



MINUTES OF THE MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE BRUSSELS, 22 JANUARY 2019

1. Approval of the agenda

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

The agenda was approved without changes.

2. Nature of the meeting

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

- the recent developments around the European Citizens' Initiative;
- amendments of Annexes I, II and VII to the ECI Regulation (EU) No 211/2011;
- the state-of-play regarding the new Regulation to be applicable as of 2020 and the preparation needed for its implementation;
- an update on the ECI communication campaign and the ECI Forum.

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

3. List of points discussed

3.1. Latest developments around the European Citizens' Initiative (ECI) - State of play of citizens' initiatives

The Commission informed the Expert Group about the state of play of citizens' initiatives since January 2018. It indicated that, in terms of number of requests for registration processed, 2018 was the most successful year since 2013. This increase is probably (if not entirely, at least partly) an effect of the communication campaign and the online collaborative platform (Forum) launched in April and May respectively.

- Registration phase - overview since January 2018:
 - Twelve requests were submitted for registration in total - including ten in 2018 and two already since the beginning of 2019;
 - Seven initiatives were registered - including one based on a request received in December 2017 ('We are a welcoming Europe, let us help!' already mentioned at the previous meeting);
 - Two requests for registration were refused as they manifestly fell 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; both were related to Article 50(1) of the TEU ('British friends stay with us', refused in March 2018, as already mentioned at the previous meeting, as well as 'EU wide referendum whether the European Citizens want the United Kingdom to remain or to leave!' which the Commission refused to register on 28 November 2018);
 - One registration procedure was cancelled in December 2018 on request of the organisers in view of their difficulties in putting together the necessary resources to run their collection campaign (the organisers also indicated they may resubmit their request later);
 - Three requests for registration submitted to the Commission on 20 December 2018, 3rd January 2019 and 18 January 2019 were still being processed at the time of the meeting.
- Registration phase – initiatives registered since the previous meeting (5th June 2018):

The following six initiatives were registered from July to November 2018 (details on each of these initiatives are available on the [European Citizens' Initiative register](#)):

- '*Stop starvation for 8% of the European population!*', registered on 19/07/2018;
- '*Permanent European Union Citizenship*', registered on 23/07/2018;
- '*End the Cage Age*', registered on 11/09/2018;
- '*STOP FRAUD and abuse of EU FUNDS - by better control of decisions, implementation and penalties*', registered on 27/09/2018;
- '*Eat ORIGINAL! Unmask your food*', registered on 02/10/2018;
- '*Mandatory food labelling Non-Vegetarian / Vegetarian / Vegan*', registered on 12/12/2018.
- Verification phase:
 - '*Minority Safe Pack – one million signatures for diversity in Europe*': the verification of the statements of support has been completed but organisers have not yet submitted their initiative to the Commission and have not provided information about when they intend to do so.
 - '*Stop extremism*': the collection phase for this initiative ended on 12 June 2018 and the organisers reported that their initiative had reached the required

thresholds. The verification by the competent authorities is still underway in some Member States and is expected to be completed by March. At the meeting, there was a discussion on the difficulties faced by some Member States in the context of this procedure as regards the quality of the data.

3.2. Amendment of Annexes I, II and VII to Regulation 211/2011 – exchange of views on the draft delegated act

The Commission gave an overview of the modifications foreseen in Annexes I, II and VII to Regulation (EU) No 211/2011.

As regards Annex I, the Commission explained that this Annex provides the minimum number of required signatories per Member State. Such minima shall be reached in at least one quarter of Member States. The numbers set out in Annex I correspond to the number of Members of the European Parliament elected in each Member State multiplied by 750. On 28 June 2018, the European Council adopted a Decision (EU) 2018/937 establishing the composition of the European Parliament, which shall apply to the 2019-2024 parliamentary term¹. The minima set out in Annex I need to be revised accordingly.

Annexes II and VII to Regulation (EU) No 211/2011 contain a footnote, which provides information on how initiative organisers' and sponsors' personal data are processed for the purposes of the implementation of the Regulation. Given the recent entry into force of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data², the footnotes concerned should be updated and simplified as follows:

- By removing the title of 'privacy statement';
- By removing the reference to Regulation (EC) No 45/2001; and
- By removing those provisions that can be directly derived from Regulation (EU) 2018/1725 and are reflected in the privacy statement made available to the relevant data subjects on the Commission's online register.

The Commission further explained the timeline and milestones of the adoption procedure and invited the Member States to share their comments on the draft.

Member States had no comments on the draft delegated act.

3.3. Revision of the Regulation on the citizens' initiative

3.3.1. State of play

The Commission summarised the content of the final discussions leading to the political agreement reached by the co-legislators on 12 December 2018. In particular, it pointed out the following:

- On age of support: the agreement maintains a new provision making it explicit that Member States may set the minimum age for supporting an initiative at 16

¹ OJ L 165 I, 2.7.2018, p.1.

² OJ L 295, 21.11.2018, p. 39.

years on a voluntary basis (when different from the minimum age to vote in European Parliament elections);

- On individual online collection systems: the agreement allows organisers to use these systems for initiatives registered until 31 December 2022 to facilitate the transition to the new central online collection system (Article 10); this will mean that Member State authorities may have to certify individual systems until mid-June 2023.

Regarding the following steps, the Commission explained that the aim was to have the final text of the future Regulation approved by the European Parliament during one of the March plenary sessions and by the Council before the end of March.

The Commission gave a [short presentation](#) outlining the novelties introduced by the future Regulation, which highlighted more specifically the differences between the proposal adopted by the Commission in September 2017 and the final text as agreed by the co-legislators in December 2018.

3.3.2. Preparation for the entry into force of the new Regulation

(a) Implementation at national level (certification of online collection systems, verification of statements of support incl. minimum age, points of contact)

The Commission gave a [presentation](#) on the main tasks under the responsibility of the Member States according to the future Regulation.

It also recalled the importance of informing the Commission as soon as possible on:

- the choice of the personal data to be indicated by signatories (Part A or Part B of Annex III), at the latest by 1 July 2019;
- the contact details (at least names and addresses) of the competent authorities for the certification of online collection systems and the verification of statements of support, at the latest by 1 January 2020;
- any national provisions adopted in order to implement the Regulation at the latest by 1 January 2020;
- the contact details of the point(s) of contact;
- the lowering of the age of support at 16 years old where applicable.

The Commission clarified that the points of contact can be different from the authorities in charge of certifying online collection systems or verifying the statements of support. One Member State raised concerns about the short timeframe to adopt provisions at national level.

(b) Technical specifications for individual online collection systems: workplan

The Commission presented the work plan foreseen for the adoption of the implementing Regulation setting out technical specifications for the implementation of Article 11(4) on individual online collection systems.

The preparatory work will start soon with a view to adopting the implementing Regulation by the end of the year. ENISA (EU Agency for Network and Information Security) will be consulted in the process (as suggested in the Regulation), as well as the European Data Protection Supervisor.

The committee, within the meaning of Regulation (EU) No 182/2011³ (composed of representatives of the Member States), should be invited to meet towards the end of September in order to give its opinion on the draft implementing act.

The Commission explained that the starting point to develop the specifications will be the current technical specifications for online collection systems (Implementing Regulation 1179/2011 of 17 November 2011), taking into account notably the novelties in Article 11(4), the different personal data to be collected and the technical and IT security developments since 2011.

The Commission asked the experts to provide their possible comments on the current technical specifications by the end of March. Experts, especially in the Member States where online collection systems have been certified under the current Regulation, were invited to volunteer if they would like to contribute more closely in the preparatory work. One Member State expressed interest and another one will consider this possibility.

(c) IT developments (central online collection system and file exchange service)

The Commission gave a [presentation on IT developments](#) related to the future Regulation.

The testing phase with all Member States is planned in the second semester of 2019. Before that, the Commission could invite some Member States to volunteer to perform some preliminary testing that could be organised.

On the **Central Online Collection System**, citizens will be able to support an initiative online either by filling in the form (based on Annex III to the Regulation) or by using the eID of their respective country (for Member States having an eID compliant with the eIDAS Regulation).

The Commission may contact the Member States having notified or in the process of notifying their eIDAS to perform tests and validate that the data set from the citizen eID is correctly retrieved and subsequently exported to the Member State concerned before July 2019. Tests in relation to eIDAS will also be conducted during the test campaign with all Member States (after July 2019).

In accordance with article 12(2), the Commission will propose an **electronic schema** before the beginning of the tests with the Member States and will issue the definitive schema after the end of the tests. The Commission plans to export two sets of files. One

³ OJ L 55, 28.2.2011, p. 13–18

set of files covering the statements of support of those citizens who supported online using the electronic form (similar to the one currently used in the Online Collection Software: <https://joinup.ec.europa.eu/catalogue/distribution/oct-exportxsd-0>) and a second set of files covering the statements of support of those citizens who supported using eIDAS (similar to the existing one however this will be validated during the tests with Member States).

Concerning the **File Exchange Service** for file transfer, the Commission is proposing to use sCircaBC, a similar platform to the one used (CircaBC) in the context of the European Parliament elections. In addition to the statements of support, the Commission proposes that Annex V and Annex VI (scanned versions) are also transferred between the organisers and the competent national authorities using sCircaBC.

Member States competent authorities would be notified by email whenever there are files available for them and will connect via a User Interface (<https://webgate.acceptance.ec.europa.eu/s-circabc/faces/jsp/extension/wai/navigation/container.jsp>) to download the files. The Commission proposed a file structure.

The Commission also proposed to send the electronic statements of support in a minimum amount of files, which will ease the download by the competent national authorities. For the authorities receiving many statements of support, this could represent files of several hundreds of Mb to download.

The File Exchange Service will ensure End2End encryption of personal data, meaning that personal data are never left unencrypted. To implement the End2End encryption, the Commission suggest using the crypto tool (<https://joinup.ec.europa.eu/solution/europeanparliament-crypto-tool-software>) distributed to Member States in the context of the European Parliament elections. As is the case for the European Parliament elections, Member States would need to provide their public key to the Commission and to decrypt the file at their premises after download.

In order to be ready for the test phase (as of July 2019 at the latest), the competent authorities for the verification of statements of support need to:

- 1) Provide contact points that will be registered in sCircaBC;
- 2) Install the crypto tool at their premises; and
- 3) Publish their public keys.

Member States are invited to send their comments or questions as regards the following proposals as soon as possible and at the latest by the end of June:

- Statements of support could be submitted through the file exchange service in one large file;
- Organisers could be offered the possibility to send Annex V to competent national authorities via the file exchange service;
- Competent national authorities could be offered the possibility to send Annex VI to the organisers via the file exchange service;

- The proposed file structure as presented in slide 11 of the presentation.

3.4. Guidance to organisers on data protection

Despite the fact that coordinating an ECI implies processing large amounts of personal data, organisers and potential organisers have in most cases limited knowledge and/or experience as regards the processing of personal data and their obligations under the General Data Protection Regulation.

To increase the awareness of ECI organisers of the data protection rules applicable in the context of the ECI and to facilitate the proper implementation of these rules, the Commission is preparing ECI-related guidance materials on data protection.

These guidance materials are currently at the stage of final quality checks. Once finalised, the materials will be published on the ECI website.

3.5. ECI Communication Campaign and ECI Forum: first results and next steps

The Communication presented the state of play and next steps for the [communication campaign](#) and the [European Citizens' Initiative Forum](#).

As regards the communication campaign, events will be organised this year in 10 countries: Belgium, Estonia, Finland, Greece, Malta, the Netherlands, Romania, Slovakia, Slovenia and Spain.

3.6. Any other business

N/A

4. List of participants

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