



MINUTES OF THE ONLINE MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE 16 NOVEMBER 2021

1. Approval of the agenda

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

The agenda was approved without changes.

2. Objective of the meeting

The objective of the meeting was to discuss with the national authorities competent under Regulation (EU) 2019/788 on the European citizens' initiative (ECI) matters of implementation related to:

- the latest developments on ECI, including the status of the citizens' initiatives and COVID-related developments (extensions of collection periods)
- the recent IT developments around the European Citizens' Initiative, presentation of IT tools (including Central Online Collection System (COCS) and File Exchange Service (FES), use of eID when signing statements of support) and exchange of experiences with the FES;
- updates on national developments in the Member States that are of relevance for the implementation of the ECI Regulation;
- the outcomes of the online meeting with the National Contact Points (NCPs) on 26 October 2021;
- the state of play of the ECI communication campaign and the ECI Forum.

The meeting was held in a virtual format, with two observers from the European Parliament present.

3. Points discussed

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

The Commission services (Silvia KERSEMAKERS, SG.A1) informed the Expert Group about the state of play of citizens' initiatives.

Registration phase: Since 1 January 2021, 10 initiatives have been registered, making now a total of 85 registered initiatives (out of which 15 were registered since January 2020). No request for registration has been refused since the new rules started applying. [NB: First negative decision (since September 2019) on an ECI registration was adopted on 14 December 2021].

Collection phase: 11 initiatives are in the process of collecting statements of support, some of them having benefitted from several extensions of their collection periods under Regulation (EU) 2020/1042. The collection phase for two recently registered initiatives is to start in the near future, one is still to define its starting date.

Verification phase: Two initiatives reported having reached the required thresholds in 2021 (after having benefitted from collection period extensions in the context of Regulation (EU) 2020/1042 related to the COVID-19 outbreak): 1) '[Cohesion policy for the equality of the regions and sustainability of the regional cultures](#)' - in the final stage of verification, with the File Exchange Service (FES) used for the first time; 2) '[Save Bees and Farmers](#)' - ended its collection on 30 September and in process of transferring the statements of support to Member States, where the FES also may be used.

Successful initiatives: two valid initiatives received the Commission's reply in 2021: 1) '*Minority SafePack*', Commission reply on 14 January 2021 and 2) '*End the Cage Age*', Commission reply on 30 June 2021.

Recent Court rulings on ECI:

- **Case T-495/19 Romania v Commission – challenging the decision of Commission to register ECI Cohesion Policy.** The General Court ruled in favour of the Commission on 10 November 2021.
The General Court confirmed that according to the Court's case-law, the particular added value of the ECI mechanism lies not in the certainty of its outcome, but in the possibilities and opportunities it creates for EU citizens to initiate debate on policy within the EU institutions without having to wait for the commencement of a legislative procedure.
- **Case T-789/19 – Tom Moerenhout (Common Commercial Policy ECI) v Commission** – on 12 May 2021, the General Court annulled the Commission Decision in which it refused to register the ECI Common Commercial Policy, for lack of motivation on why the initiative could not be registered under the legal basis of Common Commercial Policy (207 TFEU); in the two-stage procedure that followed the organisers amended their initiative, following which the Commission registered the initiative on 9 September 2021.
- **Case T-611/19 - Derecho de la Unión** – the organisers challenged Commission's refusal to register initiative – the General Court ruled on 9 June 2021 in favour of the Commission. The organisers have not appealed.
- **Ongoing case T-158/21** – the organisers of '*Minority Safe Pack*' ECI challenged the Commission Communication of 14 January 2021, in which the Commission considered that while no further legal acts are proposed, the full implementation of legislation and policies is sufficient to support the initiative's goals.

Implementation of Regulation (EU) 2020/1042 on temporary measures for ECI in context of COVID-19

After explaining the criteria for the extension of the collection periods of ongoing ECIs, the Commission services informed the Member States that they rely on two main sources of information. These are the weekly ISAA questionnaire, which is regularly distributed to the Member States for input and which contains three specific questions regarding the ECI, and the ReOpen website, which is regularly updated. When at least 7 Member States apply measures that substantially hamper the ability of organisers to collect statements of support and carry out local campaigning, the Commission has a mandate to grant a maximum 3-month extension to initiatives for which the collection is ongoing at that moment, and which have not yet been granted the maximum extension of 12 months. In 2021, these extensions were granted three times.

The Commission services are monitoring the situation carefully. While in mid-November 2021 no justification exists to consider proposing a further extension of the collection period, the public health situation could well deteriorate in the following months - and Member States may in response take restrictive measures – that may lead to the conditions of Regulation (EU) 2020/1042 being met. The Commission noted that initiatives that could benefit from a further extension will end their collection period mid-2022 at the earliest. Initiatives that will end their collection period in the coming months will not be able to benefit from a further extension, as they have already benefited from the maximum extension of 12 months.

3.2. Recent IT developments around the European citizens' initiative

The Commission services (Jérôme Stefanini, DIGIT B.2) gave an overview of the recent IT developments. Since the new rules started applying, 8 out of 11 (73%) new ECIs used the Central Online Collection System (COCS) for collecting support, while three used an individual online collection system.

The users' satisfaction rate with the COCS is high: 93% rated it as high or very high compared to 1% that reported a poor user experience.

The Commission services presented the current number of support via eID on the new initiatives that are using the COCS. Although the support via eID represents a low percentage (6.58%) of the total support collected, for Member States that offer an eID it represents a significant amount for four Member States (Estonia (43%), Belgium (19%), Italy (15%) and Portugal (7%)) and its usage shows a progression of 200% over one year.

The Commission services then presented the File Exchange System (FES). The initiative 'Cohesion policy for the equality of the regions and sustainability of the regional cultures', was the first initiative to use this IT tool which was introduced in the new ECI Regulation. The outcome has been highly positive: all stakeholders (Member States, organisers, European Commission) demonstrated their ability to master the process and tools.

The Commission services reminded the Member States of the importance to keep a backup of their credentials, as well the necessity to keep every new version of these credentials and to inform the Commission services immediately in case of loss or change.

The Commission services stressed the need that Member States inform the Commission as soon as possible when a new contact point is designated for handling the FES, so that guidance can be provided to ensure proper handling of the tools and processes. This will allow a timely verification process within the 3-month deadline.

Finally, the Commission services proposed a coordinated approach to ensure maximum transparency on the start date of the verification process in case organisers use different channels for transmission for Annex V and electronic statements of support (e.g. the FES) and the paper statements of support (e.g. physical delivery). For each Member State, the date triggering the 3-month period would be the one when it has received all elements to carry out its verification exercise, i.e. Annex V, the statements of support collected on paper and those collected electronically. The Commission services will prepare a short guidance note for feedback, after which it will finalise and circulate the guidance to be applied for future cases.

3.3. Updates on implementation by Member States

Delegations were invited to provide updates on national developments of common interest, (e.g. certification of online collection systems, verification of statements of support including minimum age, points of contact).

Belgium confirmed the intentions of the government to lower the minimum voting age for EP elections to 16 years. The new rules would have to also be implemented in national law on the ECI. Finland inquired about notification rules in case a similar decision was taken by its government.

Luxembourg (member of eIDAS group) reported that other Member States (FR, SE, MT and AT) applied for notification in the next 6 months. The eID wallet is in preparation (EC proposal adopted recently) and it could also be used for the ECI in the future. Austria confirmed that it was adopting rules introducing eID, with planned notification to the EU in the 1st half of 2023 at the earliest.

3.4. National contact points – report from meeting on 26 October 2021

The Commission services (Barbara Walentynowicz, SG.A1) recalled the relevant article of the ECI Regulation (Article 4(6)) concerning the national contact points (NCPs), under which Member States are obliged to set up one or more contact points to provide, free of charge, information and assistance to the groups of organisers on ECI.

The aim of the meeting on 26 October was to inform the NCPs about Commission's activities to assist the NCPs in this role and to invite them to consider a potential role to support the Commission in its promotional activities locally, on a voluntary basis.

In a flash survey organised after that meeting, its most useful elements were identified as: sharing of the best practice on awareness raising by three NCPs (mentioned by over 10 respondents); getting to know other contact points in other MS and learning how they are organised themselves in their role (6); information given by the EC team (2). One participant mentioned his/her insight gained on the need to build partnerships with multipliers.

Some NCPs reacted positively to the question “do you think your NCP could help enhance the ECI communication campaign in your country? If so, how?”. Several respondents wished to start building partnerships with other national authorities,

stakeholders and multipliers (such as academia). Some would consider starting social media campaigns or updating their organisation's website. One NCP suggested preparing campaign material (based on the EU material already provided) and distributing it among the local authorities with which it has regular contacts. Some participants referred to the need of an internal discussion before implementing the interesting best practice examples in their country, or their limited resources to undertake such activities.

The Commission added that the plan is to meet the NCPs once or twice a year, physically or online, particularly in the context of the ECI's 10th anniversary in 2022.

3.5. ECI communication activities

a. The Commission services (Adriana Mungiu, SG.A1) informed about the state of play of the ECI communication campaign. Communication activities continued despite the public health crisis, aiming both at raising awareness and building the community of multipliers. All physical events planned in the context of the communication campaign were cancelled and the promotion moved online.

Five online events targeted at audiences in a given Member State were ultimately cancelled in view of the low outreach of the first five MS events in the first half of 2021 – these events were replaced by other media events, including earned media campaigns with larger outreach, as well as complemented by other type of promotional activities, e.g. billboard campaigns in main capitals, podcasts, video, online radio spots etc.

Social media promotion has been reinforced, with several campaign rounds in all EU languages.

Several webinars were held online, aiming either at sharing basic information about the ECI to a general audience, or at providing guidance on specific aspects of running an ECI (drafting an initiative, campaigning online etc.).

Two dedicated sessions were organised for the Europe Direct centres located across the EU (not only in capitals); they have an important role in reaching out to citizens on the ground.

The 'ECI Ambassadors' programme was launched in January 2021, with ambassadors coming from pro-democracy civil society organisations or academia. No ambassadors have been identified for Denmark, Lithuania and Malta. Suggestions are welcome.

The following country-specific activities were presented: events, social media promotion in national languages, with new sets of visuals, advertising (billboards in public transport, online radio spots) and a new short video. As the billboard campaign was quite expensive, an idea for 2020 is to see if spaces belonging to national /local authorities could be used for short-term free advertising.

The following EU-wide activities were presented: the monthly newsletter (available in EN, FR and DE), a podcast series (available in EN); social media.

Events organised since the last expert group meeting were: the 2020 ECI week (November 2020, online), the ECI day in the EESC (June 2021, online), participation in the Commission's stand in the European Youth Event. The team is scouting for opportunities in EU-wide or national events with larger scope (democracy festivals etc.).

For 2022, the Commission plans to organise a meeting of the multipliers, including the ECI Ambassadors and National Contact Points, in view of 10th anniversary of the ECI. Instead of organising own events, the Commission plans to join the ECI Day (organised by the EESC) and other wider, third-party events. Successful activities will be continued (newsletter, podcast, social media). A new element to be developed is a pedagogical module for secondary schools. Strengthening the community of multipliers, partnerships at national level will be a key element of the campaign in 2022.

The Commission also updated members on the recent developments on the online collaborative platform (the '**ECI Forum**') which offers independent advice on practical and legal aspects of running a European citizens' initiative.

The ECI Forum has become the trusted partner to all organisers embarking on the ECI journey. It is run by a consortium led by an NGO very active in the area of citizens' engagement – European Citizen Action Service. It offers independent advice on practical and legal aspects of running a European citizens' initiative.

The Commission encouraged members to explore the Forum and join the discussions where they can usefully contribute. The Forum can be useful to (i) redirect potential organisers seeking specialised advice (campaigning, fundraising etc.); (ii) stay connected with the ECI community – contribute to the debates, join the events.

4. Any other business

The Commission presented the new data protection guidance, available on the ECI website in all languages (https://europa.eu/citizens-initiative/how-it-works/data-protection_en).

5. List of participants

- Representatives from the European Commission
(Secretariat-General, Unit SG.A1 and DG Informatics, Unit DIGIT.B.2.006)
- Representatives of the following Member States:

Austria; Belgium; Bulgaria; Croatia; Cyprus; Czechia; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; Lithuania; Luxembourg; Malta; Poland; Portugal; Romania; Slovakia; Slovenia; Spain, Sweden
- Observers from the European Parliament (AFCO and PETI Committee secretariats).

Annex: the Powerpoint presentations shown at the meeting