI Campaign predicted that campaigns would need to spend the equivalent of one Euro per signature. This is what the successful ECI *Right 2 Water* estimated it spent (including staff time and in-kind donations). Many doubted that all-volunteer efforts could succeed. Yet two, *One of Us* and *Stop Vivisection*, did just that. They worked hard and their success is admirable. But their experience was highly atypical.

Most volunteer-run ECI campaigns struggled. They lacked sufficient resources and EU-wide networks for effective transnational campaigning. ECIs on novel or complex topics encountered challenges in explaining their goals. Many only collected a few thousand signatures. *One of Us* and *Stop Vivisection* both addressed high-profile topics with strong existing national movements. It is telling that in areas with frequent citizens' ballot initiatives, such as the US state of California, most signatures are collected by paid staff. Only initiatives related to abortion or animal rights can rely solely on volunteers.

**The first Commission admissibility check did not help campaigns. It stifled public debate.**

In an early draft ECI regulation, ECI campaigns were to collect 100,000 signatures before the Commission would determine the ECI's legal admissibility. Like many, I rejoiced when this signature requirement was removed and all prospective ECIs were subject to a legal admissibility check prior to registration. But I did not expect the Commission to reject so many proposed ECIs or for these decisions to appear so arbitrary. Nearly 40% of ECI proposals have been refused registration. ECIs were rejected that I was sure would be accepted, and vice versa. Oftentimes acceptance seemed driven more by clever legal wording than by the underlying issue.

Many ECI campaigns which never collected 100,000 signatures nevertheless succeeded in other ways. All raised awareness of their issue, several built vibrant new networks and some even impacted policy. The initial admissibility check thus prevented several potential ECIs on highly topical issues, such as nuclear power and EU governance, from experiencing these benefits.

**The ECI didn't only have an impact at EU level. It influenced local policy.**

The ECI was designed as a tool for citizens to influence *European Union* policy. It was never seen as an "EU tool" to impact local policy. Yet the ECI has done just that. For instance, the *30 km/h – Making Streets Liveable!* ECI campaign led several towns to lower residential speed limits. Similarly, the *High Quality European Education for All* ECI took the concept of a European education out of Brussels and spread it throughout the EU. The fact that the ECI was "an official EU tool" seemed to give campaign topics added weight with local authorities.

**ECI campaigns weren't just promoting issues, they were expanding EU democracy.**

In 2010, few NGOs lobbied for a citizen-friendly ECI. Most were focused on their topical issues. They didn't have time for EU democracy. I was therefore surprised by how many ECI campaigns were launched not only to get action on an issue, but also to build "bottom up democracy".

ECI campaigns have been frustrated and often discouraged by burdensome ECI rules. But they have also experienced positive benefits. This had led many to become vocal advocates for reforming the ECI implementing regulation. Reform efforts have found support in the *European Parliament*, the *European Economic and Social Committee*, the *European Ombudsman's* office and some national ECI authorities. The struggle for an ECI that works for EU citizens, however, is far from over. Yet it is clearly worth continuing.

*Janice Thomson, public engagement specialist and citizen participation researcher, is a consultant to The ECI Campaign and co-editor of "An ECI That Works!"*

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## ***Perspectives from inside EU institutions and national authorities:***

### **1. Revising the ECI Regulation**

Alain Lamassoure

*French MEP Alain Lamassoure was one of the ECI's earliest supporters. He then became co-rapporteur for the European Parliament's Constitutional Affairs Committee for the ECI implementing regulation. In this article he recounts issues considered during the development of the original ECI regulation and priorities for its revision in 2015.*

As one of the co-rapporteurs of the European Parliament on the European Citizens' Initiative (ECI) and as the one who initially put forward the idea, together with Jürgen Meyer, at the Convention on the Future of Europe, I strongly believe in the added value of the ECI, both for the citizens and for the EU institutions.

When we were working on the draft regulation, together with the Council and the Commission, our goal, on the Parliament's side, was to make the regulation as citizen-friendly as possible. This first meant making sure that the language used in it would be clear and easy to understand. Then, more importantly, the constraints for the organisers needed to be as low as possible while guaranteeing the reliability and the efficiency of the instrument.

This was no easy task since it was the first time that such an instrument was launched on a transnational scale, which raised a lot of questions, and since there were significant differences among the member states regarding the handling of several issues dealt with in the regulation.

The result that we achieved was not perfect but it was far better than the initial proposal of the Commission. Even if there is room for improvement during the revision to come, the basis of the ECI is solid and its relevance for strengthening EU democracy cannot be put into question.

#### **1. Possible improvements to the ECI regulation**

The revision of the ECI regulation is foreseen to take place three years after the entry into force of the regulation. This timescale is quite short and is due to the European Parliament. The Commission suggested it to take place after five years in its initial proposal. We knew that there were some loopholes in the regulation and that some of them could only be solved after a few years of use.

The main source of difficulty for the organisers so far has been of a technical nature. Indeed, the open source software provided by the Commission, at the request of the European Parliament, had some weaknesses and, as a result, the setting-up of the systems for the collection of signatures as well as their recognition by the member states has been problematic. Hence, I believe that the revision of the regulation should deal with these issues in priority in order to make it easier for organisers to set up a website and to start collecting signatures – while also ensuring that these websites remain secure and that there is no risk for the personal data of the signatories. The temporary solution found by the Commission allowing the organisers to use its servers in Luxembourg could be adopted and become permanent.

Secondly, it would also make the organisers' work easier if *Annex III* (the forms to be completed with the personal data of the signatories from each member state) were simplified and harmonised as much as possible. The European Parliament asked for this throughout the negotiations on the ECI regulation, but many member states were reluctant to ask for only a little information and many simply could not do it for technical reasons. Their constraints had to naturally be taken into account, since any fraud regarding the handling of personal data would provoke a great loss of reliability and thus of credibility for the ECI. There was a risk of citizens not wanting to support any more ECIs for fear of having their personal data misused or disclosed. However, nine member states said from the start that they did not need an identification number from their citizens and they have been joined by Luxembourg since then. I hope that others will follow.

In addition, experience so far has shown that some flexibility would be welcome when it comes to the beginning of the signature collection period. Several times the Commission gave a green light to an ECI, thus launching this twelve-month period, but the organisers were not ready to actually start collecting the signatures. As a result, they ended up losing some precious time. Hence, during the revision, it would be useful to introduce new specifications in the regulation stating that, once the Commission decides that an ECI is admissible, the organisers can decide on the date when they will start collecting signatures within a short period, two or three months for instance.

Another challenge ahead of us does not depend on the revision of the regulation, but it is also of great importance and it should be dealt with rapidly. The EU institutions and their offices in the member states must communicate more and better on the ECI. Polls show that most EU citizens are still not aware of this new right. This is a pity even more so that it is always striking for me to see that, every time I mention the ECI and its recent existence during a public debate, it raises a lot of interest from the audience and citizens immediately start asking questions on it, on its functioning and on possible ideas that they could launch through this new channel. There is an undeniable appetite for such a tool and it should be known better throughout the EU, especially in member states which do not have such an instrument at national level and where the citizens are not familiar with the concept of participative democracy.

## **2. The role and involvement of the European Parliament since the entry into force of the ECI regulation**

When drafting the regulation, we made sure that the Parliament would have the possibility to support the ECIs of its choice, be it at MEP level by joining a citizens' committee or at Parliament level through the organisation of hearings or the adoption of resolutions. But we were also keen on keeping the ECI in the hands of ordinary citizens by specifying that MEPs joining a citizens' committee could not count as founding members of this committee. This means that seven MEPs cannot launch an ECI. They can only support it, by giving advice, by raising awareness or even by providing material support – as long as this support is made public, in a transparent manner.

Several of my colleagues have already been indirectly and also directly involved in some ECIs. In general, they have understood the importance of such an instrument for the good functioning of the EU decision-making process and they widely support it. This was evident during the numerous debates which took place in the Committee on Constitutional Affairs, during the hearings which were organised by several political groups and when a very wide majority of MEPs supported our report in plenary in December 2010.



Personally, I have met with all the organisers of ECIs that have asked to meet me. I have joined the support committees of several of them, notably *Fraternité 2020* and *One Single Tariff*. I have also conveyed their difficulties to the Commission, through Vice-President Šefčovič, to urge it to solve the practical problems that they have faced as rapidly and as pragmatically as possible.

In parallel, at the Parliament, I was the shadow rapporteur for the EPP Group on the report of my colleague Zita Gurmai, former co-rapporteur on the ECI, on the changes to be made to the Parliament's rules of procedure in order to specify how the public hearings of the organisers of ECIs that have reached one million signatures should be organised. On this issue, together with Zita, we have worked to ensure that the relevant committee for each ECI will be involved so that organisers will have a debate with MEPs who know the topics addressed and who will then work on the legislative proposals that the Commission might put forward as a result of an ECI. This will guarantee that the debates to take place will be precise, detailed and useful for both the organisers and the MEPs. The first public hearing has not taken place yet so one has to wait for the first hearings to be organised in order to see if the relevant provisions of the regulation should be amended, but the organisation itself depends mostly on the internal rules of the Parliament.

Organising such public hearings will be the most visible and important part of the European Parliament's involvement in the ECI since it will enable a public debate to take place, after which committees could decide to adopt draft resolutions supporting the ECIs of their choice and urging the Commission to act on the issues addressed by these ECIs, thus providing an important political support to the organisers.

### **3. The ECI and its purpose in the broader context of European democracy and citizens' involvement**

When we introduced the ECI instrument into the Constitution for Europe and then into the Lisbon treaty, it was meant to work as an agenda-setting tool. The aim was to give the citizens the same right of political initiative that the Council and the European Parliament already enjoy.

The ECI is indeed meant to bridge the existing gap between the citizens and the EU institutions by enabling the citizens to establish a direct contact with the institutions and to ask them to address the issues that really interest them and the concrete problems that they face. This is why the European Parliament has fought hard to include in the ECI regulation a right for the organisers to have the possibility to present their ECI and its objectives during a public debate, with the relevant policy-makers from the Commission and the European Parliament, at the European Parliament, to ensure that they will actually be heard. Naturally, in compliance with the treaties, the Commission is not obliged to table a legislative proposal as a follow-up to an ECI but, if it decides not to, it has to explain why by publishing its legal as well as its political conclusions on it. The Parliament has strongly insisted on this.

The ECI was also designed to contribute to the Europeanisation of the political debate in Europe, to spread it beyond the national borders. This is the reason why the European Parliament suggested that the organisers should get together in a citizens' committee bringing together at least seven citizens living in seven different member states. This is meant to ensure that the topic of an ECI is of EU-scale and interest. It was also meant to help them when collecting statements of support from citizens since through their committee they already have a network to work with and to mobilise in seven member states.

In addition, the ECI is intended to help the citizens understand better what the EU does and does not do and how it does it. Indeed, their proposal must fall within the competences of the EU and of the Commission and they should mention in their application for the admissibility check by the Commission the legal basis that they believe is relevant to this end. The European Parliament has made it clear that this legal basis does not have to be the right one. The Commission has the possibility to choose another one if there is a more relevant one and this will not cause the ECI's rejection. At least, it will guarantee that the organisers will have reflected on the idea and on its feasibility at EU level.

To conclude, my view on the ECI has not changed since the entry into force of the regulation. On the contrary, I am even more convinced of its utility.

The great variety of topics addressed in the ECIs that have been launched so far, from energy to voting rights, reveal its relevance as well as the will of citizens to make themselves heard at EU level. This is all the more needed since the EU itself and many of its member states currently face a crisis of confidence with the citizens not believing in politics and in its added value for their daily lives anymore. By enabling a dialogue to take place between the citizens and the EU institutions, the ECI can contribute to solving this problem.

*Alain Lamassoure is a Member of the European Parliament representing the southwest region of France.*

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## 2. Fulfilling the promise of the ECI, learning from the *Right2Water* experience

Sandrine Bélier

*Sandrine Bélier is a Green Party MEP representing Eastern France. In this article, she outlines some of the weaknesses in the ECI implementing regulation and suggests changes supported by the European Green Party. She focuses especially on the Commission's response to the ECI Right2Water and advocates binding the Commission to offer a clear legislative proposal to successful ECIs.*

The only real way to tackle the growing crisis of confidence that dominates European politics is a more democratic Europe and a stronger involvement of citizens at all levels. The possibility to influence the EU's political agenda should encourage citizens to engage and lead to more European discussions and debates. These debates among citizens as well as between citizens and political institutions can pave the way to the badly needed emergence of a European public space.

The feeling of their own disempowerment among EU citizens clearly has to be tackled if the gap between them and their institutions is to be overcome. It is with this purpose – to bring citizens and EU institutions closer together and thus renew the EU's legitimacy – that the European Citizens' Initiative (ECI) was included in the Lisbon Treaty and implemented by the *Regulation 211/2011*. Thereby the first transnational instrument of participatory democracy was created in the EU in order to enable citizens to be politically more active within the European framework with a potential to influence the political agenda of the EU.

Two months ahead of the European elections, the Commission finally presented its response to the first successful ECI on the universal right to water (*Right2Water*), which managed to mobilise over 1.6 million European citizens. However, the answer remains remarkably vague and unsatisfactory in terms of potential changes in EU law, despite a successful European campaign. This raises again the issue of how can people power be made more effective.

### **A challenge for networking, fundraising and promotional capacities of any organiser**

When we were designing the implementation rules of the ECI in the European Parliament, we tried to make it as citizen-friendly as possible. Nonetheless, organizing an initiative in at least seven member states and collecting one million signatures remains a challenge for networking, fundraising and promotional capacities of any organiser. In this regard, the first official response from the Commission to the *Right2Water* initiative was a vindication of the excellent campaign carried out by those defending the universal right to access water.

In 2013, when celebrating the first year of the ECI and the European Year of Citizens, the Greens started to collect and analyse the feedback from NGOs and citizens in view of the revision foreseen in 2015. On the one hand, EU institutions failed to publicize this pioneering tool, which remains unknown by many citizens as not a single cent was actually spent on promotion. On the other hand, organisers of ECIs are facing difficulties such as strict and bureaucratic technical and procedural requirements for the online collection system – not to mention the fact that it did not work initially, causing delays and the spending of extra financial resources. Therefore the revision must address both issues by informing citizens and removing the barriers that still hinder the effective use of the ECI.

Drawing lessons from those experiences, we will also have the opportunity to bring back to the table some of the proposals of the Greens. Three years ago, and despite our work in the Constitutional Affairs Committee of the European Parliament, we did not succeed in securing a longer period for the collection of signatures. We had called for 18 months, given the complexity of setting up the required structures Europe-wide, but the Council and Commission insisted on no longer than 12 months. In my opinion, much more can be done for the improvement of the ECI with the help of the European Parliament.

### **The readiness of decision makers to embrace citizens' participation**

The main question concerns the attitude of the European institutions towards this new participatory instrument. The readiness of decision makers and bureaucracies to embrace citizens' participation as a chance for a more legitimate process of policy formulation, rather than as a threat to their position in the power structure, is still surprisingly low. The response of the European Commission to the *Right2Water* initiative illustrates today the main weakness of the ECI in that a successful initiative is not binding on the Commission. It is all the more outrageous in light of the unanimous support of the members of the European Parliament expressed during a preliminary hearing a month ago.

Yes, the Commission has committed to ensure that all future EU activities contribute to the maintenance and improvement of water quality, upholding the necessary environmental standards, affordability of water supply and transparency in the award and exercise of appropriate services, both within the EU and internationally. Faced with the pressure of millions of citizens, EU Commissioner Michel Barnier had already removed water from the scope of the concessions directive. An appropriate reaction should have given a clear timeframe and commitment to ensure that the forthcoming review of the *Water Framework Directive* delivers a substantive response towards guaranteeing the right to water. It should also have given an unequivocal commitment to refrain from pushing for the privatisation of water services, either directly or indirectly, as has been the case in the context of the Troika's involvement in crisis countries. European citizens also deserve more clarity on how the EU intends to ensure the protection of water supply in the course of EU-US trade negotiations (TTIP).

The Commission's response is vague and must be swiftly followed by concrete proposals to ensure that the objective of the *Right2Water* initiative will be truly delivered. The Greens, who have strongly supported this initiative, therefore call on the Commission to present concrete proposals in order to ensure the initiative will be delivered as European citizens have the right to expect.

### **Fulfilling the promise**

It is undeniable that the ECI allows citizens to raise and bring crucial issues into the emerging European public space. But if their proposals die away without any real impact, the ECI will fail and foster frustration instead of dedication. Between the technocratic way of policymaking that strives to exclude transparency and participation, and a populist, nationalist rollback, there is just a narrow path that will allow us to protect and develop our economic, social and cultural achievements in the context of globalisation. It is the way of democracy. Thus it is really up to the European institutions to fulfil the promise that has been given to them.

As the regulation provides for a revision of the rules in 2015, the newly elected members of the European Parliament should immediately engage with this revision in the wake of the May elections. European citizens and their representatives are also entitled to expect that the Commissioners nominated this summer will commit to improving public awareness of this tool and upgrading its effectiveness.

In view of the difficulties met by the first ECIs, in order to improve this democratic tool to truly empower citizens, and in view of the revision foreseen in 2015, the Greens propose:

- That a real budget should be granted to the ECI in order to make a strong promotion of this tool and to give the Commission the keys to help the ECIs in their campaigns.
- To give the citizens' committees the choice of the starting date of signature collection.
- To extend the period of signature collection from 12 to 18 months.
- A harmonisation and a simplification of the member states' requirements for signature collection.
- To bind the Commission to a clear legislation proposal in the case of successful ECIs.

Over and above those considerations on the European Citizens' Initiative, the challenge is to turn European integration from a project of elites into a project of all the citizens. We need to generate more participation and democratic legitimacy for decision-making on the European level. In the long run, we will either have a Europe of the citizens – or no common Europe.

*Sandrine Bélier is Member of the European Parliament representing Eastern France.*

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### 3. Citizens' Initiative: What's next?

Mário Tenreiro

*Mário Tenreiro, Head of the Institutional Affairs Unit at the Secretariat General of the European Commission, was closely involved with the development and implementation of the ECI regulation until 1<sup>st</sup> January 2014. It is to be stressed that the opinions expressed in this article are purely personal and do not reflect by any means those of the Commission. The suggestions from the author shall not, in any case, be seen as a forecast of what might be the position of the Commission on these matters at the time of the review of the regulation.*

On the morning of the 17<sup>th</sup> of February 2014 the representatives of the first ever successful transnational citizens' initiative (*Right to Water*) were received at the European Commission by the Vice-President of the European Commission Maros Šefčovič and participated, in the afternoon, in a public hearing at the European Parliament, also with the presence of the Vice-President and other Commission representatives. A full day dedicated to participatory democracy.

What the impact of this specific initiative, or any other subsequent initiative, will be in European politics is still to be seen. Similarly, the impact of this new "constitutional" right on the development of participatory democracy and of a European public space of discussion and dialogue cannot yet be measured. However, the experience with the operation of this new instrument, i.e., the *EU Regulation N° 211/2011 of 16 February 2011* on the citizens' initiative (ECI), is mature enough to allow a brief incursion into the territory of "how to improve it". The regulation foresees that it should be reviewed in 2015, but before introducing any possible proposal for an amendment, the Commission will likely present an evaluation and launch a public consultation.

As a personal contribution to this future debate, I will try to briefly comment on some of the more important issues that I feel should be considered in a future revision of the regulation. The aim is not to provide answers, but to contribute to the future debate by raising some preliminary questions.

#### **The initiators – the citizens' committee**

The idea of the citizens' committee of seven natural persons coming from seven different member states was introduced by the European Parliament during the negotiation process of the draft ECI regulation. It was not included in the initial proposal of the Commission, which considered that any "person" (either a natural or a legal person) could initiate a citizens' initiative.

The experience with the citizens' committee has however been positive and such a requirement certainly contributed not only to avoiding easy registration by frivolous initiatives, but it also guaranteed from the start the transnational character of the initiative. So, I do not see any reason to depart from this principle.

However, I wonder if the proposal of the Commission was not correct when it foresaw the possibility for organisations (legal persons) to also run citizens' initiatives. The first experiences showed

that, for the moment, only citizens' committees which were strongly supported by transnational organisations really succeeded in collecting more than one million signatures. So why not allow these organisations to be at the forefront in a formal way and not only in an informal one, "hiding behind", to a certain extent, an artificial citizens' committee? Allowing an organisation to formally be the "owner" of a citizens' initiative would certainly help to solve problems related to the "liability question", which seems to have a deterrent effect on citizens – i.e., the regulation establishes that *"organisers shall be liable for any damage they cause in the organisation of a citizens' initiative in accordance with national law"*. This could still be combined with the principle that the organisation should be supported by a committee of citizens coming from different member states.

### The process of registration

The process of registration showed itself to be effective. More than 40 % of the initiative proposals have been dismissed on legal grounds (absence of powers of the Commission to act). In three cases the initiators decided to take the Commission to court. The positive effect of the legal filter at the registration phase is to avoid launching campaigns for subjects for which the Commission's response could only be negative at the end of the process. Looking at this outcome as positive implies that we take as an assumption that the Commission should respond positively to any initiative which would be successful. However, as we know, this is not the case, and this should not be the case. The Commission has the duty of promoting the general interest of the Union and should not respond positively to any citizen's initiative which would go against this principle.

If we see a citizens' initiative as what it really is – the possibility for citizens to force a European debate on a European question, and to force the European Commission to take a formal position on the issue – then one can question whether the legal filter is not impeding the launching of interesting European debates, on real European questions, with a real possibility of provoking political outcomes, even if the Commission could only respond by an absence of action due to its lack of powers. The fact that the Commission cannot act does not mean that nobody else can act! The rejection, on the basis of purely legal grounds, of initiatives with a clear European political dimension results in practice in avoiding what could have been interesting European debates with potentially positive outcomes.

Moreover, as a matter of fact, even if the Commission has no powers to do exactly what is asked by the initiative, it could maybe still take some action around the request. If we take the case of the request for registration on the 8 July 2012 for an initiative on an "unconditional basic income", this is exactly what happened. This request, asking for the introduction of a ruling at European level, was rejected on the 6 September, but another similar demand was submitted on the 14 November and was accepted, because it merely asked for action to encourage cooperation between the member states aimed at exploring the "unconditional basic income" as a tool to improve their respective social security systems. We could have arrived at the same outcome by granting registration from the start and treating the question as to what can be done in the formal response from the Commission – after one million signatures had been collected.

Of course, we should remember that one of the reasons for the admissibility check was also to avoid organisers spending a lot of time and money in collecting one million signatures only to be told that the Commission is unable to follow up the initiative in any way. But maybe experience shows that this is indeed irrelevant since the Commission could carry out some kind of follow-up anyway.

## **The time for collection of statements of support**

Experience seems to show that one year from the day of registration to collect one million signatures is too short. The process to get certification of the online systems of collection of statements of support makes it even shorter. Contrary to the initial proposal of the Commission, the regulation does not allow signature collection to start online before the online system has been certified as safe by the public authorities of the member state where the data centre is physically located.

The Commission services did their best to help ECI organisers by informing them as soon as possible that their initiative would be registered, while postponing the formal registration until the latest possible moment within the two month period, in order to allow the initiators to best use the time at their disposal to get the certification of the online system. But a better solution should be found. Different solutions are possible – such as extending the 12-month collection period, or changing the starting point for counting the time i.e., beginning not with registration but, for instance, from a date to be decided by the initiators within some specified margin.

## **The statement of support forms and verification by the member states**

The initial proposal of the Commission included only one model of support form, but the dynamic of the negotiations led to a quite complex system, with different forms according to the different member states. The process of verification of the statements of support by the member states went reasonably well on the first experience, but it also showed the need to clarify and simplify the support forms. This question is, of course, connected to the content of the forms.

The data which is required varies substantially by member state. There are two groups and two philosophies: the member states which, among other data, ask for the disclosure of an identification number (which often can only be held by nationals); and the member states which do not ask for such a number. Within each group there are still different requirements. The simpler form is the one accepted by Finland: the signatory has only to indicate their name, country of residence, nationality and date of birth. This rule is applicable to any European citizen residing in Finland and to any Finn, irrespective of his or her place of residence. The most demanding form is the one chosen by Italy, Austria and France: the signatories have to indicate their name, place of residence (street, house number, postal code, city, country), date of birth, place of birth, nationality and a personal identification number (passport or identity card, including mention of the issuing authority for Italy).

The more data that is required and the more sensitive the data protection question is (which is behind the need of onerous technical specifications for the online collection systems and pre-certification by the member states), the more likely it is that questions related to liability of the organisers in case of damages may arise and that citizens will be discouraged from supporting an initiative. On the other hand, the simpler the forms are, the less effective the checking of the signatures may be by the member states, the more easily frauds could be committed (for instance, by creating support forms on the basis of data publicly available) and the less serious the final result would look (the actual support for the initiative). How to resolve this dilemma?

In the next section, I will propose an ambitious approach for development in the medium term. But if we remain with a less radical solution, I think we really need an open discussion with the member states to understand why the requirements are so diverse. A good point of departure



could be to discuss the Finnish system – the easiest one – and try to understand what would be the obstacles for the other member states to accept the same system.

### **The online collection system**

The hosting of the online system (connected with the need to respect the technical specifications established by the Commission's implementing *Regulation n° 1179/2011 of 17 November 2011*) appeared to be one of the most difficult obstacles the citizens' committees had to confront. At the initiative of Vice-President Šefčovič, the Commission finally offered any organiser the possibility to host their online system on the Commission's servers.

The legitimate question is whether this system, which was implemented on a temporary basis to overcome organisers' difficulties, should not become permanent. I am convinced it should. But I believe also that the whole system should be significantly improved. First of all, it makes no sense that the online systems hosted on the Commission's premises should be certified by a national authority – in this case the Luxembourg authorities. Secondly, the progress of new technologies should allow systems which could work even without any need for subsequent verification by national authorities. The system could even evolve towards a central collection system managed by the Commission (on a non-mandatory basis – I am convinced that the organisers should remain free to use private systems of collection, as is the case today).

I am also thinking here about the creation of a European Citizens' Card (E.C.C), which would contain the necessary technology to allow for an electronic signature. This would mean overcoming problems with data protection, data transfer, data verification by the member states, etc. Of course, on the one hand, this could not be, at least in a start-up phase, the only way to sign (in particular, paper signatures should continue to be allowed), and on the other hand, the E.C.C. should have other functions, such as proof of medical insurance when traveling abroad, identification for European elections and for traveling inside the EU, etc.

The European Union needs symbols: symbols that show a belonging to a shared project, a shared space, a common culture, a common future. We have passports, ID cards, social security cards, driver's licenses, credit cards with which we can pay anywhere, but we do not have a single document which attests to our European citizenship. Creating such a document, one of whose properties would be to allow participation in the ECI direct democracy tool, would certainly be a step forward in reinforcing the sense of our common destiny, the engagement of citizens in European matters.

### **The conditions for supporting an initiative**

The ECI regulation states only that to be "*eligible to support a proposed citizens' initiative, signatories shall be citizens of the Union and shall be of the age to be entitled to vote in elections to the European parliament*". This drafting reflects the fact that in most member states the voting age is 18, but in one member state it is 16. However, the interpretation of the provision raised some questions. May a national of a country allowing the vote from age 16 sign an ECI even if he/she resides in a country where the voting age is 18?

I am convinced that it would be better to establish clearly the same age for all the citizens in a revision of the regulation. And why not 16? Personally, I am not insensitive to the argument that this

could be a way to raise the interest of young people in politics, and in particular, in European politics. A possible compromise could be to establish 16 as the age to support an ECI but 18 as the age to launch it (being part of a citizens' committee).

While the only conditions in the regulation are age and nationality, in practice some categories of citizens have been excluded from the right to support ECIs by the simple operation of the rules on data to be disclosed set out in the annexes. As some member states ask for some data and others for different data, some citizens fall through the cracks. In practice, the data requested by the member states has the following implication: sometimes only nationals are covered, sometimes only residents are covered, and sometimes both are covered, which is the optimal solution. The revision to the annexes by the Commission's *Delegated Regulation n° 887/2013 of 11 July* solved some situations but not all. The annexes relating to the data to be included in the forms can only be amended at the request of the member states.

For instance, citizens from the UK are still excluded from supporting an ECI when they reside outside the Union or in a member state requiring the number of a document which is reserved to nationals (national identity card number or passport number, for instance). Some countries like Italy or Cyprus also issue identity cards to non-national residents, but this is not the case for the majority of member states. This can only be solved by more harmonised forms.

### **The awareness of the public in general**

The awareness of the average citizen of the new right of the "citizens' initiative" seems to be very low. The understanding of this instrument on the part of the media is also quite unsatisfactory. If one believes that one of the most important added values of the ECI is its contribution to the development of a "European public space", the present situation should be radically improved. This means that actions should be taken both at European and at national level to raise the awareness and the comprehension of this new tool of participatory democracy.

The institutions, governments and administrations should not see participatory democracy in general, and the ECI in particular, as a threat to their powers or as a factor disrupting their efficiency. They should see it rather as an aid to better performing their duties. Representative democracy is clearly under-performing in our societies and it should accept any help from new forms of democracy and citizen participation. I am firmly convinced that here resides one of the keys to allowing our post-modern societies to face the challenges of the future. Not only in Europe, but worldwide.

The ECI is certainly a small step for the citizens, but could help in developing big steps for humanity!

*Mário Tenreiro is Head of the Institutional Affairs Unit at the Secretariat General of the European Commission.*

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## 4. Initiatives for Change

Henri Malosse

*Henri Malosse, President of the European Economic and Social Committee (EESC), outlines his institution's efforts to make the ECI more accessible to citizens' groups – from providing meeting space for ECI campaigns and organising an annual "ECI Day" to publishing ECI guides and advocating for a comprehensive inter-institutional ECI support infrastructure.*

All big changes start with an idea, one born of observation or simply a feeling of dissatisfaction combined with a strong conviction that things can be improved and that progress is possible. The history of mankind is indelibly marked by great leaps into new eras inspired by individual, community or institutional action. Over the more than 50 years of its existence, the *European Economic and Social Committee* (EESC) has accompanied all kinds of European initiatives pushing for more justice, more freedom, or greater wellbeing. We know that in order to fully meet the need for a better Europe at different levels, be it civil society, national or supranational government and/or individual citizens, it is vital that we have the right communication channels and tools adapted to each of them.

### **The EESC in Clear and Determined Support of ECI**

Europe today is a place of shrinking distances between people and endless possibilities for communication, allowing for a quick and easy exchange of ideas. And yet, in this broad context of being "just a tweet away", there is still some static on the line connecting individual members of the public to the EU institutions. This is where the European Citizens' Initiative (ECI) comes in very handy. From the very beginning, the EESC and its members have pushed strongly for a tool that allows the public to take action to oblige the institutions to take a stand and justify their position. At the same time, we felt that such a tool should help the European public to build up communities beyond their national borders that are strongly rooted in shared ideas and needs. Now that such a tool exists, the EESC is prepared to work to make sure that it is put to good use and steadily improved.

### **Providing Physical Meeting Space for ECIs**

The EESC is first and foremost an institution and a place where all initiatives are always welcome. Since the very launch of the ECI in 2012, we have held an annual *ECI Day* exclusively dedicated to the practical and legal aspects of the instrument and aimed at bringing together ECI campaigners and the people in the institutions dealing with their initiatives. Over the course of the year, we keep in touch with all ECI organisers by offering them our rooms and equipment for meetings, workshops and panels. This is extremely important for forging networks across Europe and finding like-minded organisations and people. Experience shows that this cannot be achieved online only and requires enormous effort and engagement on the part of campaigners.

### **Working for the Revision of the ECI rules by 2015**

The EESC will continue to facilitate networking between the ECIs and will seek to extend its role as a bridge between individual citizens, civil society and the EU institutions by supporting emerging and ongoing ECIs. As an EU institution, we wish to remain neutral. Our logistical support expresses

our political commitment to assisting all kinds of citizens' involvement and our desire to support the emergence of transnational communities, as we believe that this will make Europe stronger. Therefore, since May 2013, we have invited ECI campaigners to our plenary sessions to hear about their experiences, but also about the difficulties and challenges stemming from an ECI regulation that imposes many conditions, so that we are better placed to advise other EU institutions on the adjustments and changes needed (in view of the revision of the ECI regulation in 2015).

### **Working for an Inter-institutional ECI Support Network**

So far the EESC has issued two opinions specifically concerning ECIs (in March and July 2010) and addressing the Commission's initial proposal on how the ECI should be organised. Some of the recommendations still stand, such as those on the options for financing campaigns and on increasing assistance from the institutions for the translation of summaries of initiatives. We are not giving up on them. On the contrary, we have just set up an ECI ad hoc group of six members that will deal specifically with the unresolved issues and difficulties that we have learnt about from organisers. The first issues to be discussed are the ECI helpdesk, specific ECI-related opinions providing a broader context and background for ongoing initiatives, as well as cooperation between EU institutions to create a genuinely inter-institutional ECI support network.

### **The EESC as the Loudspeaker for Future ECI Development**

What the ECI needs now is more publicity and an effective information campaign to make it easier for individual members of the public to get involved. Understanding is a prerequisite for commitment. That is why we in the EESC have produced an ECI brochure that can be viewed on our website and requested from [citizensinitiative@eesc.europa.eu](mailto:citizensinitiative@eesc.europa.eu) by email. We are now also collecting practical experiences from the first completed ECIs and are planning to publish a guide on the "dos and don'ts" to help future ECI organisers.

A modern Europe requires modern governance and the direct involvement of the electorate in the work of their representatives. The EESC is and wishes to remain the loudspeaker for each and every one of these individual voices.

*Henri Malosse is President of the Economic and Social Committee. [www.eesc.europa.eu](http://www.eesc.europa.eu)*

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## 5. The ECI and the European Ombudsman

Emily O'Reilly

*Emily O'Reilly, European Ombudsman, wants to ensure that the ECI functions in the most transparent and citizen-friendly way possible. In this article, she describes how her office can help ECI campaigns overcome procedural difficulties with EU institutions and outlines issues to be explored in her inquiry into the ECI's implementation.*

Launched in April 2012, the European Citizens' Initiative (ECI) was supposed to help empower European citizens to shape policy in the European Union. But how close are we to achieving this goal?

When I took up my role in October 2013, it was clear to me that the EU faces not only an economic crisis but also a crisis of political legitimacy. Negativity and division are rising, the trust of citizens in European institutions is declining, and many feel their voice simply does not count. One of my proactive roles as Ombudsman is to highlight citizens' concerns and help bridge the wide gap between them and the EU institutions.

Given that context, the goal of the ECI to empower citizens is more important than ever.

We must ensure that this new form of European public participation is working in the most transparent and citizen-friendly way possible. If not, my office is available as an important redress mechanism for individuals and organisations that have complaints about maladministration in the Commission's handling of ECIs.

Complaints may be lodged if problems occur in the procedural stages, for example if there is a failure or delay in replying to organisations wishing to register an ECI, or lack of transparency. ECI organisers may challenge a Commission decision to register an ECI in a complaint to my office, as well as by going to court. My office could examine whether the Commission's conclusions are reasonable and thoroughly explained.

It is important to point out what I cannot do in this area. Specifically, I cannot examine the substantive follow-up which the Commission decides to give to ECIs. This is, rather, a political matter for the European Parliament to monitor.

Since the first public consultation on the ECI, my office has argued strongly that the registration of an ECI should not become a bureaucratic or political hurdle. We have called on the Commission to also deal with complaints against organisers which allege lack of transparency on such matters as funding issues, for example.

Given that the ECI has been in operation for nearly two years now, I recently announced the opening of an own-initiative inquiry into how the ECI procedure is being implemented. The objective is to encourage and support efforts to improve the ECI procedure.

As the first step, I am inviting and collecting feedback until the end of March 2014 from the organisers of open, closed and obsolete ECIs, as well as from other civil society organisations and interested persons. We are focusing on some of the following areas in our consultation:

- Is the ECI sufficiently well known among the general public so that citizens feel confident in signing ECIs? If not, what could be done to raise awareness?
- Views on the information and guidance the Commission provided to organisers of an ECI.
- Views on the functionality and usefulness of the Commission's software for collecting signatures online.
- Views on the functionality and usefulness of the paper form to be used for collecting handwritten signatures.
- Concerns or comments in relation to the treatment of personal data provided by citizens signing an ECI.
- Concerns or comments as regards the possibilities of tracking the number of signatures obtained throughout the collection period.
- Experiences as regards the contacts with different national authorities in relation to ECIs.
- Possible changes to the ECI Regulation which should be considered, if any.

We are now assessing the feedback to these questions and will subsequently give the European Commission the opportunity to respond. My ultimate aim is then, if necessary, to make recommendations to increase the effectiveness of the ECI process and to monitor and support the implementation of such recommendations.

The ECI was a key step forward in the democratic life of the Union. It can be a concrete example of bringing Europe closer to its citizens.

As European Ombudsman, I am ready to help ensure that the relevant procedures and citizens' rights are respected to help make sure citizens are actually empowered to shape EU policy.

*Emily O'Reilly is the European Ombudsman, [www.ombudsman.europa.eu](http://www.ombudsman.europa.eu)*

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## 6. National Authorities in the ECI Process: First Verification Experiences of the German Signature Verification Office

Interview with Axel Minrath and Ulrich Schmitz

*Carsten Berg of The ECI Campaign talked with Mr. Minrath and Mr. Schmitz of the Federal Office of Administration (BVA) which is responsible for checking ECI statements of support in Germany. National authorities have, in principle, some room for manoeuvre in terms of the strictness of their checks. Since more signatures for ECIs have been collected in Germany than any other country, it is important to discover just how “citizen-friendly” the German authorities have been. This interview was translated from German and edited for brevity.*

**Carsten Berg:** *Sirs, you have faced a quite special task in the context of the ECI procedure. In Germany alone, 1.3 million statements of support for the Water is a Human Right ECI were collected. Can you tell us exactly what you have to do with them?*

**Mr. Minrath:** Our main task arises from the EU regulation and also from the German ECI law: coordinating the checking of the statements of support and issuing a certificate on the number of valid statements. In order to do so we must determine the percentage error i.e. the rate of invalid statements. So we check on possible errors, for example, whether anyone has given more than one statement or has signed on behalf of others without them knowing. Of course, this way of checking is not 100% reliable – but it is to a very high degree. At the end of the 90 day checking period we send the certificate to the initiative and finally destroy and delete the statements.

**B:** *The first ECIs have now submitted their signatures of support for checking. What issues have emerged from the checking process?*

**M:** There are a number of issues. During the checking process little flaws in our ECI application system kept turning up which were corrected with the help of our IT experts, allowing us to improve the whole system.

**B:** *Did the ECI organisers experience practical problems, for instance in submitting the signatures in time?*

**M:** Yes. There were some late submissions of paper signature collection forms. Then, as a result of delivery problems at Deutsche Post, we received a large box of signatures a week after the official submission date. We also received online signatures stored on CDs which we could not read. We were able to make a delayed start on the whole checking process only after the signatures had been reprocessed by the initiative.

**B:** *The first ECIs were granted a collection period extension by the Commission. Why were the statements that were collected in the extension period not checked, but were declared valid by the Commission?*

**M:** In accordance with the EU regulation and the federal law on the ECI, the BVA only confirms as valid those statements of support which were submitted *within the official period*. However, the Commission and the initiatives are being informed as to how many statements were invalid and

*were not subjected to further checking* because the 12-month deadline had been exceeded. The number of signatures certified to the Commission and to the initiatives is determined by the BVA by sampling and then extrapolated proportionately. It is left to the Commission as to how they evaluate the figures.

**B:** *How do the digital and paper signatures compare in terms of the level of invalidity?*

**M:** There is a significantly higher invalidity rate with the paper/offline signatures than with those given online.

Basically there are seven reasons why a signature can be declared invalid: the signatory is under-age; a non-EU citizen; a duplicate signature; support under reservation; no signature; details incomplete or unreadable; wrong form used. Whereas in theory every one of these errors can occur in the case of a paper signature, with online signatures it is only possible to make four of these errors leading to a signature being declared invalid. Thus there is a very high probability that the failure rate will be greater with paper signatures than with online ones.

**B:** *In Germany we always recommend initiatives at the local and state level to build in a cushion of 10 to 15 percent, since that roughly corresponds to the normal level of invalid signatures.*

**M:** It would be better if the cushion were 20 percent.

**B:** *In other countries where, as in Germany, ID numbers do not have to be given – such as Finland, the Netherlands and Slovakia – the failure rate in some initiatives is between 1 and 3 percent: much lower than in Germany. What do you think is the reason for this?*

**M:** I really can't say. The fact is that in Germany there are a relatively large number of boxes that have to be filled. That increases the risk of error. It's especially the case with paper signatures that necessary details are often missing or the signature is illegible. It could be that if the first signatory on a collection sheet doesn't fill in one of the boxes, then the ones who sign afterwards may also leave that box blank.

Well, we are in principle accommodating – and it has even been agreed with the EU Commission and the Interior Ministry that where there is some doubt we would not apply excessively strict criteria, but rather somewhat gentler ones. If someone gives their postcode, but forgets to name their town – because they think that the postcode is sufficient – then we can live with that.

**B:** *ECI organisers are reporting that many citizens are forgetting to enter certain information in other boxes – like the place and date of birth. Can a person still be identified in such cases?*

**M:** Depending on the individual case, that's still possible. On the other hand, we haven't really had that experience yet.

At the moment, the organisational structure is as follows: we have a number of staff members who are involved in checking the statements. Several of them are responsible for inputting the data, and behind them is a person whose job it is to make a decision in those cases where there is doubt. Ultimately what we are dealing with here is a random sample. We're bound in this by §4 of



the German ECI law, which lists eight criteria for validity – such as the minimum age of 18 and the 12-month time allowance for collecting signatures.

Then we get into a grey area which puts us under greater pressure – such as when the statement is illegible or incomplete. In such cases we will be very open and try as much as possible not to reject the statement.

**B:** *Can signature collectors print data input boxes also on the back of the signature forms? And is it then sufficient just to have the ECI title and its registration number at the top of the page?*

**M:** Yes, that's OK.

**B:** *ECI organisers are reporting that they are receiving statements by email which have been scanned. Is that ok?*

**M:** Yes, we have to deal with those, even if we don't like it.

**B:** *We think the signature form is still overloaded. For example, the address field in the paper form asks signatories to state their country. But the country name is already included in the text at the top of the form. This confuses a lot of people. ECI organisers are telling us that many people are not entering the name of the country in the box. Does this make the signature invalid in your view?*

**M:** No.

**Mr. Schmitz:** You are familiar with *Annex III* and with the signature form proposed for Germany by the Commission. In our view, that proposal leads to problems in filling in the statements of support. In consultation with the Commission and the Federal Interior Ministry, therefore, we developed a form that incorporates the criteria of the Commission and the law, but which makes it easier to enter the data. In doing so, we were thinking of the future use of OCR (Optical Character Recognition) software, which can make it possible for our technical applications to read handwritten data and upload it.

**B:** *Will it be possible for ECI organisers to see exactly how the validation process was carried out – i.e. to see the relevant signature lists with the notes and comments?*

**M:** That has not been planned.

**B:** *What's the situation in other countries? Do you exchange information on the checking procedure? It seems that other Member States were not yet ready to check signatures.*

**M:** Yes, we meet on an irregular basis every few months or so in Brussels to coordinate specific issues. Our last meeting was in March. At the beginning of January we had a meeting to which people from all the different countries were invited to the German Federal Office of Administration.

**B:** *Is it true that you have developed specific software for checking the statements of support which can also be used in every other EU Member State?*

**M:** Yes.

**B:** *Has a procedure already been thought of for reforming the internal processes with the aim of providing a new and improved basis for the legislation?*

**M:** Yes, but we haven't begun it yet, because we first have to gain experience of the current system. But in the light of this experience, consideration will be given in 2015 as to how we can simplify the procedures and improve them. The ECI regulation provides for the Commission to report to the European Parliament and the Council on the way the regulation has been applied.

**B:** *In connection with the signature check, the ECI organisers have to contact up to 28 different national authorities to get a certificate on the number of valid signatures. That costs ECI organisers an enormous amount of time and money – which deprives them of valuable resources.*

*In Thuringia, a move has been made to make things easier for the citizens' initiative organizers by making it possible for them to send their collected statements of support to a single central collection point, which then coordinates the checking by the various local authorities. Would it not be possible to propose such a simplified collection and checking procedure for the entire EU? Are there any insurmountable obstacles to implementing such a system?*

**M:** At the moment the EU regulation and national law specify that the checks have to take place in the relevant member states. That makes sense because the data required to carry out the checks exists only in the individual member states, although in a great variety of different places and in relation to differing procedures. For that reason I find the suggestion rather far-fetched at the moment.

**B:** *ECI organisers have to carry out the collection process based on 28 different sets of legal provisions (for validation and appeals), which in the extreme case would have to be decided upon by 28 different court systems. Can you understand that this is very confusing for ECIs?*

**S:** Yes, we can appreciate that – but we can't change it.

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## ***Issues for reform:***

### **7. Reform ECI Registration and Expand Public Debate: Reconsidering Legal Admissibility**

James Organ

*Legal scholar James Organ reviewed registration decisions for early ECIs and discovered that the Commission applied overly strict legal admissibility criteria – leading to a startling 40% rejection rate. This limits the power of the ECI both to promote public debate and impact policy. In this article, he outlines four potential ways to reform the ECI registration process so more ECIs may be introduced and the ECI's democratic potential realised.*

#### **Registration decisions limit two main democratic benefits of the ECI**

The European Citizens' Initiative (ECI) was introduced with high hopes that it would alter the democratic landscape of the EU. Commissioner Šefčovič stated that the ECI would add a "whole new dimension of participatory democracy to the Union" and lead to "a significant step forward in the democratic life of the Union". The ECI has had some success: 40 ECIs have been proposed, three ECIs collected over one million signatures and over five million citizens supported an ECI.

But the European Commission also refused to register almost 40% of proposed ECIs. Organisers of these ECIs were thus denied the opportunity to even seek support from citizens, let alone impact EU policy. This limited the two main democratic benefits of the ECI: cross-border public debate on EU policy and the opportunity for citizens to directly influence the EU agenda.

In light of the upcoming review of ECI legislation, it is useful to consider what might lead to more ECI proposals being registered. This article considers four potential avenues:

1. Remove the pre-registration legal admissibility test altogether.
2. Change the criteria for admissibility in the ECI Regulation.
3. The Commission alters its approach to applying admissibility criteria.
4. Rely on decisions taken in the EU courts to ease admissibility.

#### **Legal admissibility criteria for registration behind all ECI rejections**

Article 4(2) of the ECI Regulation 211/2011 sets out four criteria that each ECI proposal must initially meet to be registered. It requires that the organising committee be established appropriately; that the proposed ECI is not '*manifestly abusive, frivolous or vexatious*'; and '*not manifestly contrary to the values of the Union as set out in Article 2 TEU*'. These criteria have been easily met and ensure the ECI's appropriateness for discussion in an EU context.

Most problematic for ECI organisers is the fourth criteria of *legal admissibility*. An ECI proposal must not '*manifestly fall 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*'. The Commission's strict

application of this legal admissibility test led to *all* ECI registration refusals. In most cases, ECI organisers simply failed to identify a specific legal basis in the Treaty to support their ECI's objectives. Every refusal letter included the phrase "*The Commission considers that there is no legal basis in the Treaties which would allow a proposal for a legal act with the content you envisage*". The removal of the legal admissibility test from the registration phase of the ECI process would thus dramatically increase the percentage of ECI proposals being registered.

### **Move legal admissibility check to end of ECI process**

A single legal admissibility check *only* at the end of the ECI process, at the same time as the Commission decides whether it could or should make a legal proposal, would be more appropriate than the current two (one at registration and a second if successful). The Commission could still block from registration ECIs that are frivolous or clearly outside the principles of the EU. But *citizens* would control what policy issues they want publicly debated. It would also limit the Commission's role to assessing the small number of ECIs that had cleared the democratic test of popular support rather than the dozens of proposed ECIs.

There is a concern that negative impressions of EU democracy could increase if popular ECIs are declared legally inadmissible *after* considerable campaigning work. It is questionable, however, whether this would outweigh the democratic benefits of increased participation in and awareness of EU policy debates. This impact could be mitigated if the Commission provided *non-binding* advice to ECI campaigns on the likelihood of their proposal leading to a legal outcome.

### **Change the legal admissibility criteria in the ECI regulation**

If a legal admissibility test is kept at registration, an alternative could be to *modify* the criteria it contains. Changes would address the two principal reasons ECIs are declared inadmissible: failure to identify a *legal basis in the Treaties* and requiring *an amendment to the Treaties*.

The requirement that an ECI proposal should not be '*manifestly outside*' the Commission's powers could be broadened even further to make it clear that only in circumstances where there is *no possibility of any legal act whatsoever* would registration be refused. The Commission might refer to the area of competence (policy subject) to make this decision.

The phrase '*for the purpose of implementing the treaties*' in the ECI regulation has been cited to exclude treaty amendments from ECI proposals. Whether prohibiting treaty amendments was ever the intention for the ECI process or is required by the provisions in *Article 11(4), TEU* that established the ECI has been the subject of much debate. Nevertheless, rewording the ECI regulation so that treaty amendment is allowed would mean that some of the most important issues facing the Union, such as the scope of its competences, can be addressed by citizens through the ECI.

These two modifications may require significant change to the ECI legislation. Alas, at least in the short term, there may be no political appetite for this or such alterations may be deemed too extensive.

## **Change the Commission's approach to the legal admissibility check**

A third way to make ECI registration less restrictive would be to adjust the *Commission's interpretation and application* of the admissibility criteria in the ECI Regulation. The current approach has been described as '*remarkably strict*'.

The Commission could require less certainty from ECI organisers about which treaty articles provide a legal basis for action. The ECI regulation does not ask that the ECI proposal be *clearly inside* the Commission's powers only that it '*not be manifestly outside*' of them.

ECI proposals have also been refused registration because only some, but not all, of their objectives had identified acceptable legal bases. Current ECI legislation does not stop the Commission from registering a proposal in these circumstances. Yet ECIs have been rejected for this reason. One objective with an appropriate legal basis in an ECI could be enough for it to be registered.

The criterion '*for the purpose of implementing the treaties*' is already broad enough to allow treaty amendment. This fact would appear to have been confirmed by the Commission's registration of the *Let Me Vote* ECI which would require an amendment to *Article 20(2) TFEU* to be implemented. Yet the Commission rejected the ECI *Enforcing selfdetermination Human Right in the EU* stating that '*amending the treaties...falls outside the scope of the citizens' initiative*.' Each ECI cited a different legal basis. The self-determination ECI referred to *Article 48(2) TEU* while *Let Me Vote* referred to *Article 25 TFEU*. Although the former uses the *ordinary revision procedure* while the latter is an example of a *passarelle clause*, both ECIs would require treaty amendment in order to be implemented. Why reject one and register the other? The Commission has effectively decided that they can use *Article 48(2)* to make a proposal for treaty amendment *on their own initiative*, but one million EU citizens cannot ask them to do so.

## **The Commission could advise ECIs on wording proposals to facilitate registration**

The Commission has so far taken a neutral, formalistic approach to registration. As well as making a legal assessment of ECI proposals, though, the Commission could do more to facilitate their registration. Official refusal letters just give brief reasons and mention the *European Ombudsman* or court as avenues for recourse. They do not suggest constructive steps like further discussion with the Commission or offer any support to redraft or resubmit the proposal.

The task of identifying a legal basis to achieve an ECI's objectives currently falls to ECI organisers and requires resources and legal knowledge. Alternatively, citizens could just propose the subject and broad objectives of their ECI, and instead the Commission could indicate possible legal bases. With all refusal letters stating that the Commission has carried out an '*in depth examination...of all other possible legal bases*' it would seem that most of the work to do this is already done, and since this examination is not required it might already indicate some willingness from the Commission to assist organisers.

## **Court decisions will significantly impact the future of the ECI**

The final avenue for change is that decisions by EU courts could lead the Commission to alter its approach to ECIs' legal admissibility. The ECI *One Million Signatures for a Europe of Solidarity* has already submitted an application to the European Court of Justice and *Right to Lifelong Care* is due

to do so shortly. These cases are challenging the Commission's strict interpretation of the legal admissibility criteria (*Art 4(2)(b) of the ECI Regulation 211/2011*). The Court has also been asked to address the question of treaty amendment.

It is impossible to know what the courts will decide. Will they support an increased openness to registering ECI proposals in line with the democratic principles of the Union? Or will they uphold the Commission's strict interpretation of legal criteria? If the Court sides with the Commission, legislative change will be necessary if the ECI is to fulfil its democratic potential. Whatever the decision from the Court, which for the first time has been given a means of intervening in the Commission's role of initiating legislation, it is likely to have a significant impact on the future of the ECI process.

### **Registering more ECIs is 'risk free' to the Commission and necessary for democracy**

Even with the above-mentioned changes, not all proposed ECIs would be registered. They would still need to be 'serious', appropriate to the principles of the Union and in line with the other registration criteria. The Commission is still only required to *consider* proposing a legal act, not actually to do so. Increasing the number of ECIs that are registered and can generate debate is 'risk free' in terms of EU institutions' control over EU legal output and policy. ECIs with strong popular support will of course exert some political pressure over the Commission to act. This democratically generated pressure to reflect the wishes of their citizens is of course part of the purpose and benefit of the ECI.

The question of legal impact should *follow*, not precede, democratic deliberation. The high proportion of ECIs blocked at registration (40%) not only significantly restricts citizens' influence over the policy agenda, but also excludes many worthy and EU appropriate topics from public debate – such as legalised prostitution, nuclear power, care services and referendums on EU governance. Public debate should be as broad as possible.

Change to the ECI registration process is both possible and needed. The upcoming review of the ECI regulation and decisions from the Court could improve the ECI's democratic potential. But the Commission already has the power to change its approach to the legal admissibility of ECI proposals at registration and so reap immediate democratic rewards.

*James Organ is a legal scholar and researcher at the Law School of the University of Liverpool in the UK.*

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## 8. Back to the Drawing Board for the ECI Online Collection System

Interview with Xavier Dutoit

*Xavier Dutoit is the IT professional who developed the online campaign and signature collection tools for the first successful ECI – Right 2 Water. He has been a tireless advocate for a campaign- and user-friendly ECI Online Collection System (OCS). In this edited interview with The ECI Campaign coordinator Carsten Berg he explains why the current OCS needs to be scrapped and rebuilt from scratch.*

**Carsten:** *You are the first IT expert to conduct a successful ECI using the Commission’s Online Collection System (OCS). What are your experiences with this OCS?*

**Xavier:** In a word, my experience was unsatisfactory. The main issue was that we were a campaign and needed a campaigning tool but the OCS software developed by the Commission to collect signatures was oriented towards administrative goals. And there’s a big difference between these two aims.

There were several problems during our long year of campaigning, many of which happened as a result of a faulty validation procedure. French signatures, for instance, were not recognized because the formats were unsuited for French passport and ID data. This issue was partly the responsibility of member states which had not submitted all of the existing valid formats to the EC. And we had the same problem in a lot of countries.

The impression I am left with is that the OCS is designed to reject as many signatures as it can. If there is the slightest doubt, then the system will reject it. We really felt as if the software was not working in the interest of campaigners.

**C:** *We also learned that you had signature losses that were a direct result of the Commission’s OCS. Did this only happen in the beginning or over the course of the entire campaign as well?*

**X:** It was clear from the very beginning that the OCS did not work. The OCS was rejecting valid national ID formats. We had tens of thousands of users who contacted us saying “*we can’t sign because we’re not able to fill in the captcha*”. The system couldn’t handle the load. It worked fine when we had a few hundred signatures per day, but then it crashed completely for more than a week when we started getting traction.

When people who tried to sign were finding out that they were denied the possibility, they would tell their friends that this ECI “doesn’t work”. So not only are you losing the signatures of the people who tried to sign but also the potential of a snowball effect to promote the ECI and reach out to friends and friends of friends.

**C:** *At an ECI workshop in March 2013, even EU civil servants from the Commission’s Secretariat General admitted they had tried three times to sign. Did anything change after this?*

**X:** Yes, even people from other DGs publicly stated that this needed to be fixed, but it didn’t happen. Two new versions of the software have been released. But the captcha makes it as difficult to

sign as ever. Meanwhile, among the “usability improvements”, signatories are now required to fill in the form in capital letters. Clearly the Commission deemed it more useful to block a name typed in lowercase letters than to fix the captcha.

**C:** *What were your biggest challenges and difficulties with the official OCS, in a nutshell?*

**X:** What we had been saying to the Commission is that the OCS should be integrated with the campaign website. Right now we technically have two different sites. One is trying to engage the user. The other is serving as a fortress that’s as difficult as possible to enter. And it wasn’t possible to link easily between the two.

The second issue was design and layout. It doesn’t look like it belongs to a campaign and isn’t suited for one.

The third was about the process. The Commission doesn’t have any experience with campaigning or developing open source software. None of us knows everything. So we say: I am working on a new feature. This is the test version. Go try it and let us know what you think about it. When we said this, the Commission’s response was to create two different committees with workshops and meetings. This is not the way you actually do open source development.

**C:** *The Commission responded to the difficulties by extending the deadline for every registered ECI and then offered to help through the Luxembourg authorities as a temporary and exceptional service. How far did this solve the problems?*

**X:** It seems the Luxemburg authorities were helpful for other ECI organisers. For us it didn’t have much of an impact since we hosted the software on our own server. So we had already gone through the problem of certifying the server and software, and so on.

Right now the Commission can decide when exactly an ECI is launched. For organisers that means you don’t know when the clock starts ticking. The ECI organisers should have the right to choose exactly when to launch the ECI once it’s admissible.

**C:** *Is it helpful to use one’s own server?*

**X:** We could see how many signatures we were losing and all the problems we had.

Discussions with other ECI organisers show that they are dealing with an even bigger black box compared to what we had. And it’s even harder for them to know how many people are visiting, how many people click something, what is happening when people stop in the middle of the process, and how many error messages there are. This is information that’s needed in order to run a good campaign.

**C:** *It seems we can no longer expect too much from the institutions. I recall that in April 2013 a Commission official said essentially that they had done everything they could. How true is this? And what are your hopes and practical suggestions?*

**X:** Well, I had several meetings with the Commission. The process and analysis was slow – much too slow for what we expect as campaigners. Not too long ago we installed the latest version



that was released and there is very little improvement, even though it was under development for an entire year! Even the number one complaint – simplifying the captcha – wasn't addressed in this version.

**C:** *What kind of behaviour were you able to extract and identify based on your statistical data?*

**X:** The person who signs the ECI wants to be informed about the campaign and the result of the ECI. Anyone who has run a campaign views this as logical. But the software was designed in an extremely restrictive way: once a person signs, the interaction is over. You don't have any opportunity to register for a newsletter. And legally we don't have the right to use the data of the supporter.

Now on the bottom left-hand side of the screen you have a little link offering the possibility to "go back to the campaign website". Still, it doesn't take place in a very user-friendly way because you have too many clicks and steps in between.

**C:** *I think what should be done is to start from scratch. We know what the needs of campaigners are, we are familiar with the regulation and we know how to meet its specifications. Let's develop software that is more efficient and more campaign-oriented.*

**X:** We've seen that a few improvements could make a big difference, but let's make a fresh start. Let's design the kind of software that campaigners want and need to be able to conduct a proper ECI.

**C:** *However, on the basis of what we have right now, how exactly do you think the implementing and technical regulation specifying the OCS should be amended?*

**X:** It should be the result of an open process. Let everyone suggest improvements to this regulation – like we do for every internet standard, for instance.

Most of the key failures of the current regulation are the result of it having been written behind closed doors by people who have no experience of running a campaign.

Moreover, a few other issues should be taken into consideration. It should be explicit that the online form can be different from the paper one, because it is a different medium. Some countries already allow their citizens to carry out official transactions using their smartcard ID (e.g., Estonia and Belgium). This option should be included in the regulation. Other ways to validate signatures, for instance by sending an email, should be also available.

Furthermore, it should be explicit that the signature software is only a part of the ECI and must be integrated with the other parts (easier to embed, easier to redirect after a signature etc.). The software should also allow citizens to make their signature public (if they want it) or to share their contact details with the organiser (e.g., to sign up for a newsletter).

Last but not least, the Commission should provide a template for the risk analysis document and a list of best practices.

*A complete version of this interview is available at [www.citizens-initiative.eu](http://www.citizens-initiative.eu)*

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## 9. Why the ECI needs a Community-Developed Online Collection System

Reinder Rustema

*Reinder Rustema is an e-democracy expert and creator of [www.petities.nl](http://www.petities.nl) – the Dutch national petitions website. In this article, he advocates replacing the Commission’s problematic online collection system (OCS) with a true open-source, community-developed OCS.*

### **Why the Commission can’t provide effective signature collection software**

Increasingly, initiators of European Citizens’ Initiatives (ECIs) are wondering why the European Commission is not providing user-friendly and problem-free software to collect signatures. Every single ECI campaign has encountered significant problems with the Commission’s ECI online collection system (OCS).

Campaigning software is unlike other products and services the Commission provides. It is impossible to define in advance what “user-friendly” means and simply buy or commission the right product in the market place. The software must be continually developed and adapted by trying new features, then listening to user feedback and immediately responding. The software is never finished. Ongoing product improvement must be in the DNA of the organisations that develop it. This fast-paced open-source approach to software creation is completely alien to how the Commission functions.

### **The Commission should stick to what it does best: translation and convening**

What the Commission can best provide is what they have done well for decades: translate texts into all EU languages and organise stakeholder meetings. A user-friendly OCS can greatly benefit from EU-provided translation and periodic meetings between ECI organisers and translators to check how well translations are working. However, most of the Commission’s current online communications are of a technical or legalistic nature and consulted primarily by professionals. ECI translations need to be suited to the online campaigning work of chasing the user all over the web, often through peers, and stressing a single statement to convince the user to leave personal data in a database.

### **The OCS software’s real end-users are EU citizens**

From the Commission’s perspective, the end-users of the OCS software are ECI organisers. Once they have provided campaigns with certified software, they consider their job is done. In fact, their real work is just beginning! The actual OCS software end-users are the millions of European citizens who sign an ECI. Problems they encounter with the software must be fixed immediately, even before they start complaining. The behaviour of users must be continuously monitored and analysed. ECI campaigns also need different designs and domains depending on the member state.

User-friendly platforms like Google, Apple and Facebook would never outsource the writing of their code. User-friendliness gives tremendous leverage, especially when combined with collecting personal data. Their business models will eventually come into conflict with Commission goals,

though, so they are not to be trusted with the personal data of millions of Europeans. Meanwhile, campaigners need to hijack and infiltrate these popular user-friendly platforms. Only a committed community of open source coders with experience can do this, certainly not the Commission. The arms of an ECI's OCS should be able to reach inside social media platforms to lure citizens outside to sign an ECI – where their personal data is protected. But the current ECI system does not even facilitate this.

A single company that wins a Commission tender cannot set up a user-friendly OCS either – although many will claim they can. Ongoing improvement of a product they do not regularly use is not in their self-interest. For software to be truly “open source”, it needs a *community* of small software companies and programmers to regularly test and improve the software. Making the source code public is not the same as using an open source development process.

### **Needs of national ECI authorities need to be integrated into the OCS**

Perhaps the most important end-users of the *data* collected via the OCS are the national ECI authorities that validate the signatures. The OCS software therefore needs to also be designed in a way that understands how the validation procedure for each member state will be conducted. Well-designed software can help this process to be done as quickly, cheaply and reliably as possible. Software also needs security tools or “keys” to ensure that sensitive personal data is kept secure during the data collection, storage, and especially transfer processes.

### **Who *can* provide user friendly OCS software? Programmers who regularly use it!**

A user-friendly OCS should be a system that can be embedded on all kinds of websites and platforms, while at the same time be properly certified.

ECI campaigns cannot be expected to have the technical know-how to create their own OCS. They can however, set up their own campaigning websites to promote their ECI. With platforms like Wordpress, this is easy and cheap. Translating the campaign into different languages remains a hurdle, however.

A handful of small companies, NGOs and free-lance programmers specialised in the hosting of on-line “services for democracy” are in the best position to improve the open source software for ‘OCS services’: repeating the same trick for many ECI campaigns for a moderate fee. It would be in their self-interest to ensure it was as user-friendly and bug-free as possible. However, they would also need some financial incentive to invest their time in such efforts.

Rather than awarding a single large tender to one company, the Commission's resources would therefore be better spent by providing a small amount of seed capital to support a *community* of small software firms and freelance programmers to develop open-source OCS software for the ECI. This would be coordinated by a community manager who is chosen by the community itself. This is someone with a good understanding of the technology who keeps the community together and organises periodic events. The Commission could perhaps also reward individual programmers who have significantly contributed to improving the software. This could, for example, be determined by their peers during periodic conferences organised in Brussels.

Such efforts would both cost significantly less money than the current approach and result in a much more user-friendly, effective and secure OCS for the ECI – as well as potentially contributing to EU economic development in the civic software industry.

### **The rules governing the OCS need to be simplified**

The technical requirements for the ECI's online collection system included in the ECI implementing regulation unfortunately create additional and unnecessary barriers to developing a user-friendly OCS via a community "open source" approach. The current requirements are so arcane and expensive that nobody except the Commission could fulfil them.

For example, the OCS certification procedure requires expensive documents to meet obscure ISO norms. Specialised legal experts must be consulted to purchase and understand them. However, these norms only impact working procedures and do nothing to ensure that the software's technology itself is not flawed. The choice of other standards would help reduce software development costs and open the door to an effective open-source approach.

As this article has argued, the Commission is not the correct body to provide the OCS software for the ECI. However, it is in the ideal position to suggest changing the OCS *technical specifications* in the ECI regulation.

If the Commission is to fulfil its duty of ensuring that the ECI is as accessible to EU citizens as possible, it must both propose simplifying the regulation governing the OCS and support an open-source developer community to create a user-friendly OCS.

*Reinder Rustema is an e-democracy expert. He created the Dutch national petitions website:*  
[www.petities.nl](http://www.petities.nl)

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## 10. An Infrastructure for People Power That Works

Bruno Kaufmann

*If we want genuinely transnational and active citizens we need to invest heavily in the setting up of public services which inform, guide, encourage and support individuals and groups to make their voices heard, argues Bruno Kaufmann – and suggests a 5-step approach in the run-up to ECI 2.0.*

Camilla was upset. The nurse and mother of two in the northern Swedish village of Svärdsjö had seen too much: *“They got really bad food without vitamins and of poor quality”*, she said, recalling her time working in a local home for elderly people, and then, her voice shaking, she added: *“The food they were served by the municipality was the same as our schoolchildren get for lunch”*. The meals were not just bad for health, but also for the environment, as some of the materials – such as the eggs for omelettes – were being transported forwards and backwards across Europe before reaching the plates of the paying elders up in the north.

At some point, Camilla’s anger motivated her to do some research on this issue. She eventually discovered that her municipality had far-reaching plans to close down most of its public kitchens – meaning that it would only serve meals produced hundreds of kilometers away, which would then be kept in cold storage locally. Later she also learned that European regulations were partly to blame for this “unhealthy and unsustainable food policy”, which included EU-wide tenders to allow for the “cheapest offers on the market”, as Camilla put it. As a result she launched the so-called “Food Revolution” (Matupproret), an online petition “for better, healthier and environmentally-friendly meals in public institutions”.

The campaign made headlines across Sweden and Europe and finally encouraged a Member of the European Parliament from the province of Dalarna (where Camilla’s home village is) to initiate *new procurement legislation*, giving more importance to health, the environment and social issues. If member states manage to incorporate these new rules into their national legislation it will be possible in the future for municipalities to choose alternative and local producers when procuring public contracts. A success story by any standards and a prime example of how strong the links between local concerns and Europe-wide legislation have become today – but also how citizens can make a difference, if they use the right tool, at the right time and for the right subject matter. These aspects are key to our issue here, because not everyone is like Camilla: *“No-one was able to help me, I had to find out everything for myself”*, emphasizes the Swedish lady behind the “food revolution”.

### Some Things Have Changed

Since our nurse from Svärdsjö in Falun municipality began her campaign back in 2008 a few key changes have taken place in the European Union’s institutional structures. With the coming into force in late 2009 of the EU’s latest basic law, the Lisbon Treaty, *the principle of participative democracy* has been introduced. And with the *European Citizens’ Initiative*, a transnational direct-democratic procedure has been implemented for the very first time in history. Launched in 2012, this new fundamental right has acquired an interesting, challenging, but also ambivalent

track record. Of the 43 initiatives filed (as of February 15, 2014), only one has so far made it all the way to the Commission – the *Right2Water* initiative. Two more have reported success in gaining adequate support, but are still waiting to submit the necessary certificates. Ten ECIs have reported insufficient statements of support, another six have been withdrawn during the process by the organisers themselves and no less than 17 filed ECIs were refused registration by the Commission on the grounds that they proposed legislative action that was – according to the Commission – “manifestly outside the Commission’s competencies”. At the time of finalising this article, seven European Citizens’ Initiatives were at the stage of gathering signatures across the continent.

This is a rather mixed record of the first two years with the first transnational direct-democratic tool in world history. The numbers suggest a lot of interest and civic engagement, while the results are rather modest and the number of rejected initiatives indicate that something is seriously lacking: a genuine public infrastructure to inform, guide, encourage and support individuals and groups to make their voices heard. What Camilla experienced back in the late 2000s is still very much the reality across Europe. There are few dedicated services available to promote direct citizens’ action at the local, regional, national and transnational levels. This really has to change if we want to foster genuine active citizenship and participative democracy – one of the key pillars of any modern and truly representative democracy.

### **But many things need to change much more!**

So let’s take the European Citizens’ Initiative – the core issue of this publication – and test the options and limits of a supportive infrastructure for active citizenship. It is a fact that the ECI has been welcomed as a very convenient reform. It offers a new type of democratic umbrella for a whole continent. Firstly, it enshrines the fundamental principle of direct citizen participation at the transnational level. Secondly, it provides for a comprehensive and process-orientated procedure, including both pan-European and member state features and institutions. And finally, the ECI invites – as the initial record proves – many practical lessons across Europe. It is obvious that the discussions about the principles of modern democracy will continue and hopefully be further strengthened at the next opportunity for constitution-making (or treaty-change). Furthermore, it is already clear that the ECI procedure will be reviewed in the next year – a process that was launched by the EU Ombudsman Emily O’Reilly in early 2014. Many important proposals for such a revision have been included in other parts of this publication. Ultimately, the best learning is always by doing – and here we can look forward to many more successful or not-so-successful initiatives to be launched in the near future.

What we are focusing on in this article is the setup around the ECI process, starting at the information desk of a municipality and going all the way to the legal experts of the European institutions. This setup has been and remains very weak. And, as your author has already emphasised at many conferences and in publications, it has to be called a democratic scandal. Just imagine a European or national election coming up and nobody being informed about it. This is almost what has happened in the case of the ECI. As a bottom line, the ECI law only provides for the employment of two full-time staff at the Commission to deal with the potential legislative action of more than 250 million people from 28 member states using 23 different languages. This strategic deprioritisation and budgetary nonsense offers a little insight into the weight our key European decision-makers intended to give this new tool of citizen participation.

## The way forward

To be sure, this clear underestimation of the necessity of a public supportive infrastructure for active citizenship and participative democracy is not untypical for old-style representative democracies, still basing much of their functioning on the idea that people should give their votes and their voices away at election time, and then ... shut up. On the other hand, however, many more reform-minded forces have been working hard at extending the range of services available to EU citizens when it comes to participation. Unfortunately, many of these services are not interlinked or run in parallel. One such example is the effort by one EU Commissioner in 2013 to promote active citizenship (“Make your voice heard”) without even naming the ECI as a key new tool for doing exactly this. So it’s time to develop and design a supportive infrastructure “that works” – all the way from the top to the bottom.

- 1) *Keep the fundamentals vital!* We need a continuous debate about the shape and basic elements of a modern representative democracy: one based on the rule of law (and the protection of individual/collective rights), the limited delegation of powers (in elections and via parties), and the direct participation of the public in government (as enshrined in the *Universal Declaration of Human Rights Art 21.1*). At the next constitution-making moment in Europe, the vitality of such a debate and understanding will be crucial to taking forward the development of direct democracy.
- 2) *Introduce a clause about a supportive infrastructure!* The current law provides for extremely few resources directed towards the assistance of interested organisers, supporters and observers. In addition to the two legally qualified full-time persons, there is a team of people active in various institutions involved part-time in assisting from case to case. In addition, the legislation has established the concept of “competent” national authorities dealing with certification and validation issues. What is done outside this very formalistic and minimalistic setup is open to political goodwill – and there is obviously too little of this. So, in the framework of ECI 2.0 (by 2016 or so), we will need a specific clause on participative democracy support within the Commission, complemented by additional services in the European Parliament and the Economic and Social Committee, where a new ECI working group has been established in spring 2014. Acting together, the institutions should establish a mandatory citizens’ task force enshrined in EU law – with just one task: to serve and assist all of us in making our voices heard.
- 3) *Establish a more interactive ECI process linking organisers and institutions!* As a consequence of the clear flaws in getting the initiative process working, the European institutions have shown some capacity to learn and improve. As – unsurprisingly – the Online Collection System (OCS) did not work as well as promised (or hoped for), initiatives were not only granted extended signature gathering deadlines but also more assistance when it comes to setting up and certifying an OCS. But the technical features are only one aspect of the necessary interaction between organisers and institutions. For this reason the revised ECI law must include more and better opportunities for ECI organisers to link up with the institutional services and also provide for some additional carrots during the process – such as a rewards voucher system for transeuropean travel and accommodation for initiatives which reach certain milestones, e.g. 100,000 statements of support, and which offer full financial disclosure.
- 4) *Develop the national contact points for direct citizen participation at the EU level!* We do have the EU representations as well as the Europe Direct offices across Europe, but their main tasks are focused more on economic rights than political ones. In addition, many Europe Direct office

staff are not really trained to offer advice and support to citizens who want to make a proposal and have their voices heard. For this reason all EU representations should be tasked with developing an information and training programme for their staff and for the Europe Direct offices; such programmes could and should be developed in cooperation with national, regional and local bodies.

- 5) *Assist the non-governmental stakeholders designed to assist citizens in making their voices heard!* When it comes to the supportive infrastructure, not everything should be done by governmental institutions. Far from it. Civil society is very much in a suitable position to help itself when it comes to promoting and supporting participatory practices at all political levels. This includes political parties, media organisations, academia, think- tanks and activist organizations. However, some of these stakeholders should have better opportunities to be sponsored by public funds. For this reason it is proposed to establish dedicated budget lines for NGO-projects related to active citizenship and participative democracy with a specific focus on ECI-related activities. Here, it is not just the Commission that is asked to become more active, but also other EU institutions like the Parliament, the Committee of the Regions as well as the Economic and Social Committee.

### **Citizens as daily agenda-setters and decision-makers**

The basic requirements for all those steps forward include a modern and comprehensive approach – and not just a host of separate projects offering interested and motivated EU citizens little knowledge about the different ways of making their voices heard. We need to understand that each EU citizen is also a citizen of one (or several) municipalities, regions and countries and that on all levels she or he should be able to become an agenda-setter and decision-maker – not just on election day every fourth or fifth year, but every day.

This has been understood back home in nurse Camilla's municipality of Falun, the provincial capital of Dalarna in Northern Sweden. Here all the local political parties agreed back in 2011 to work hard together with all the democratic stakeholders to establish such a supportive infrastructure. This decision meant that Falun got a democracy navigation platform offering comprehensive services to everyone in this town of 56,000 people, including a Democracy Passport – [www.falun.se/democracypassport](http://www.falun.se/democracypassport) –, Democracy Centers and Democracy Guides. For these efforts Falun has been rewarded with European and global democracy awards. However, it is just one of many showcases in Europe and across the world which demonstrate that it is really possible to develop an infrastructure for popular democracy work – one that really works!

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## 11. Trust Young People

Sylvia Yvonne Kaufmann

*Dr. Sylvia-Yvonne Kaufmann is a former vice-president of the European Parliament and rapporteur for the 2009 European Parliament resolution on the ECI. She was also a member of the European Convention on the Future of Europe where the ECI began. In this article she advocates dropping the age of ECI support to 16 in order to better involve youth in shaping the future of Europe.*

Happy Birthday European Citizens' Initiative and many happy returns on your second birthday! Two years of extremely varied experiences with the ECI make it a suitable occasion to reflect on the future of this still very young political tool. Naturally enough, we should first of all be looking towards 2015, when the Commission will present its first report on the application of the ECI directive to the Council and the European Parliament.

For me, the "young" label is key, not only because the need remains to ensure that as many people as possible actually get to know about the ECI. But above all, it is about making better use of the opportunities and possibilities of the ECI. I believe that the EU should make a much stronger effort to reach young people in particular, in order to get them on board for democracy at the EU level as early as possible. Those young EU citizens who are still in education are the ones who are most highly motivated when it concerns their future in our common Europe and about they themselves being actively involved in shaping that future.

Many of the first ECIs dealt with issues directly related to the lives of young people in the EU, addressing questions about education and employment – such as *Fraternité 2020*, *European Education for All* and *Teach for Youth*. Although these ECIs did not succeed in securing the required 1 million statements of support, they did, nonetheless, address issues which certainly affect the futures of very many young people. It is extremely regrettable that – with the exception of young Austrians – these young people are so far prevented from signing ECIs.

That's why I believe the rules on the minimum age for signing ECIs are and remain a problem. There is little prospect of achieving an EU-wide lowering of the voting age for EU elections to 16. But tying the minimum age for signing an ECI to the voting age for EU elections is something that must be changed. Signing an ECI has quite different legal consequences than exercising voting rights. I remain convinced that in future there should be a uniform EU-wide minimum age for signing an ECI – and that age should be 16.

This would be good for the image of the EU. It would be very innovative and would send a very strong signal of trust especially towards young people in the European Union. Younger people are often especially interested in European issues. If they were allowed to take part in ECIs, they would surely be motivated to involve themselves in European affairs.

*Dr. Sylvia-Yvonne Kaufmann is a former vice-president of the European Parliament.*

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## 12. The First Public Hearing on an ECI: Unclear Aims and Confusing Debates

Julian Plottka

*Julian Plottka, Research Associate with the Institut für Europäische Politik in Berlin, closely observed the public hearing for the first successful ECI “Right to Water”. In this article he reflects on how it was structured, what happened, how well that served the ECI’s goals and how the ECI public hearing might be strengthened in the future.*

The European Commission’s reaction to successful initiatives is the bottleneck in the progression of a European Citizens’ Initiative (ECI). The Commission can only be *asked* to act. But it is not *required* to act (e.g., propose new legislation).

*Regulation No 211/2011* establishes four obligatory procedures (article 10 and 11): (1) the ECI has to be published; (2) the Commission has to “receive the organisers at an appropriate level”; (3) a public hearing at the European Parliament has to take place; (4) the Commission must publish its conclusions. This article discusses whether the third procedure, the public hearing, has the potential to contribute to the ECI’s success.

### **Different hearing formats considered during development of ECI regulation**

The Commission’s original proposal for the ECI regulation did not include a hearing. However, a hearing was added to the final regulation. During the legislative procedure different hearing models were discussed. They varied with regard to the organiser – e.g., EU Parliament committees, the Commission, the European Economic and Social Committee (EESC). Further discussion explored different ways to structure the hearing – e.g., hold a hearing at the EESC and inform the Commission, hold a hearing in the Parliament with the Commission and the Council represented, oblige the Commission to hold the hearing and inform other EU institutions.

The proposed roles for the Commission reveal the hearing’s first purpose: to establish a dialogue between the Commission and ECI organisers. The hearing is seen as a substitute for the fact that the ECI is not binding (i.e., the Commission is not required to act). Furthermore, it was expected that the hearing would foster public debate.

The hearing’s formal framework, spelled out in *Regulation No 211/2011, article 11* and the *Parliament’s rules of procedure, rule 197a and 203a*, allows considerable flexibility in how to organise the hearing.

### **First ECI public hearing on *Right to Water***

To date, just one hearing, for the ECI *Right to Water*, has been organised. It took place at the European Parliament in Brussels on 17 February 2014, one month before the Commission’s conclusions are due on 20 March 2014. It was organised by the Parliament’s *Committee on Environment, Public Health and Food Safety (ENVI)* in association with the Committees on *Development (DEVE)*, *Internal Market and Consumer Protection (IMCO)*, and *Petitions (PETI)*. The participants were:

- The ECI *Right to Water*, represented by members of its citizens' committee;
- European Commission, represented by Maroš Šefčovič, Vice-President of the Commission for Inter-Institutional Relations and Administration, and representatives from the Directorate-General (DG) *Environment, Internal Market and Services* and *EuropeAid Development & Cooperation*;
- European Parliament, represented by Matthias Groote, chair of *ENVI*, and Gerald Häfner, for *PETI*, with many MEPs in the audience;
- European Economic and Social Committee (EESC);
- Committee of the Regions (CoR).

The Council was not represented. Other stakeholders were not invited to speak.

Framed by an opening and a closing session, the hearing was divided into three thematic sessions. Groote, Šefčovič and Häfner opened the hearing, followed by a first presentation of the ECI. The subsequent thematic sessions had the same structure: ECI organisers' introduction, question and answer session for the MEPs, replies by the ECI organisers, response by the Commission DG representative; conclusion by ECI organisers. Finally, the EESC and CoR presented their points of view, followed by concluding remarks by the ECI organisers, Šefčovič and Groote.

Does this agenda serve the initial purposes? While MEPs questioned the organisers directly during the hearing, the Commission presented prepared statements. Šefčovič was probably chosen to represent the Commission to stress the importance to the Commission of the ECI as *a new democratic instrument*. Commission DGs were represented by lower ranking officials during the thematic sessions. The Parliament put stronger emphasis on the ECI's subject by assigning responsibility to *ENVI*, whose chair chaired the hearing. Häfner represented *PETI* on the panel, probably to underline the Parliament's interest in the ECI itself. But *PETI*'s role was minor compared to *ENVI*'s role, showing the reverse pattern of the Commission's representation.

The decision to invite no other stakeholders or experts increased the focus on the ECI *Right to Water*, but did not contribute to the quality of the debate. The concept of the hearing seems to be driven by the willingness to value the ECI and the conviction that the hearing should be on the ECI's entire content. But the concept neither serves the initial purposes nor reveals any different aim. The meeting between the ECI organisers and the Commission prior to the hearing probably contributed much more to fostering dialogue. Only limited media coverage of the hearing could be expected.

The ECI organisers seemed to be ill at ease in the formal setting. They did not act as experts on water policy. They altered the agenda by spontaneously giving the floor to different organisers. One of the additional speakers confessed he was not an expert on the matter discussed, but could make some comments based on his professional experience. During the first session, the chair of the hearing had to remind the ECI organisers that the issue of liberalisation was to be discussed *only* during the third session.

While the formal setting reveals no coherent strategy and the ECI organisers did not impose an alternative strategy, it might be more instructive to look at what actually was discussed. Throughout the hearing, three topics were discussed, although not every actor touched on every issue: (1) the importance of the ECI to European democracy; (2) EU liberalisation policy; (3) EU water policy.

- (1) The importance of the ECI to European democracy was addressed by Šefčovič and some MEPs who described the day as “a milestone in European history”. Probably, this institutional dimension is a phenomenon of the first hearing and will not be mentioned in future hearings.
- (2) The discussion on liberalisation policy differed from the formal agenda. The issue was broached by ECI organisers. Their critiques of the Commission were supported by some MEPs and countered by others. Commission representatives refused to comment on this topic outside of the third session on “no liberalisation of water services”. This politicised debate partly fulfils the initial purposes of fostering public debate and creating a dialogue, even though it contained conflict.
- (3) Water policy was discussed by some MEPs and Commission representatives, the EESC and the CoR. The ECI organisers struggled with their role as experts for water policy. The debate covered a broad range of detailed issues and resembled a parliamentary expert hearing.

### **A proposal for two ideal ECI hearing formats**

While I expect the debate on the institutional dimension to be a phenomenon of the first ECI hearings, the other debates support my assumptions that the actors have different expectations with regard to the ECI hearing and that there is no commonly agreed strategy. From these debates I deduce two ideal types of ECI hearings, which each result from different visions of what an ECI should be:

- (1) *Scrutinising the Commission*: Instead of giving the floor to ECI organisers, the hearing aims to increase public pressure on the Commission to act. Scrutinising the Commission would politicise the ECI further and make it an instrument for conflict. That is appropriate for controversial issues of high salience (e.g., liberalisation), while issues of common interest (e.g., development policy) will not benefit. Such a hearing should take place on the Commission’s premises and oblige all parties to the legislative procedure to be represented (i.e., including the Council). Inviting additional experts is not necessary as the debate will be rather general than technical. This type of hearing considers the ECI as an instrument to politicise representative democracy on the EU level and to further strength the parliament. The ECI is a citizen right to *control the legislators*.
- (2) *Expert hearing*: The major aim is to facilitate the dialogue between ECI organisers and the Commission. It is less confrontational than #1 and tries to increase mutual understanding. It is appropriate for uncontroversial topics. Additional experts and stakeholders should be invited to discuss technical details. Representatives of other EU institutions are welcome but not required. Instead of the Commission, the ECI organisers and the other experts are consulted. It considers the ECI as an *instrument of participative democracy*, the only one at the citizens’ disposal.

The empirical evidence is still very weak and more research is needed to have a reliable basis to discuss reform options. Yet there are two arguments in favour of the first “scrutinize the Commission” type of hearing. The expert hearing type is not fruitful for controversial ECIs, which need public attention. For uncontroversial ECIs, the Commission has its own interest in consulting the organisers and doesn’t need to be “forced” by hearing rules to do so. Currently, the only thing that is clear is that the ECI public hearing must be reformed – either within the existing formal framework or by reforming the ECI regulation.

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### 13. Making the ECI Work – A Social Science Perspective

Annette Knaut and Maximilian Conrad

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Since the ECI has now been in use for two years, one can point to numerous shortcomings that this first transnational citizens’ initiative in the world is still struggling with. However, attention should also be paid to a number of success stories. This article sketches a few critical points regarding the ECI as a participatory democratic innovation and discusses the role of social science research in further evaluating and developing the ECI. In our view, social scientific research can make three kinds of contributions to an improved ECI, namely: (1) documenting and archiving; (2) observing and interpreting; and (3) critically evaluating.

#### **Storing and sharing the experiences of ECIs**

Regarding the aspect of documenting and archiving, both researchers and potential future initiative organisers would certainly benefit from a revitalisation of the idea of a European Citizens’ Initiative Office (ECIO). Such an office could combine an ECI archive with a meeting and consultation point for ECI organisers, researchers and citizens. It would be an institutionalised access point available to all citizens which would also provide a comprehensive memory of all ECIs. It could be a forum where research meets practice, opening up opportunities to discuss current developments, obstacles and further challenges. This would create significant opportunities for dialogue that would in turn provide a solid source of empirical material that can be used in research and in developing the ECI further as a participatory instrument for all EU citizens.

#### **The ECI as a new kind of democratic instrument**

In relation to the aspect of observation and interpretation, social scientific research also helps us understand better what the ECI is to begin with. The ECI is a unique instrument of citizen participation, most of all in the sense that it is *transnational*, thus ‘forcing’ citizens from at least seven different member states to build a transnational agenda from below. The ECI is therefore innovative in relation to (a) what it *is*, as well as to the effect that it has on the EU’s institutional architecture (b), and on social relations between citizens from different member states (c) (see Knaut 2013).

The ECI is a previously unknown instrument of participatory democracy, namely a transnational (and electronically usable) *agenda-setting initiative*. So far, agenda-setting initiatives have been known only as a direct democratic instrument at the national (and sub-national) levels. Some researchers discuss the ECI as a weak form of direct democracy; for others, it is more of a (toothless) agenda-setting instrument for a minority of EU citizens.

## **The ECI transforms relationships between EU citizens-institutions-organisations**

The social sciences help us understand the ECI as part of a larger transformation of the interactions between citizens and the EU institutions. The ECI brings about new rules, procedures and modes of communication between citizens and the EU institutions – most importantly the Commission and the European Parliament (Knaut/Plottka 2011; Van Brussel 2013).

Finally, the ECI is innovative in that it offers qualitative changes in terms of social relations, bringing together different types of individual and collective actors with different organisational and structural-cultural backgrounds. The transnational character of the ECI creates European communication networks of citizens with diverse cultural and language backgrounds that may promote the formation of a European ‘demos’. The transnational agenda of a citizens’ committee first has to be established in a process of discussion in a heterogeneous institutional context.

## **Learning can help future ECIs succeed**

Social science’s contribution in the area of observation can also be highly practical in the sense that it can generate a strategy for success for prospective ECI organisers. In this context, it is important to look not only at the initiatives that have failed to achieve their ambitions, but also at those that have managed to drum up sufficient support to reach the required one million signatures. In some ways, it can be considered remarkable that three initiatives have managed to collect more than one million signatures. It is also important that ECI research incorporates initiatives that were not registered by the Commission.

With regard to critical evaluation, the social sciences have a number of contributions to make. For instance, further research is needed on organisational hurdles that ECI organisers have to surmount throughout the preparation and implementation process. The social sciences should further observe the interaction of ECI organisers with different publics in Europe. Questions to be addressed here include: which publics (social media, leading traditional media, expert circles, NGOs) are important for collecting signatures?; and which topics are likely to succeed (or fail) and for what reasons?

## **Can the ECI be a tool for “average” citizens?**

A critical perspective can also address the question whether “average citizens” can in fact succeed with their initiatives, and whether the ECI in this sense can be considered a genuine citizens’ initiative in the first place. In some ways, one might find it naïve to expect the ECI to be a tool for *average* citizens to begin with, considering that the members of a citizens’ committee have to come from seven different member states and collect a minimum number of signatures in at least seven member states. It is certainly difficult to imagine that “average citizens” have the networks and resources to do this without any organisational support. Social scientific research can already show that the first round of initiatives, launched since May 2012, cover a broad spectrum in respect of the involvement of organised civil society or institutional/party-political actors (Conrad 2013).

Maybe the most important contribution is, however, that the idea of “average citizens” is problematic to begin with. Organisers of ECIs can be average citizens, but their involvement in ECIs obviously also shows that they have a level of interest in participating in EU politics that goes beyond

what can usually be expected of average citizens. This makes the ECI no less a *citizens'* initiative, but it underlines that there are limits to the expectations we should have on just how "average" its users will be.

The more relevant question is thus whether "active citizens" can make the ECI *their* tool for participating in the EU's legislative process. Research on the first round of initiatives has produced somewhat ambivalent results in this regard (Conrad 2013). The initiatives that have been organised more or less purely by citizens without any strong prior links to public- or private-interest groups, or to institutional actors, seem to stand very little chance of collecting the required number of signatures. Private initiatives of the kind of the initiatives for *One Single Tariff*, *Fraternité 2020* or *End Ecocide in Europe*, all fell far short of one million signatures. By comparison, *Right to Water* was organised centrally by the European Federation of Public Service Unions, while *One of Us* could draw on the support of domestic pro-life organisations from around the Union.

### ECI's impact on democracy

Finally, ECI research also addresses important normative issues. It can clarify the relationship between participatory democratic tools and the overall democratic quality of the decisions made in the EU. The ECI can clearly serve as a bridge between citizens and their (somewhat indirectly accountable) representatives in the EU institutions.

One likely expression of this could be that it broadens the range of policy proposals that are placed on the agenda. However, this also raises important concerns about the normative validity (or desirability?) of a number of proposals. Even though it has been highly successful in collecting signatures, the *One of Us* initiative for instance raises normative questions that collections of signatures alone most certainly will not be able to answer. The ECI will therefore need to be complemented with institutionalised deliberation that goes far beyond the current practice of hearings in the European Parliament.

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Annette Knaut (University of Augsburg) and Maximilian Conrad (University of Iceland) are the editors of *"Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative"* (forthcoming in 2014).

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## 14. Lessons and Recommendations for an ECI That Works

Compiled by Carsten Berg and Janice Thomson

As the European Citizens' Initiative (ECI) reaches its two-year anniversary, the first ECI campaigns, EU institutions and national authorities have amassed a wealth of practical experience. They have shared their learning in this publication, as well as in a December 2013 workshop.

All ECI campaigns, whether run by well-resourced organisations or by volunteers on a shoe-string budget, faced similar barriers that stem from inherent weaknesses in the ECI regulation. Many procedures are unnecessarily bureaucratic and burdensome. A radical simplification and harmonisation of the ECI regulation and related rules is clearly needed.

Below are summarised recommendations from ECI campaigns and stakeholders for how to change the ECI's governing rules so the ECI can fulfil its potential as a transnational participatory democracy tool. As plans evolve for the 2015 reform of the ECI regulation, The ECI Campaign will continue to fine-tune this list and translate it into specific reform proposals, as well as contribute to a fruitful debate on how to ensure that the ECI works for EU citizens.

It is important to note that changing the rules governing the ECI can be both complex and ambitious. Several legal texts impact how the ECI works and each is modified in a different way: article 11.4 TEU (treaty change), the ECI regulation (co-decision between the Parliament and Council), the ECI regulation's annex (delegated act by the Commission, subject to possible objection by Parliament or Council and upon request of the member states concerned as regards Annex III), and the technical regulation for the online collection system (implementing act by the Commission subject to an ex-ante opinion by a committee of member states' representatives). Fortunately, some practical supports can be added and procedural changes made without having to modify these legal texts. Furthermore, the same problem could potentially be addressed in different ways. The recommendations below therefore focus on overall goals, although they sometimes also suggest a few possible ways to reach them.

### **Reduce and harmonise personal data requirements across member states.**

Each EU member state requires different personal data from ECI supporters. This means campaigns must create 28 different signature forms and submit signatures for verification to 28 different national authorities – instead of to a single collection point. At the same time, campaigns, citizens, EU officials and national authorities have all complained that too much information is required from citizens to support an ECI.

Finland's simple form and data requirements could become the standard used in all countries. It includes name, country of residency, nationality and date of birth. It is used both by EU citizens residing in Finland and Finnish citizens regardless of their country of residence. In any case, it could serve as a starting point for member states to reconsider and justify which personal data they actually need from ECI supporters to verify identity.

Data protection requirements for the ECI should likewise be harmonised across all member states and ideally coordinated by a central EU body. Similarly, while member states must verify signa-



tures, a central body (or database) could be established to coordinate between campaigns and national authorities. This would relieve campaigns of the complex, time-consuming logistics of working with 28 different national authorities.

### **Eliminate ID number requirements.**

Among the personal data requirements, identity document numbers have clearly created the most problems. ECI organisers noted that requirements for citizens to share ID numbers, as well as birth dates and places, to support an ECI raised serious privacy concerns and deterred citizens in several countries from supporting an ECI. ID requirements posed problems especially in Austria, Bulgaria, Czech Republic, France, Greece, Hungary, Italy, Poland and Romania. They were not a problem only in a small number of countries, such as Spain and Sweden, where ID numbers are routinely used in daily exchanges.

ID number requirements should ideally be eliminated for all countries, but especially for those where citizens are uncomfortable sharing them. The European Data Protection Supervisor explicitly determined that ID card numbers were not necessary for the ECI. Yet 18 member states still require them.

### **Ensure that all EU citizens can support an ECI – wherever they live.**

Another unfortunate consequence of having 28 different sets of personal data requirements – some based on citizenship and others on residence – has been to strip many expatriate EU citizens of their legal right to use the ECI. The Finnish approach which allows both Finnish citizens (regardless of where they live) and Finnish residents (with EU nationality) to support an ECI is the ideal. Alternatively, preference should be given to citizenship rather than residence, so as to ensure that all EU citizens may support an ECI, regardless of where they live.

### **Lower the age of ECI support to 16.**

The ECI has no direct policy impact and should not be subject to the same rules as voting in European elections. It can, however, impact the agenda for the future of Europe. Many of the first ECIs touched on topics of great importance to youth, such as education, jobs and the environment. Therefore, youth starting at age 16 should be able to support an ECI in all countries, as is currently only the case in Austria. Engaging youth in EU affairs while still in high school can support future EU involvement and help develop a European identity.

### **Redesign the online signature collection system (OCS).**

Significant and persistent online signature collection system (OCS) weaknesses and glitches were consistently cited by every ECI campaign and acknowledged by Commissioner Šefčovič as extremely problematic. They have led to the loss of signatures, collection time, campaign momentum and resources. Technical problems, especially related to the restrictive “captcha”, have also made it difficult for people with disabilities to support an ECI. These problems must be corrected.

Online campaigning experts insist that the current OCS is so defective, and Commission repair efforts so slow and inadequate, that it needs to be scrapped and rebuilt from scratch – this time with

the active participation of campaigners, EU and national stakeholders and civic coders. It should be user-friendly and allow standard online campaigning practices like single click sharing on social media. It should also allow ECI campaigns to safely and efficiently share ECI supporter data with national authorities – e.g., with security “keys”.

The technical regulation governing the OCS also needs to be reformed so that independent software developers could afford to meet its requirements, which are currently so arcane and costly that only the Commission itself could fulfil them.

Many ECI campaigns and stakeholders advocated for the temporary system of hosting ECIs on the Commission’s own server to become a permanent option for all ECIs. An extension of this idea, itself the subject of an ECI, could be a single centralised online signature collection platform where signatures for all ECIs are safely stored while front-end campaigning materials reside on individual ECI campaign websites.

### **Collect e-mail address within the main ECI support form.**

All ECI campaigns insist on the need to collect supporters’ contact information, especially email addresses, in order to keep them informed of their ECI’s progress. This is vital to create a European debate, a core goal of the ECI. It is also standard online campaigning practice. Ironically, although the ECI *Right to Water* collected over 1.8 million signatures, it only collected 20,000 email addresses of supporters whom it could invite to follow its public hearing and inform of the Commission’s response.

Email addresses must be collected *within* the main ECI support statement form. Campaigns that have tried to collect them on other web pages have confused and then lost potential supporters. The Commission claims that it cannot legally collect email addresses in the ECI support form. However, online campaign experts insist this is technically possible while also respecting data protection rules.

### **Lengthen the signature collection time to 18 months.**

Only the best resourced ECI, *Right to Water*, managed to collect over one million signatures in 12 months. The other two successful campaigns benefitted from deadline extensions granted as a result of OCS glitches. However, all ECIs, even *Right to Water*, insist that one year is far too short. The diversity of languages, cultures and distances makes campaigning at a transnational level especially time-consuming. Simply obtaining OCS certification takes months.

It is thus recommended to lengthen the signature collection time to at least 18 months. A longer collection period would also help smaller and volunteer-run initiatives. More time is needed particularly for ECIs on novel or complex topics. They need more time than simpler ECIs on well-known topics just to explain their goals.

### **Give ECI campaigns time to prepare: let them choose their launch date.**

The 12-month signature collection period currently begins *on the same day* that an ECI is officially declared admissible and registered by the Commission. ECI campaigns cannot be ready instantly! Campaigns need much more time to prepare once they know their ECI is valid. The start of the sig-

nature collection period should therefore be chosen *by campaigns* once they are ready and their OCS has been certified. This could be within a certain time frame, for example within two months of official registration.

### **Provide a support infrastructure for ECIs with legal advice, translation and funding.**

Many ECIs encountered challenges formulating their proposal and relied on the counsel of specialised EU legal experts. Nearly 40% of proposed ECIs were refused registration by the Commission for “falling outside of EU competence” – a percentage which could perhaps have been reduced with better EU legal advice.

ECI campaigns discovered that they needed to campaign in national languages and use country-specific arguments. This required the use of translators, which many campaigns could not afford. Groups new to campaigning also encountered challenges with volunteer management, fundraising and media relations. These ECIs would benefit from practical advice.

As a democratic tool, the ECI is a public good and should benefit from public financial support. ECI campaigns need an official support infrastructure that offers legal advice, translation services and practical campaigning guidance. Grassroots ECIs should ideally also have access to public funding or at least European foundation funding.

### **Provide an EU legal status for ECI citizens’ committees.**

The fact that the ECI can only be launched by seven individual EU citizens (i.e., “physical persons”) has created multiple problems. ECI committee members can *personally* be held legally liable for their campaign’s actions. Such entities also lack a legal basis for fundraising or even opening a bank account. Their only options now are national organisational structures, which are contrary to the transnational nature of the ECI.

Therefore, an EU legal status is needed for citizens’ committees to shield their members from liability and facilitate fundraising. The inclusion of organisations on citizens’ committees could also be considered.

### **Remove or modify the first legal admissibility check.**

A shocking 40% of ECI proposals have been refused registration, all for the same reason of being “*manifestly outside the Commission’s competence*”. Some decisions have been unreasonably restrictive. Others have been inconsistent. For instance, one ECI requiring treaty change was accepted while another was rejected. Furthermore, rejected ECIs have not been provided any legal guidance to reformulate their requests, as should be the case.

Although the ECI has no direct legal impact (the Commission can refuse to act), it has generated public debate and created new pan-European alliances. Perhaps the pre-registration legal admissibility check should be removed entirely so as not to artificially restrict topics of public debate. At a minimum, ECIs refused registration should be helped to reformulate their requests so they may qualify for registration.

## **Increase public and media awareness of the ECI.**

Public awareness of the ECI is practically non-existent. Mainstream media tends to be either unaware or misinformed, often equating the ECI with a simple petition. This creates unfair burdens on ECI campaigns to both educate the public about the ECI instrument and convince them of the merits of their own topic. They further have to overcome citizen suspicion and reluctance to share personal data for an unknown EU tool.

As a tool for developing a “European public space”, the ECI should be aggressively publicised as an “official” EU instrument. Actions should be taken both at a European and national level to raise public awareness and comprehension of, as well as trust in, this new tool of participatory democracy.

## **“How to maximize the impact of an ECI?” remains an unanswered question.**

As this publication is being finalised, only one ECI, *Right to Water*, has had a public hearing and received an official response from the European Commission. While the campaign was satisfied with the hearing, others have questioned the effectiveness of its design. In its official response, the Commission affirmed the goals of this ECI and mentioned several actions, most of which it already does. The campaign was disappointed that no new policy proposals were offered.

This raises many questions about what impact is needed to satisfy both campaign organisers and the millions of EU citizens who have supported an ECI, as well as how the ECI’s rules might be changed to ensure this. It also raises the fundamental question: “*what does it mean for the ECI to work?*”

In summary, as discussions evolve on how to reform the ECI regulation and related rules, it is important to aim for the following 12 goals:

1. Reduce and harmonise personal data requirements across member states.
2. Eliminate ID number requirements.
3. Ensure that all EU citizens can support an ECI – wherever they live.
4. Lower the age of ECI support to 16.
5. Redesign the online signature collection system (OCS).
6. Collect e-mail address within the main ECI support form.
7. Lengthen the signature collection time to 18 months.
8. Give ECI campaigns time to prepare: let them choose their launch date.
9. Provide a support infrastructure for ECIs with legal advice, translation and funding.
10. Provide an EU legal status for ECI citizens’ committees.
11. Remove or modify the first legal admissibility check.
12. Increase public and media awareness of the ECI.

We warmly thank and deeply appreciate the contributions of ECI campaigns and stakeholders to “An ECI That Works!”.



## An ECI That Works!

With this publication, we invite you to take part in a discussion on the European Citizens' Initiative (ECI) and the future of democracy in Europe. In the two years since the launch of the ECI, the first tool for transnational participatory and digital democracy in world history, we have amassed valuable learning from over 20 pioneering ECI campaigns.

In one year, the regulation that governs the ECI will be up for review by the European Parliament and Council. Therefore it is time now to open the debate, raise questions, reflect on observations and share perspectives on how well the ECI has and has not worked for EU citizens.

In this spirit, we approached ECI stakeholders and asked them to share their experiences and tell us what they think is needed for "an ECI that works". Practical experience gives their voices strength and credibility. They, better than anyone else, know how often the ECI does not work and to what extent it needs urgent improvement.

