



ECI in the context of COVID-19

Status update

Expert Group on European citizens' initiative

Meeting of 22 October 2020 (by video conference)

Intro

- Regulation 2020/1042 – main elements
- COVID-extensions of collection periods – status
- Further extensions of collection periods of ongoing initiatives
 - Legal criteria
 - Methodology - parameters
 - Today's situation
- Next steps

Regulation (EU) 2020/1042

- Adopted on 15 July 2020
- Applicable as of 18 July 2020
- Applies retro-actively to initiatives, of which the collection period, the verification period or the examination period ended between 11 March and its date of entry into force
- Temporary rules: Regulation applies until 31 December 2022

Regulation (EU) 2020/1042 - rationale

- COVID-19 crisis has had significant impact on the European citizens' initiative
- After 11 March 2020, when WHO officially declared the COVID-19 crisis had become a global pandemic, Member States took restrictive measures, including lockdown measures to combat the public health crisis.
- As a result, public life in almost all Member States had come to a standstill
- Because of these measures, collection of statements of support in paper format, local campaigning and the organisation of public events had become substantially more difficult
- Verification of statements of support within the legal time frame of three months and organisation by the Commission of meeting with organisers and public hearing by the European Parliament also potentially more difficult
- Legal assumption that situation at least would continue for six months (until 11 September 2020)

Extension of collection periods

Regulation extends by six months collection periods of initiatives of which collection period was ongoing on 11 March 2020

=> assumption that from 11 March until 11 September 2020 restrictive measures apply in at least one quarter of Member States (7 or more), or a number of Member States representing more than 35% of the EU population that substantially hamper the ability of organisers to collect statements of support in paper form or to do local campaigning

Proportionate extension for initiatives that start their collection between 11 March and 11 September 2020

Extension of collection periods - continued

Commission may further extend collection periods of initiatives that are still ongoing on 11 September 2020 by three months if restrictive measures continue to apply that affect organisers to the same extent

Commission can also decide on a further extension (by three months) in the event of a resurging or new outbreak, which triggers the adoption of MS measures that affect organisers to the same extent.

=> Maximum extension period is 12 months

Verification stage

- Regulation 2019/788: three months verification period for Member States
- Regulation 2019/788 does not provide for derogation in case of exceptional circumstances
- Regulation 2020/1042: Member State can apply for extension of verification period if due to the measures taken in response to the COVID-19 crisis it will not be possible to complete the verification within three months

Examination stage

- Regulation 2019/788: Commission shall respond within six months after submission of a successful initiative to the organisers in form of Communication.
- Within that period:
 - Commission shall organise within one month a meeting with organisers
 - EP shall organise within three months a public hearing
- Regulation 2020/1042: Commission and European Parliament can decide to postpone the meeting or public hearing until the public health situation in the country concerned makes it possible to do so
- Alternatively, if organisers agree to participate remotely, on a date to be agreed upon with the organisers (for example Minority Safepack – 15 October 2020)

Initiatives in collection stage - current status

- 12 initiatives benefited from six months extension
- 1 initiative benefited from pro rata extension following from Regulation (Voters without Borders, started its collection on 31 August 2020)
- 11 initiatives currently in process of collecting statements of support of which 3 will end their collection period before end 2020 (all concerned will end in November 2020)

Further extension of collection periods

Legal criteria for further extension (by three months) (Article 2(2)):

- *Member States apply measures in response to the COVID-19 pandemic which substantially hamper the ability of organisers to collect statements of support in paper form and to inform the public of their ongoing initiative*
- *Measures apply in at least one quarter of Member States (7 or more) or in a number of Member States representing more than 35% of the EU population*

=> MS are required to provide the Commission with information on their applied measures to allow the Commission to make the assessment (Article 2(2), sixth subparagraph)

Further extension of collection periods - Methodology

Three types of measures that can hamper substantially organisers in collection process and local campaigning:

- Citizens are prohibited from moving around freely within their country
- Public spaces are not or only partially open to the public
- Measures that limit possibility to organise/participate in gatherings or events

Containment measures, notably if they cover the whole territory, are by nature more intrusive than measures that limit access to public spaces and/or organising events/gatherings. This is reflected in the rating:

Containment measures	50%	0 - 10 points
Access to public spaces	25%	0 - 5 points
Restrictions on meetings/gatherings/events	25%	0 - 5 points

Further extension of collection periods - Methodology

Rating:

- Measures in MS that score **15 points or higher** out of 20 is considered to have a substantial impact on the ability of organisers to collect paper statements and to do local campaigning – always a combination of containment measures and other type of measures
- Measures in MS that score **between 11 and 14 points** out of 20 potentially can have the same impact. Additional elements such as the closure of restaurants and pubs, shops or schools, may become relevant
- Measures in MS that score **10 points or lower** out of 20 in principle do not qualify for fulfilling the criteria

Further extension of collection periods – today's situation

- None of the MS have reported to be in a national lockdown situation, but some MS apply regional/local containment measures
- 7 MS are in the range of 11-14 points
- 20 MS are in the range of 0-10 points, of which:
 - 3 MS are in the range of 8-10 points
 - 11 MS are in the range of 5-7 points

⇒ Sources: ISAA questionnaire and Re-Open EU website

⇒ To note that only 13 to 14 MS reply regularly to the ISAA questionnaire

Next steps

- Feedback from MS on presented methodology and assessment, notably on:
 - Primary indicators to assess ‘substantial hampering’ of collection: containment measures, access to public spaces, restrictions on meetings/gatherings/events
 - Secondary elements to take into account: restaurants and pubs, shops, schools, and other restrictive measures?
 - Rating scale
- All MS requested to complete the ISAA questionnaire (no. 38) and all subsequent versions, to allow Commission to make a comprehensive assessment to see if further extension is justified

Thank you



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