

## European Alliance of Initiatives for Applied Anthroposophy / ELIANT



### **Comments on the European Commission's Proposal for a Regulation on the European Citizens' Initiative**

#### **taking into account the General approach adopted by the Council on 14 June 2010**

ELIANT as an NGO registered with the European Commission answered in detail the questions in the Commission's Green Paper on an European Citizens' Initiative (ECI). ELIANT herewith presents its comments on the Commission's proposal article by article. ELIANT bases itself on the experience gained in collecting one million signatures to support its demands on European legislation. ELIANT now complements its earlier comments of 15 April 2010, after also having taken notice of the published document on the General approach and of the public debate in the Council on 14 June 2010.

#### **Summary**

ELIANT's main suggestions in this paper are:

- An one stage procedure for registration and admissibility check
- Administrative procedures related to collection of signatures and verification should be simplified and based on best practice
- A period of at least 18 months for the collection of signatures
- Less than 1/3 of Member States from which signatures must come
- More use of modern electronic data processing techniques in verification procedures
- A transitional regime for ECI's completed before the coming into force of the regulation

The comments in detail

#### **Articles 1 to 3**

No comment

#### **Articles 4 and 8: Registration and admissibility of a proposed ECI**

ELIANT strongly supports the concept of a combination of the admissibility check with the initial registration of an ECI as now also designed in the Council's Paper 10626/1/10 REV 1 of 11 June 2010 which was discussed by Ministers on 14 June. ELIANT is perfectly aware that safeguards against misuse have to be build into the regulation. But this must not put unnecessary burdens on ECI's. The instrument must remain as user-friendly as

possible. The collection of 100 000 statements of support before the admissibility check, as obviously the compromise of the Spanish Presidency now suggests, needs an important organisational and financial input that would be wasted if the ECI is finally not admitted. 100 000 signatures as the first major hurdle will not be able to prevent misuse. Whether an ECI is honest or not can be seen at the beginning. The Commission rightly proposes the appropriate safeguards in Article 4 §§ 3 and 4.

### **Article 5: Procedures and conditions for the collection of statements of support and Article 6: Online collection systems**

ELIANT supports the proposal that statements of support may be collected on paper and electronically.

However, ELIANT wants to make a preliminary general remark: ELIANT is astonished about the lack of common elements in the proposed administrative procedures related to collection and verification. The Commission proposal leaves important details to the ECI organisers and Member States alone - in a situation of differences between 27 national systems. Also some Council delegations suggested that more should be done on this issue. Vice president Sefcovic promised further considerations on the matter.

In this context ELIANT suggests that the Commission without delay calls together a group of national officials and experts on online procedures in order to design a common online collection system with the technical specifications set out in Article 6§4. The Committee foreseen in Article 19 comes very late and its task is too limited. It shall only design specifications for national systems and not a Community system. If such a Community system existed, the complicated certification processes of Article 6§§2 and 3 became superfluous. This would mean that the procedure could be made more user-friendly.

Secondly: a more communitarian approach to administrative procedures would also considerably reduce the difficulties concerning the verification of statements of support (see below Article 9).

Another crucial issue in Article 5 and Annex III is the requirement that signatories are obliged to indicate the official personal identification data in their statement of support. Like other NGOs ELIANT opposes this requirement. It puts an unnecessary barrier for potential signatories. The question whether a signatory actually exists can be verified with sufficient accuracy already by checking his address or his e-mail account. Also, if one is satisfied with these indications it is much easier to cope with signatures of European citizens who live in another Member State than the one of their nationality. The European Data Protection Supervisor – EDPS - suggested that the indication of ID data should not be an obligation. Finally, the amendments to Article 5 and Annex III the Council proposes in its general approach show clearly that the issue is very complex and that substantial differences between Member States would be admitted. If in some Member States the ID indication is not required - why should this be necessary in others?

The deadline in Article 5 § 4 for the collection campaign should at least be 18 months. The verification of signatures might show that the collection campaign must be longer than initially planned. One year is too short to include also verification.

### **Article 7: Minimum number of signatories per Member State**

ELIANT like other NGOs pleads for a lower number than at least one third of Member States of which signatories must come.

As to the minimum number of signatories per state ELIANT congratulates the Commission for the elegant solution of a problem ELIANT indicated in its answer to the Green Paper.

## **Article 9: Verification and certification of statements of support**

It is quite obvious that Member States must be involved in the procedure of verification. But it would much simplify the procedures if some common elements were build in.

Many unforeseeable problems will almost certainly occur in contacts between organizers and Member State authorities, for instance with uncertainties how to separate collected statements of support or language problems. As Commissioner Sefcovic himself mentioned during his intervention in the Council on 14 June, the Commission should at least establish a help desk for organisers. Moreover, the Commission might also set up an informal contact group composed of the competent national authorities (see Article 14) which the Commission could consult to resolve problems the organizers might bring to her attention.

However, ELIANT suggests that more could be done to make life easier both for organizers and national authorities if modern techniques of electronic data processing were used more extensively.

ELIANT in its pioneer campaign had to find its own method to verify the signatures it collected. ELIANT gave the paper signature lists for all 27 Member States to a professional company in Germany. The lists were separated country by country according to the address of the signatory. This firm scanned the signatures into its data processing system and cross-checked them with the addresses from all over Europe it had in its data records. Thus signatories could be identified. Signatures which could not be related to the address of a person and duplicates were eliminated.

All online votes were collected on a server hosted by a professional database company in the Netherlands. The company counted the confirmed signatures and eliminated duplicates.

ELIANT was informed of the situation several times during the collection campaign and could thus adjust its efforts to reach the final goal.

ELIANT's example is certainly not perfect. But it shows the potential data processing possibilities for simplifying verification procedures. For instance the Commission together with Member States could set up a common office to scan paper signatures and this office could distribute the electronic lists to the Member States concerned. They could then do the cross-check with their national data concerning European citizens living in their country and having the right to vote for the European Parliament. The results could be given back to the common office. The office could either inform the organizer that the million signatures was not yet achieved or it could issue a certificate that everything was ok

The common office could also be responsible for the common online collection system mentioned earlier.

This procedure would have the advantage that the organizer would have only one addressee for the contacts with Member States, the language question could more easily be resolved and national authorities would have less work to do.

ELIANT holds a detailed report at the disposal of MEPs, national and Commission officials about the procedure described above with reports of the professional firms attached.

## **Article 10: Submission of an ECI to the Commission**

If the suggestions made to simplify the verification procedures were accepted some technical adaptations in Article 10 would be necessary.

## **Article 11: Examination of an ECI by the Commission**

It should be made clear in the text of the article that a negative response of the Commission to the ECI would be subject to scrutiny by the European Court of Justice.

## **Articles 12 to 18:**

No comments

## **Article 19: Committee**

See comments to articles 6 and 9 above

## **New Article 19 a: Transitional regime**

Already in its response to the Commission's Green Paper ELIANT suggested a transitional regime for citizens' initiatives launched in view of the coming into force of the new instrument. This regime would be a positive gesture to organisations of civil society which, after the new instrument had been initially designed in the Constitutional Treaty, believed in it and started to use it. Among others also ELIANT engaged in such a pioneer campaign and designed it as closely as possible to the disposition which is now Article 11§4 in the Treaty on the Functioning of the EU.

The transitional regime should be granted to those ECI which, before the regulation enters into force, come sufficiently close to fulfil its main features. Such an article could be drafted as follows (numbering of Articles in accordance with initial numbering of Commission's proposal):

### Article 19 a **Transitional regime**

"1. The organiser of a citizens' initiative having obtained a sufficient number of statements of support before this regulation enters into force can submit the citizens' initiative to the Commission provided that:

- the initiative does not offend the principles laid down in Article 4 §§ 3 and 4
- the initiative satisfies the requirements of Article 7 §§ 1 and 2 on minimum numbers of signatories per State
- the initiative satisfies the admissibility conditions of Article 8 § 2 a and b
- the statements of support have been verified in a way so that they can be considered reliable.

2. The commission examines the initiative within an appropriate period of time and communicates its conclusions to the organiser, the Parliament, the Council and makes them public in an adequate form."

ELIANT hopes that such a transitional regime will find support in the further legislative process in order to recognize the engagement of civil society organisations in European integration.

## **Articles 20 to 22:**

No comment.

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