Final report on the CONFERENCE

ASSESSMENT OF THE
EUROPEAN CITIZENS' INITIATIVES IN PRACTICE:

REGISTRATION
CERTIFICATION
ONLINE COLLECTION
TRANSPARENCY

FRIDAY, OCT 5th 2012

FEDERAL MINISTRY OF THE INTERIOR
ROOM: „GROßER VORTRAGSSAAL"
MINORITENPLATZ 9
1010 WIEN I

ecas
European Citizen Action Service

Europe
for Citizens

With the support of the programme
Europe for Citizens of the European Union

BM.I

REPUBLIC OF AUSTRIA
FEDERAL MINISTRY OF THE INTERIOR

BUNDESKANZLERAMT ÖSTERREICH

Federal Ministry for
European and International Affairs

Content

I. Executive summary

Optimizing democracy and enhancing citizens' participation in the political life of the European Union has been a long and on-going process. The Lisbon Treaty made a big step forward when it introduced the first direct democratic right to the EU:

Since April, a new instrument – the European citizens' initiative (ECI) – is available and has put EU citizens in the driving seat as it has provided them with an opportunity to directly shape the political future of the EU. This offers important means of transnational participation while bringing together new opportunities for information, consultation and dialogue for those who wish to have a say at EU level.

We have seen much pan-European engagement through this new instrument over the last months. These are exciting times for all those who have played a role in ensuring that this new tool is a success – and for all those who have been eagerly hoping to exploit it for quick action. The issues raised through ECIs might even be taken into account by political party campaigners and they could also have a role in the run-up to the European Parliament elections in 2014.

However, as matters sometimes turn out quite differently in practice from what was expected by the drafters, we have also seen a lot of problems and challenges. We have seen the first refusals of ECIs. Over the last few months, it has been also proven that the "semi-official" online signature collection tool is not as user-friendly as it claims to be.

Initiators have been unable to organise their networks as promptly and easily as one might have expected. Even if some of them formulated brilliant proposals, they often do not have sufficient resources and capacity to make it through the process. Problems arise in particular with regard to the online signature collection software (and especially the excessive costs for setting up this system) in addition to the high costs of running a campaign.

Particular attention should also be paid to the notion of transparency. One of the first outcomes from the early stage of the process is that the European Commission has been reluctant to disclose the ECIs it had received before their registration. For EU citizens, is it essential to have access to all relevant information at every stage of the proceedings, not only to be able to follow a legislative process but also to work together from an early stage, in order to secure a true transnational debate on the issue.

This conference was therefore organised as an opportunity to evaluate the first practical experiences with ECIs and their impact. Most importantly, it focused on the sharing of information, experiences and inputs on particular initiatives and enabled stakeholders to exchange best practices with a special focus on the technical aspects of the regulation, as well as on the potential legal issues which still raise some concerns.

The speakers, mostly current ECI organisers and scientists who have researched the new direct democratic right, raised issues with the preparation of initiatives, the registration procedure, online signature collection, and data security.

Based on the input from ECI organisers, scientists, campaigning experts and other stakeholders, we propose several improvements to the European Citizens' Initiative right.

The main proposals raised at the conference regard improving communication about the citizens' initiative right, receiving support from the European institutions for campaigns and creating an improved signature collection tool (see page 14 for the full list).

But most importantly, participants at the conference proposed the creation of a "Sherpa group" made up of experts and campaigners to propose changes to the regulation when it comes up for review.

II. Preparations and numbers

II.a. Goal of the conference

The wider goal of the ECI Link project was to look at the "challenges attached to the regulation on the Citizens' Initiatives from the legal, campaigning and technical perspectives". This integrated approach allowed us to take a first look at all aspects of the European Citizens' Initiative in action – from preparation, via registration and signature gathering, to validating signatures. While the conferences in Paris and Barcelona looked at legal issues and campaigning techniques, the Vienna conference organised by the Austrian Institute for Law and Policy (AIELP) looked at the technical aspects.

From the many other conferences the AIELP organised on the ECI over the last years, it was clear that the main technical issues to discuss and share experiences on were the *registration* and *admission* of Citizens' Initiatives, the selection and *setting-up of the online collection system* (OCS), legal and security *requirements for the online signature collection* and the *verification of statements of support* once collection has finished.
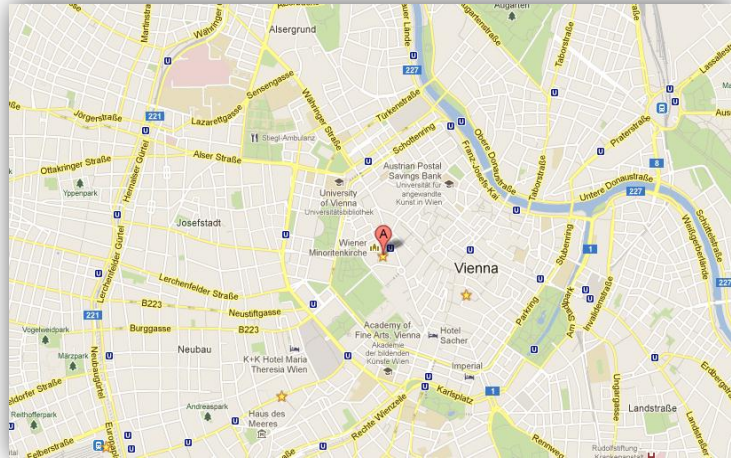
In line with the goal of the ECI Link project to compile a comprehensive overview on the subject, we decided to divide this conference into three discussion panels and open discussions with all participants. For the discussion panels, we identified and invited leading scientists, lawyers, campaigners and ECI representatives to share and discuss their experiences and findings. This interdisciplinary approach allowed all participants to get a good insight into current issues and developments surrounding the ECI.

II.b. The target audience

Due to the main topics of the discussion – the technical aspects of how to make the ECI work – our target audience was ECI initiators and citizens interested in launching an ECI, NGO representatives, politicians, officials and others working in the field, scientists researching the ECI and members of the public interested in European issues. The goal of the conference and the target audience would subsequently shape our approach to the organisation of the event, the selection of panellists and the visibility efforts.

II.c. The venue

The chosen conference venue was right in the heart of Vienna, at the Austrian Interior Ministry at Minoritenplatz 9. The "Große Vortragssaal" (large auditorium) of the Interior Ministry allows for events with up to 200 participants and is equipped with state of the art technical equipment and an open lobby, which we could use to give initiatives space to present themselves at information tables. But, most importantly, the venue is centrally located and easily accessible from the main railway station Vienna West, the airport and all parts of the city within just a few metro or train stops.

While the conference language was chosen to be English, for practical reasons, we also hired two interpreters for translation from English to German and several other central European languages in order to allow all participants to benefit from the conference.

II.d. Invitations, PR and visibility

Preparations for the conference started in May, right after the EUDEM summit on European democracy, which the Austrian Institute for European Law and Policy (AIELP) organized on May 9 in Salzburg. By June, most panellists were invited and the agenda for the conference was largely ready. The first invitations to participants and members of the interested public were sent out in July by e-mail, using our own big mailing lists built up over the last years and the help of our partner organisations. After the summer break, we followed up on those invitations with further invitations by e-mail and through co-operation with EurActiv as well as by making the event available on websites dedicated to European events such as euagenda.eu. In addition, starting in September, we used our network of press contacts, and sent invitations to key European organisations in Austria and the countries surrounding

Austria. The Europe Direct network also proved to be extremely helpful in spreading news about the conference.

Lastly, we also sent out paid press releases to Austrian media a few days before the conference and used a Facebook event and Facebook advertisements targeted at people around Vienna and nearby regions to attract the broader public, which we could not reach through the classical "European" channels. This allowed us to reach nearly 140 participants, including a sizeable number of interested public participants.

II.e. The key participants

Key stakeholders in the ECI process:
- *Prof. Johannes Pichler:* Director of the Austrian Institute for European Law and Policy and one of the leading experts on legal policy in Europe

- *Gerald Häfner:* Member of the European Parliament for the Greens and one of the key MEPs who made the ECI possible

- *Bengt Beier:* Researcher at the Austrian Institute for European Law and Policy and Co-ordinator of the successful citizen-led campaign "Europeans for Fair Roaming" (not to be confused with "Single Communication Tariff Act")

- *Robert Stein:* Director and Head of Department of Electoral Affairs, Austrian Federal Ministry of the Interior

- *Charlotte Rive:* Secretariat General, European Commission

- *Bruno Kaufmann:* President of the Initiative & Referendum Institute and one of the key campaigners for the ECI

- *Tony Venables:* Director of the European Citizen Action Service

Representatives of Citizens' Initiatives:
- *Klaus Kastenhofer:* Representative of the ECI "My voice against nuclear power", the first ECI which was refused registration

- *Ana Gorey:* Representative of the ECI "MEET - High Quality European Education for All"

- *Simona Pronckute:* Substitute representative of the ECI "Fraternité 2020 - Mobility. Progress. Europe.", the first registered ECI

- *Gaël Drillon:* Representative of the ECI "Pour une gestion responsable des déchets, contre les incinérateurs"

- *Vincent Chauvet:* Representative of the ECI "Single Communication Tariff Act" (not to be confused with "Europeans for Fair Roaming")

- *Michaela Sieh:* ELIANT Alliance

- *Aghte Heike:* Representative of the ECI "30 km/h - making the streets liveable!"

- *Heller Viktoria:* Substitute Representative of the ECI "End Ecocide in Europe; A Citizens' Initiative to give the Earth rights"

- *Gabriele Kienesberger:* speaker for the alliance for the planned ECI "Free Sunday"

- *Klaus Sambor:* Representative of the refused ECI "Unconditional Basic Income"
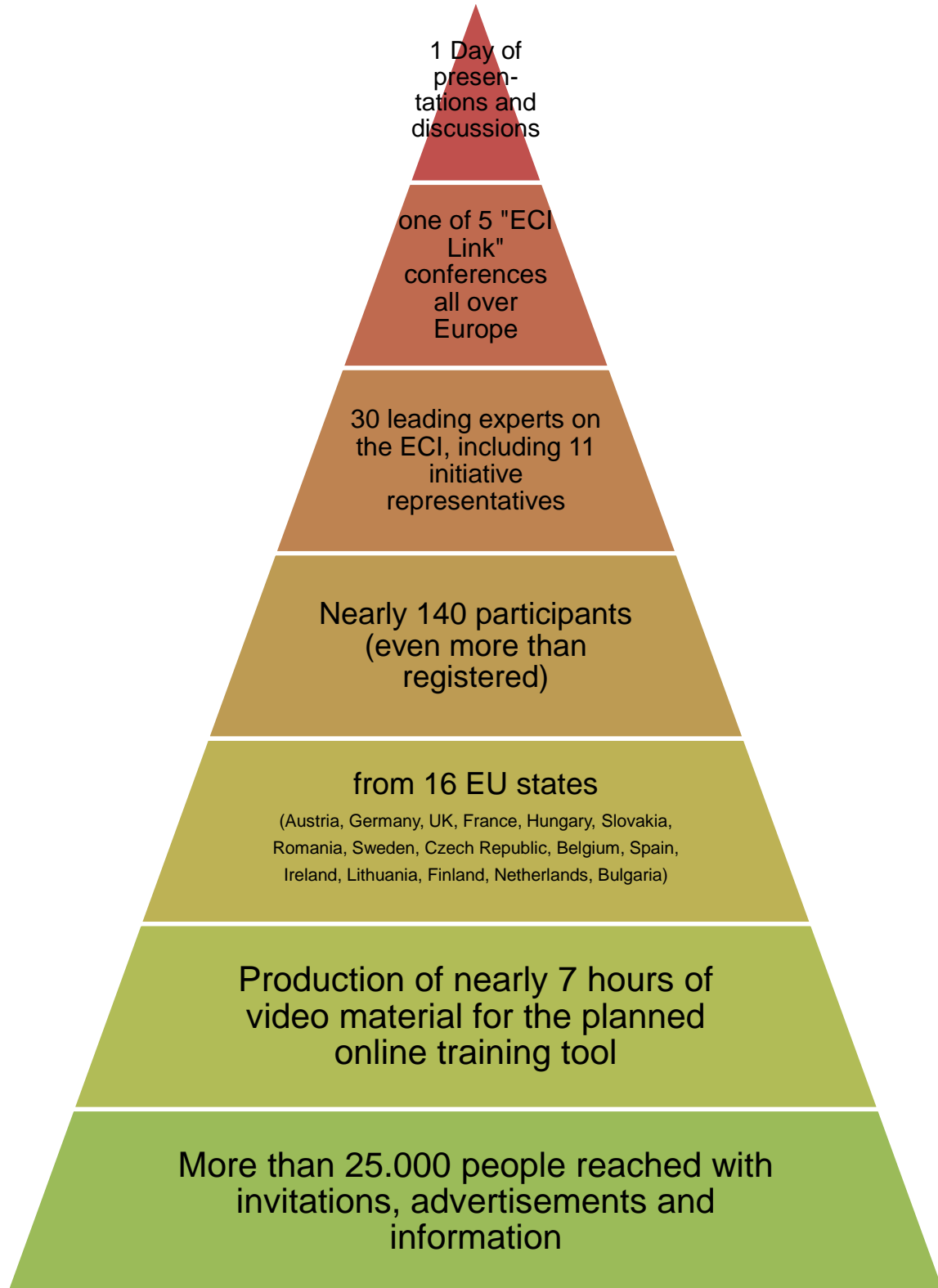
Experts on the legal framework, online collection and data security:

- *Alexander Prosser:* Professor for Business Computing, Department of Information Systems and Operating at the Vienna University of Economics and Business

- *Claudia Kutzschbach:* Director, German Federal Ministry of the Interior

- *Reinhard Posch:* Chief Information Officer, Austrian Federal Chancellery

- *Gregor Wenda:* Deputy Head of Department of Electoral Affairs, Federal Ministry of the Interior, Republic of Austria

- *Timo Salovaara:* Information Services Manager, Finnish Population Register Centre

- *Florian Engel:* More Onion, e-campaigning agency

- *Christian Dobre:* Team Leader, European Commission, Directorate-General for Informatics (DIGIT)

- *Robert Müller-Török:* Professor of E-Government at the University of Public Administration Ludwigsburg, Germany

- *Manfred Matzka:* Director General, Austrian Federal Chancellery

- *Alexander Balthasar:* Director, Head of the Institute for State Organisation and Administrative Reform, Austrian Federal Chancellery

- *Ammou Abdelilah:* German Federal Office for Information Security, expert on conformity and certification of IT security services

Researchers:

- *Klaus Poier:* Professor for Public Law at University of Graz

- *Justin Greenwood:* Professor of European Public Policy at Robert Gordon University, Aberdeen, UK

II. f. The event in numbers

1 Day of presen-tations and discussions

one of 5 "ECI Link" conferences all over Europe

30 leading experts on the ECI, including 11 initiative representatives

Nearly 140 participants (even more than registered)

from 16 EU states

(Austria, Germany, UK, France, Hungary, Slovakia, Romania, Sweden, Czech Republic, Belgium, Spain, Ireland, Lithuania, Finland, Netherlands, Bulgaria)

Production of nearly 7 hours of video material for the planned online training tool

More than 25.000 people reached with invitations, advertisements and information

III. The event

The event was opened by Gerald Häfner, member of the European Parliament, who has been integral to ECI development since the beginning in 2003. He moderated the first session of the conference in which representatives of ECIs discussed the problems of admission, certification and validation. Since the start of the first ECIs on the 1st of April until the 5th of October, 20 initiatives had been received by the European Commission. Seven were rejected, one was withdrawn, and twelve were ongoing. In early October, only one of them, the ECI called "Water and sanitation are a human right" was having a functional certified Online Collection System (OCS) and was collecting signatures (since then, several other ECIs have started collecting signatures as well).

First discussion panel

Klaus Kastenhofer of the rejected ECI "My voice against nuclear power" stated that they see a big problem in the fact that most citizens do not know about their new right to start European Citizens' Initiatives and called on the EU institutions and media to make ECIs better known.
Bengt Beier, co-ordinator of the citizen-led campaign "Europeans for Fair Roaming" (not to be confused with the "One Single Tariff" ECI) stated that their group decided not to start an ECI due to the high hurdles for signature collection and security, such as the need to collect ID numbers. According to him, good timing, preparation, networking and fundraising are crucial for an ECI to be successful.
Ana Gorey of the ECI "MEET" also mentioned problems with the requirement of collecting ID numbers in some states and that the missing online collection tool slowed down their work.
Simone Pronckute of the "Fraternité2020" ECI, *Gaël Drillon* from "Pour une gestion responsable des déchets" and *Vincent Chauvet* of the ECI "Single Communication Tariff Act" (not to be confused with "Europeans for Fair Roaming") all focused on the challenge of financing their efforts. As their campaigns are run by volunteers and have no large budget, expenses like travel costs, translations and advertisements are hard to cover.

In the end, the initiative representatives agreed on a few main points:

One criticism was the missing financial support of the European Commission. Most ECIs do not have sponsors and thus work on a voluntary basis. Most of them lack the knowledge for effective fundraising, therefore the representatives and their supporters are often spending their own money on realizing their ECI. According to them, experts say that one needs approximately one Euro per signature. This is why making an ECI a success without a lot of money seems to be impossible. Considering these findings, NGOs might have a better chance of running a successful ECI because of their resources.

Another criticism was the missing translation service from the European Commission. As the European Union has 23 different official languages, it is necessary to make your ECI accessible to all European citizens by having your ECI translated in all those 23 languages. With the limited means of ECI organisers, this is hard to achieve.

Further points raised were the rules for the admissibility of an ECI. Following the ECI regulation, only initiatives demanding changes to secondary law should be admissible. With the rejection of the "My voice against nuclear power" ECI, this was proven for the first time. In the case of this ECI (and possible similar cases), it is unclear whether or not the EU has the necessary competences to propose the changes wanted. The organizers of refused ECIs complained that they did not receive detailed information from the European Commission on why their ECI was inadmissible. Most of them only got a very short two-sided letter from the European Commission. *Charlotte Rive*, member of the European Commission ECI team, promised that the organizers would be provided with more detailed information about the reasons for their rejection in future. In addition, citizens interested in organising an ECI can contact Europe Direct offices all over the continent for advice on how to do so and the Commission is working closely with all ECIs to support them.

Some representatives also animadverted that the European institutions do not promote the ECI as much as they should. The ECI, as the first instrument of transnational direct democracy, appears to be unknown to the majority of European citizens. This makes it even more difficult for the representatives to collect the one million signatures needed.

Second discussion panel

However, the main focus of the criticism was on the Online Collection System (OCS). Representatives and IT-experts showed that the Open-Source-Software of the European Commission is very difficult to adapt and install, insecure and not user-friendly. Therefore, in the second session of the conference, moderated by *Alexander Prosser*, Professor for Business Computing at the Vienna University of Economics and Business, experts evaluated the topics of Online Signature Collection in general and the OCS of the European Commission. With one exception, no ECI had an operable and certified OCS as of early October, half a year after the launch of the first ECIs. Recognizing this problem, the European Commission decided to offer its own servers running the OCS for ECI organizers in July. The servers are located in Luxembourg. This solution should help to get the first ECIs off the ground. The system hosted by the European Commission should be operable on the 1st of November and will be free of charge, but limited to the first initiatives registered. Organizers said that the European Commission should not limit this service and should offer it to all future ECIs

Despite the heavy criticism by experts, the European Commission still uses the same Open-Source-Software for the free servers they provide. Experts especially analyzed the interface of the tool, the problems of the different ID requirements and the

problems of data protection. Especially, *Reinhard Posch* of the Austrian Federal Chancellery, mentioned the risk of denial-of-service attacks, several speakers noted the possibility of forging signatures, and e-campaigning expert *Florian Engel* talked about the user-unfriendly user interface of the OCS. Mr Engel also reported that it took them more than 2 months and cost more than 40000 € to set up the system, even though they employed two full-time IT specialists.

While their judgment of the software was not positive, they presented some solutions to fix the problems. Some organizers would appreciate a software solution where you only have to register once and then will get a username and password, so that you just have to login and could easily sign another ECI without filling out a lot of forms every time. This software solution could, or should, also have an integrated online donation button for every ECI you sign, as well as a checkbox where you can decide if the organizers of the ECI can contact you or not, using the data taken from the signature you made.

Another big problem for some member states, especially for Austria, is that the European Commission unilaterally decided to extend the one-year deadline to collect one million signatures. The new deadline will start when the Commission's platform is operational, which will be on the 1st of November. That means that some ECIs are heaving more than the twelve months stipulated in the regulation as the collection period. But the main issue here is that there is no legal basis for this approach. *Robert Stein*, Head of the Department of Electoral Affairs of the Austrian Federal Ministry of the Interior, said that Austria does not see a way to extend the deadline for signature collection because this line of action is not compatible with their national law. A solution for this problem was not presented at the conference.

Third discussion panel

In the third and last session of the conference, experts talked about the future of the ECI and ways for making the ECI more user-friendly and more successful. An idea was that ECI organizers should be allowed to choose their start date for the collection period. This would make it a lot easier for them to be well prepared for their launch and to coordinate their pre-campaigning phase. Signing an ECI should also become more user-friendly and the instrument of the ECI must be made more public. Organizers should have access to an operable, secure and free of charge OCS hosted by the European Commission and should be better informed about the importance of the pre-campaigning phase, fundraising and the necessity of a well organized and functional network. Representatives of the European Commission, ECI organizers and civil society supported the notion that stakeholders have to cooperate better in the future to make the instrument of the ECI a success story. One concrete proposal was that a consultative "Sherpa" group should be formed, made up of key stakeholders. This group is intended to provide quick help by analyzing problems and offering solutions to them. In the long run, the experience of this group should enrich the evaluation and planned revision of the ECI regulation in 2015.

IV. Main conclusions and recommendations

All in all, the conference came to the conclusion that the European Citizens' Initiative may have its initials problems but will be the right track when those issues are resolved. Not all of the current problems of the running campaigns are due to regulatory issues as some are also due to the preparation and funding of the campaigns.

Based on the experiences of campaigners and the discussions at the event, we would recommend several improvements to the ECI right:

- **More promotion for the ECI right:** as the ECI is still hardly known by the public, the European institutions and media should make the ECI better known amongst citizens.
- **More focus on better preparation of ECIs in info materials:** in order to prevent early mistakes by ECI organisers, such as insufficient networking or fund-raising, information materials about the ECI should mention those issues more than they have up to now.
- **Free advertising space for initiatives:** European institutions should, in co-operation with European media outlets, offer advertisement space for ECIs.
- **Support from the Commission for translation and networking:** in order to relieve initiatives of the heavy burden of translations, the Commission should offer help for translating key texts into other EU languages, especially the lesser-known ones.
- **Planning a launch date together with the Commission:** if the Commission allowed campaigners to set a launch date for ECIs, instead of just publishing the ECI once registered, it could be ensured that campaigns can make full use of their one-year collection period and organise a visible launch event.
- **Better legal protection of ECI organisers against being subject to unlimited liability, potentially facing criminal, administrative and civil lawsuits in 37 different states in 23 languages:** as the national laws concerning data protection and liability are different and ECI organisers are subject to all different laws in all EU states, they need legal security.
- **Online collection system:**
  - Initiatives must be allowed to set up their OCS before their launch.
  - The best option would be if a free OCS was provided by the European Commission just as is the case for the first initiatives.
  - The open-source OCS needs a better user interface based on best practices in e-campaigning (less text and steps, changeable design, social network integration, donations, etc.).
  - The security of the software needs to be reworked.
  - ECI organisers need to be given a way to contact signatories.
- **Sherpa group to be established:** to tap into the knowledge and experiences of ECI organisers, scientists and campaigning experts, a "Sherpa group" should be established to propose amendments to the ECI regulation.

V. Annex I: Photos

VI. Annex II: The agenda of the event

WELCOME ADDRESSES

Chair: *Gerald Häfner,* Member of the European Parliament

09:30   *Enhancing and Enforcing Direct Democracy Channels*
            Sebastian Kurz, State Secretary; Austrian Federal Ministry of the
            Interior

            *Key developments, experiences, major surprises and challenges for
            Initiatives ahead*
            Johannes W. Pichler , Director of the Austrian Institute for
            European Law and Policy

**FIRST SESSION
ASSESSING THE FIRST MONTHS OF THE
EUROPEAN CITIZENS' INITIATIVE ERA**

10:00   CROSS PANEL: **ADMISSION - CERTIFICATION - VALIDATION**

            The First Refused Initiative on the way to the EuCJ:
                Klaus Kastenhofer: My voice against nuclear power initiative

            Initiative not realised:
                Bengt Beier : Europeans for Fair Roaming

            Initiatives in procedure:
                Ana Gorey: ECI "High Quality European Education for All"

                Simona Pronckute: ECI "Fraternité 2020"

                Christian Meidlinger: ECI "Water is a human right!"

                Gaël Drillon: ECI "Responsible management of waste"

Vincent Chauvet: ECI "One Single Tariff"

Filippo Vari: ECI "One of Us"

National competent authorities responsible for the certification of the online collection systems:
Robert Stein : Director, Head of Department of Electoral Affairs, Austrian Federal Ministry of the Interior

European Commission:
Charlotte Rive: Secretariat General, European Commission

11:30	Debate
12:00	**Wrap Up by the Chair: Impressions and Legislative Consequences** *Gerald Häfner*

12:15   **Lunch break - Reception at the venue, Courtesy of the Institute**

Info table of current and planned European Citizens' Initiatives

SECOND SESSION
EVALUATING ONLINE SIGNATURE COLLECTION

Chair: *Alexander Prosser*, Professor for Business Computing, Department of Information Systems and Operating; Vienna University of Economics and Business

14:00   PANEL **: ONLINE TOOLS - REGULATION POLICIES**
How to ensure that your online collection system has adequate security and technical features? Factual functional requirements - application of the level of security. Liability impacts and biases.

Collection and ID requirements:
Claudia Kutzschbach: Director, German Federal Ministry of the Interior

Reinhard Posch, Chief Information Officer, Austrian Federal Chancellery

Verification of statements of support:
Gregor Wenda, Deputy Head of Department of Electoral Affairs, Federal Ministry of the Interior, Republic of Austria

Timo Salovaara: Information Services Manager, Finnish Population Register Centre

Software for online collections:

Christian Dobre, European Commission

Florian Engel, More Onion, e-campaigning agency

Hurdles and obstacles:
Robert Müller-Török, Professor of E-Government, University of Public Administration Ludwigsburg, Germany

15:00   Debate

15:30   **Wrap Up by the Chair**
Alexander Prosser

15:45   Coffee Break

Info table of current and planned European Citizens' Initiatives

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**THIRD SESSION
LOOKING FORWARD**

Chair: *Manfred Matzka*, Director General, Austrian Federal Chancellery

16:15   *How to better prepare initiatives and simplify the ECI to make it a genuine instrument for citizens and what issues will still have to be addressed upon revision of the Regulation in 2,5 years' time?*

     Carsten Berg, Director of the ECI Campaign; Democracy International

     Bruno Kaufmann, President of the Initiative & Referendum Institute

     Alexander Balthasar, Director, Head of the Institute for State Organisation and Administrative Reform, Austrian Federal Chancellery

     Klaus Poier, Professor for Public Law, University of Graz

     Justin Greenwood, Professor of European Public Policy at the Robert Gordon University, Aberdeen, UK

     Michaela Sieh, ELIANT Alliance

17:00   ***General debate*** - Analyses of loopholes and discussion on their possible implications into the future: What are expectations surrounding the ECI, What obstacles could be overcome now? What impact can be expected with a view to the forthcoming Parliamentary elections in 2014? *(chaired by Manfred Matzka)*

17:30   **Conclusions / Recommendations**

     Tony Venables, European Citizen Action Service
     Johannes W. Pichler, Austrian Institute for European Law and Policy

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PRACTICAL INFORMATION

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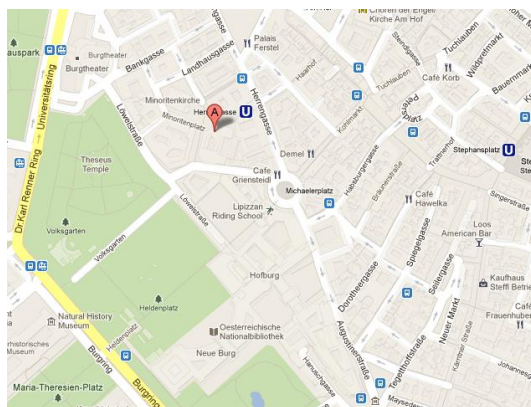

ACCOMMODATION

Please note that accommodation and travel arrangements need to be booked individually and no reimbursements are possible. For accommodation, we propose the following hotels:

NH Wien or NH Atterseehaus
110-125€/Night (Breakfast excluded)

or the budget alternative:

Ibis Wien Mariahilf
75€/Night (Breakfast excluded)

VENUE

Federal Ministry of the interior,
Minoritenplatz 9, 1010 Wien I
Room: „Großer Vortragssaal"

View this map: http://goo.gl/maps/Yyeqb